



MAYOR GARY O. PHILLIPS
VICE MAYOR KATE COLIN
COUNCILMEMBER MARIBETH BUSHEY
COUNCILMEMBER JOHN GAMBLIN
COUNCILMEMBER ANDREW CUYUGAN MCCULLOUGH

CITY CLERK
415-485-3065

SAN RAFAEL JOINT POWERS FINANCING AUTHORITY

June 9, 2016

The Honorable Judge Kelly V. Simmons
Marin County Superior Court
P.O. Box 4988
San Rafael, CA 94913-4988

John Mann, Foreperson
Marin County Civil Grand Jury 2015/2016
3501 Civic Center Drive, Room #275
San Rafael, CA 94903

Honorable Judge Simmons:
Mr. Mann:


RE: Marin County Civil Grand Jury Report: "2015-16 Web Transparency Report Card:
Bringing Marin County's Local Governments to Light"

We are forwarding to you the following documents:

- A certified copy of Resolution No. JPFA 2016-01 adopted by the San Rafael Joint Powers Financing Authority on June 6, 2016, approving and authorizing the Chairman of the San Rafael Joint Powers Financing Authority to execute the response;
- Original of the "Response to Grand Jury Report Form," executed by Chairman Phillips on June 7, 2016;
- Copy of the San Rafael Joint Powers Financing Authority Staff Report dated June 6, 2016

Should you need further assistance, please contact me at (415) 485-3065.

Sincerely,


ESTHER C. BEIRNE
Secretary, San Rafael Joint Powers Financing Authority

cc: Mark Moses, SRJPFA
Rebecca Woodbury, Senior Management Analyst

RESOLUTION NO. JPFA 2016-01

A RESOLUTION OF THE SAN RAFAEL JOINT POWERS FINANCING AUTHORITY APPROVING AND AUTHORIZING THE CHAIR TO EXECUTE THE BOARD'S RESPONSE TO THE MARCH 17, 2016 MARIN COUNTY GRAND JURY REPORT ENTITLED "2015-16 WEB TRANSPARENCY REPORT CARD: BRINGING MARIN COUNTY'S LOCAL GOVERNMENTS TO LIGHT"

WHEREAS, pursuant to Penal Code section 933, a public agency which receives a Grand Jury Report addressing aspects of the public agency's operations must, within ninety (90) days, provide a written response to the Presiding Judge of the Superior Court with a copy to the Foreperson of the Grand Jury, responding to the Report's findings and recommendations; and

WHEREAS, Penal Code section 933 specifically requires that the "governing body" of the public agency provide said response and, in order to lawfully comply, the governing body must consider and adopt the response at a noticed public meeting pursuant to the Brown Act; and

WHEREAS, the San Rafael Joint Powers Financing Authority has received and reviewed the Marin County Grand Jury Report, dated March 17, 2016, entitled "2015-16 Web Transparency Report Card: Bringing Marin County's Local Governments to Light," and has agendized it at this meeting for a response.

NOW, THEREFORE, BE IT RESOLVED, that the Board of the San Rafael Joint Powers Financing Authority (Authority) hereby:

1. Approves and authorizes the Board Chair to execute the Authority's response to the Marin County Grand Jury's March 17, 2016 report, entitled "2015-16 Web Transparency Report Card: Bringing Marin County's Local Governments to Light," a copy of which response is attached hereto and incorporated herein by reference.

2. Directs the Secretary to forward the Board's response forthwith to the Presiding Judge of the Marin County Superior Court and to the Foreperson of the Marin County Grand Jury.

I, Esther Beirne, Secretary of the Authority, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the Authority held on the 6th day of June 2016, by the following vote to wit:

AYES: Boardmembers: Bushey, Colin, Gamblin, McCullough & Chairman Phillips

NOES: Boardmembers: None

ABSENT: Boardmembers: None

Esther C. Beirne

ESTHER C. BEIRNE, Secretary

EXHIBIT 1

RESPONSE OF THE SAN RAFAEL JOINT POWERS FINANCING AUTHORITY TO THE GRAND JURY REPORT "2015-16 WEB TRANSPARENCY REPORT CARD: BRINGING MARIN COUNTY'S LOCAL GOVERNMENTS TO LIGHT"

EXPLANATION REGARDING RECOMMENDATION

Recommendations that have been implemented

R1. The agency should improve its web transparency score to "B-" (or better), by updating its website and submitting the appropriate self-audit form. The form may be obtained by emailing: grandjury-audit@marincounty.org

Staff has updated the City of San Rafael's website to include a web page for the San Rafael Joint Powers Financing Authority to comply with this recommendation, and completed and submitted the self-audit form on Friday, May 20, 2016 for further Grand Jury review.

R2. The agency should file and keep updated its Statement of Facts with the California Secretary of State and the Marin County Clerk as required by California Code §53051.

An updated Statement of Facts was submitted for filing with the California Secretary of State and the Marin County Clerk on May 17, 2016. The last preceding Statement of Facts was filed on June 18, 2014. (Exhibit 2)

Recommendations that will not be implemented because they are not warranted or are not reasonable.

R3. The agency should update its website to include information of the annual compensation of its elected officials, officers and employees; and this information should also be submitted to the Controller, as required by Sections 12463 and 53909 of the California Government Code.

The San Rafael Joint Powers Financing Authority does not compensate any of the elected officials who serve on the Authority's board. However, those elected officials are also members of the San Rafael City Council, and the City of San Rafael's website includes information about annual compensation paid to these elected officials for their service on the City Council.

The San Rafael Joint Powers Financing Authority does not have any employees, but rather is staffed by City of San Rafael employees as City expense. The City's website includes information about annual compensation of its employees.

ATTACHMENT B

FORM FOR RESPONDING TO GRAND JURY REPORT

Report Title: 2015-16 Web Transparency Report Card: Bringing Marin County's Local Governments to Light"
Report Date: March 10, 2016
Public Release Date: March 17, 2016
Response by: San Rafael Joint Powers Financing Authority

FINDINGS

- I (we) agree with the findings numbered: R1, R2
- I (we) disagree wholly or partially with the findings numbered: R3

RECOMMENDATIONS

- Recommendations numbered R1, R2 have been implemented.
- Recommendations numbered n/a have not yet been implemented, but will be implemented in the future.
- Recommendations numbered n/a require further analysis.
- Recommendations numbered R3 will not be implemented because they are not warranted or are not reasonable. See Exhibit 1.

Date:

6/7/16

Signed:

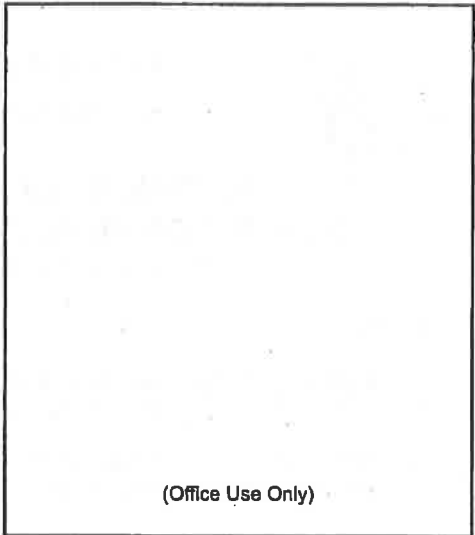


Number of pages attached: 3



**State of California
Secretary of State**

**STATEMENT OF FACTS
ROSTER OF PUBLIC AGENCIES FILING**
(Government Code section 53051)



Instructions:

1. Complete and mail to: Secretary of State,
P.O. Box 942870, Sacramento, CA 94277-2870 (916) 653-3984
2. A street address must be given as the official mailing address or as the address of the presiding officer.
3. Complete addresses as required.
4. If you need additional space, attach information on an 8½" X 11" page, one sided and legible.

New Filing Update

(Office Use Only)

Legal name of Public Agency: San Rafael Joint Powers Financing Authority

Nature of Update: Member Change

County: Marin

Official Mailing Address: 1400 Fifth Avenue, San Rafael, CA 94901

Name and Address of each member of the governing board:

Chairman, President or other Presiding Officer (Indicate Title): Gary Phillips, Chairman

Name: Gary Phillips Address: 1400 Fifth Avenue, San Rafael, CA 94901

Secretary or Clerk (Indicate Title): Esther Beirne, Clerk

Name: Esther Beirne Address: 1400 Fifth Avenue, San Rafael, CA 94901

Members:

Name: Maribeth Bushey Address: 1400 Fifth Avenue, San Rafael, CA 94901

Name: Kate Colin Address: 1400 Fifth Avenue, San Rafael, CA 94901

Name: John Gamblin Address: 1400 Fifth Avenue, San Rafael, CA 94901

Name: Andrew McCullough Address: 1400 Fifth Avenue, San Rafael, CA 94901

Name: _____ Address: _____

RETURN ACKNOWLEDGMENT TO: (Type or Print)

May 17, 2016

NAME [Esther Beirne]

Date

ADDRESS [1400 Fifth Avenue, Room 209]

Esther Beirne

Signature

CITY/STATE/ZIP [San Rafael, CA 94901]

Esther Beirne, City Clerk

Typed Name and Title



**State of California
Secretary of State**

**STATEMENT OF FACTS
ROSTER OF PUBLIC AGENCIES FILING**
(Government Code section 53051)

FILED
Secretary of State
State of California
JUN 18 2014

(Office Use Only)

Instructions:

1. Complete and mail to: Secretary of State,
P.O. Box 942877, Sacramento, CA 94277-0001 (916) 653-3984
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Chairman, President or other Presiding Officer (Indicate Title): Gary Phillips, Chairman

Name: Gary Phillips Address: 1400 Fifth Avenue, San Rafael, CA 94901

Secretary or Clerk (Indicate Title): Esther Beirne, Clerk

Name: Esther Beirne Address: 1400 Fifth Avenue, San Rafael, CA 94901

Members:

Name: Maribeth Bushey Address: 1400 Fifth Avenue, San Rafael, CA 94901

Name: Kate Colin Address: 1400 Fifth Avenue, San Rafael, CA 94901

Name: Damon Connolly Address: 1400 Fifth Avenue, San Rafael, CA 94901

Name: Andrew McCullough Address: 1400 Fifth Avenue, San Rafael, CA 94901

Name: _____ Address: _____

RETURN ACKNOWLEDGMENT TO: (Type or Print)

NAME Esther Beirne
ADDRESS 1400 Fifth Avenue, Room 209
CITY/STATE/ZIP San Rafael, CA 94901

June 16, 2014
Date
Esther Beirne
Signature
Esther Beirne, City Clerk
Typed Name and Title

CITY OF



San Rafael

Agenda Item No: 1.a

Meeting Date: June 6, 2016

**SAN RAFAEL JOINT POWERS FINANCING AUTHORITY
AGENDA REPORT**

Department: Finance

Prepared by: Mark Moses, Finance Director
Rebecca Woodbury,
Senior Management Analyst

City Manager Approval: _____

TOPIC: RESPONSE TO GRAND JURY REPORT ON WEB TRANSPARENCY

SUBJECT: CONSIDERATION OF A RESOLUTION APPROVING AND AUTHORIZING THE CHAIR TO EXECUTE THE SAN RAFAEL JOINT POWERS FINANCING AUTHORITY RESPONSE TO THE MARCH 10, 2016 MARIN COUNTY GRAND JURY REPORT ENTITLED "2015-16 WEB TRANSPARENCY REPORT CARD: BRINGING MARIN COUNTY'S LOCAL GOVERNMENTS TO LIGHT"

EXECUTIVE SUMMARY:

This staff report provides information about the Grand Jury Report entitled "2015-16 Web Transparency Report Card: Bringing Marin County's Local Governments to Light" and staff's proposed response. The Report requests a response from the San Rafael Joint Powers Financing Authority, of which the City of San Rafael is the principal member. The City of San Rafael values open, inclusive and transparent government and engages in a variety of measures to enhance transparency through its website as well as other means.

BACKGROUND:

The 2015-2016 Marin County Grand Jury has issued its report, dated March 10, 2016 and made public on March 17, 2016, entitled "2015-16 Web Transparency Report Card: Bringing Marin County's Local Governments to Light." In this report, the Grand Jury audits local government agencies' websites in Marin County to evaluate the quality of online information. The Grand Jury's report includes a web transparency checklist of criteria used in the audit and provides each jurisdiction with a score. The San Rafael Joint Powers Authority ("SRJPFA" or "Authority") received an "F" grade, primarily due to the lack of a dedicated webpage. See the full Grand Jury report in Attachment A.

San Rafael Joint Powers Financing Authority

GRADE: F

- Overview
- Budget
- Meetings
- Elected Officials
- Administrative Officials
- Audits
- Contracts
- Public Records
- Revenue Sources
- JPA Agreement

Grand Jury Report Card

FOR CITY CLERK ONLY

File No.: _____

Council Meeting: _____

Disposition: _____

The City of San Rafael's website is a vital form of communication and is the face of the City online. Staff uses the website to convey the City's messages and provide the public with relevant, current, and accurate information and services. However, until this year, the City's website did not contain a page providing information about the SRJPFA, and it is this absence that generated the Grand Jury's grade of F.

ANALYSIS:

In early 2016, in response to a Grand Jury request made in anticipation of issuance of the subject formal report, Staff created a webpage on the City of San Rafael's website to include information about the Authority: <http://www.cityofsanrafael.org/finance-SRJPFA>. Unfortunately, the Grand Jury did not receive confirmation of the creation of this webpage until after the official report was finalized; therefore the Grand Jury's report did not reflect the existence of the new webpage, and marked the SRJPFA as missing information in all criteria due to its lack of a web presence.

Staff believes that the SRJPFA webpage on the City website complies with the criteria called out by the Grand Jury. The following table shows the details included in each Grand Jury criterion and a staff response about what is and is not on either the SRJPFA webpage or the City website.

Criterion / Feature	Staff response
Overview	
<ul style="list-style-type: none">▪ Mission Statement▪ Description of services/functions▪ Boundary of service area	Since early 2016, the City has maintained a webpage that provides an overview of the SRJPFA.
Budget	
<ul style="list-style-type: none">▪ Budget (including three-year history)▪ Financial reserves policy	SRJPFA does not have distinct operating or financial activities. Therefore, it does not prepare a budget.
Meetings	
<ul style="list-style-type: none">▪ Board meeting schedule▪ Archive of Board meeting agenda and minutes for at least the last 6 months.	The SRJPFA meets very infrequently. Since early 2016, the City has maintained a webpage that provides links to SRJPFA meetings.
Elected & Appointed Officials	
<ul style="list-style-type: none">▪ Board members▪ Election procedure and deadlines▪ Reimbursement & compensation	The City Council serves as the SRJPFA Board. They receive no additional compensation or reimbursements pursuant to their role on the SRJPFA Board. This information is available on the City's website and linked to on the SRJPFA webpage.
Administrative Officials	
<ul style="list-style-type: none">▪ Management & Key staff	The City's Finance Department provides nominal staffing for the SRJPFA, which itself employs no

staff. The SRJPFA webpage includes key staff and contact information for the City's Finance Department.

Audits

- Current financial audit SRJPFA is a component unit of the City of San Rafael. Separate financial statements are not issued for the Authority.
- Financial audits for the past three years

Contracts

- Current requests for proposals and bidding opportunities (more than \$25,000 in value) SRJPFA is highly unlikely to engage in such proposals.
- Instructions on how to submit a bid or proposal SRJPFA is highly unlikely to engage in such proposals.
- Approved vendor contracts (more than \$25,000 in value) SRJPFA is highly unlikely to engage in such contracts.

Public Records

- Online Public Records Act Form Since early 2016, a form has been available on the SRJPFA webpage.

Revenue Sources

- Summary of fees received and summary of revenue sources SRJPFA has no unpledged sources of revenue.

JPA Agreement

- A copy of the Joint Powers Agreement Since early 2016, the SRJPFA originating documents have been available on the SRJPFA webpage.

Staff refers the Council to Attachment B, which contains the proposed response to the Grand Jury report. The Grand Jury Report specifically requested the SRJPFA to respond to the following recommendations:

R1. *The agency should improve its web transparency score to "B-" (or better), by updating its website and submitting the appropriate self-audit form.* The proposed response indicates that this recommendation has been implemented.

R2. *The agency should file and keep updated its Statement of Facts with the California Secretary of State and the Marin County Clerk as required by California Code §53051.* The proposed response indicates that this recommendation has been implemented.

R3. *The agency should update its website to include information of the annual compensation of its elected officials, officers and employees; and this information should also be submitted to the Controller, as required by Sections 12463 and 53909 of the California Government Code. The proposed response indicates that this recommendation will not be implemented because the Authority has no employees, and pays no compensation to elected officials.*

FISCAL IMPACT:

There is no direct fiscal impact to the recommended action of this report.

ACTION REQUIRED:

The SRJPFA is required to respond to the Grand Jury Report. Penal Code section 933(c) states in part:

“No later than 90 days after the Grand Jury submits a final report...the governing body of the public agency shall comment to the presiding Judge of the Superior Court on the findings and recommendations...[contained in the report].”

To comply with this statute, the SRJPFA’s response to the Grand Jury report is required to be approved by Resolution of the SRJPFA Board and submitted to the Presiding Judge of the Marin County Superior Court and the Foreperson of the Grand Jury on or before June 17, 2016. A proposed Resolution is included that would approve staff’s recommendation for the Board’s response (Attachment D).

OPTIONS:

The SRFPFA is required to respond, however, the Board has the following options to consider on this matter:

1. Adopt Resolution approving the proposed response;
2. Adopt Resolution with modifications to the proposed response;
3. Direct staff to return with more information.

RECOMMENDATION:

Staff recommends that the Board of the San Rafael Joint Powers Financing Authority adopt the attached Resolution approving the proposed response to the Grand Jury report and authorizing the Board Chair to execute the response.

ATTACHMENTS:

- A. Grand Jury Report “2015-16 Web Transparency Report Card: Bringing Marin County’s Local Governments to Light” dated March 10, 2016.
- B. Proposed Response
- C. Resolution