

**RESPONSE TO GRAND JURY REPORT FORM
Town of Tiburon**

Report Title: Web Transparency Report Card

Report Date: March 10, 2016

Public Release: March 17, 2016

Response By: Greg Chanis

FINDINGS

- We agree with the findings numbered: F1-F5
- We disagree wholly or partially with the findings numbered: None

RECOMMENDATIONS

- Recommendations numbered R1, R3, R4 have been implemented.
- Recommendations numbered R2, R5 will not be implemented because they are not warranted or are not reasonable.

Date:

7/21/16

Signed:



GREG CHANIS, TOWN MANAGER

Number of Pages Attached: 3

Office of the Town Manager / 415.435.7388



July 21, 2016

The Honorable Kelly V. Simmons
Judge of the Marin County Superior Court
Post Office Box 4988
San Rafael, CA 94913-4988

Mr. John Mann, Foreperson
Marin County Grand Jury
3501 Civic Center Drive, Room 275
San Rafael, CA 94903

**Re: Response to Grand Jury Report
Marin Web Transparency Report Card**

Dear Honorable Judge Simmons and Mr. Mann:

This letter explains in detail the Town of Tiburon's response to the Grand Jury Report dated March 17, 2016. The Report directs the Town to respond to Findings Nos. 1-5 and Recommendations Nos. 1-5. The Findings involve conclusions of fact that the Town has little or no independent basis to evaluate. In responding to these Findings, the Town assumes that the information in the Report is correct and relies on that information.

FINDINGS

Finding 1: *As of January 4, 2016, 27 Marin local agencies lacked public websites (and of the 99 agencies that have websites, 65 did not satisfy the Grand Jury's web transparency criteria as of that date).*

Town's Response to Finding 1:

The Town agrees with this finding.

Finding 2: *Inspecting the Marin County Clerk's "Roster of Public Agencies," the Grand Jury discovered a majority of local agencies out of compliance per California Government Code §53051 (no filings or outdated filings).*

Town's Response to Finding 2:

The Town agrees with this finding.

Finding 3: *Effective January 1, 2015, Assembly Bill (AB) 2040 requires that if a public agency "maintains as Internet Web site, it shall post, in a conspicuous*

Erin Tollini
Mayor

Jim Fraser
Vice Mayor

Frank X. Doyle
Councilmember

Alice Fredericks
Councilmember

Emmett O'Donnell
Councilmember

Greg Chanis
Town Manager



location on its Internet Web site, information on the annual compensation of its elected officials, officers, and employees that is submitted to the Controller under §53891." The Grand Jury discovered a majority of the agencies were out of compliance (and potentially at-risk for fines and/or audit), per California Government Code sections 53895, 53895.7 and 53896).

Town's Response to Finding 3:

The Town agrees with this finding.

Finding 4: *The County of Marin does not currently publish a definitive list of all its dependent special districts and JPAs.*

Town's Response to Finding 4:

The Town agrees with this finding.

Finding 5: *Marin County's "Roster of Public Agencies" is available for viewing only as hard copy at the office of the Marin County Clerk.*

Town's Response to Finding 5:

The Town agrees with this finding.

RECOMMENDATIONS

Recommendation 1: *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.*

Recommendation 2: *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.*

Recommendation 3: *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.*



Recommendation 4: *The Marin County Board of Supervisors should create a comprehensive online “digital directory” with links to all County of Marin’s dependent special districts and JPAs.*

Recommendation 5: *To further improve web transparency, the County Clerk of Marin County should allow public remote Internet access to its “Roster of Public Agencies.”*

Town’s Response to Recommendations:

Recommendation 1: The Town has implemented this recommendation.

Recommendation 2: The Town will not be implementing this recommendation because California Government Code section 53050 exempts the Town from following section 53051.

Recommendation 3: The Town has implemented this recommendation.

Recommendation 4: The Town has implemented this recommendation.

Recommendation 5: The Town has no ability to require the County Clerk of Marin County to take any action and require public remote access to the County’s “Roster of Public Agencies.”

The Tiburon Town Council reviewed and approved this response on July 20, 2016, at a duly noticed and agendized public meeting. If you have further questions on this matter, please do not hesitate to call.

Very truly yours,


GREG CHANIS
Town Manager

cc: Town Council
Town Attorney