

RESPONSE TO GRAND JURY REPORT FINDINGS AND RECOMMENDATIONS

REPORT TITLE: "Special Districts Transparency Update"
REPORT DATE: June 13, 2019
RESPONSE BY: County Clerk, County of Marin

GRAND JURY FINDINGS

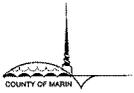
- The County Clerk for the County of Marin ("County Clerk") disagrees wholly or partially with the finding(s) numbered: **F1-F3**.

GRAND JURY RECOMMENDATIONS

- Recommendation **R1** relates solely to the Marin County Board of Supervisors ("BOS"), not County Clerk, and County Clerk lacks the authority to respond on BOS's behalf. To the extent County Clerk is obligated to respond, County Clerk reports that she understands the recommendation has been implemented.
- Recommendation **R2** has not been implemented and will be in the future.
- Recommendation **R3** relates solely to BOS, not County Clerk, and County Clerk lacks the authority to respond on BOS's behalf. To the extent County Clerk is obligated to respond, County Clerk reports that she understands that the recommendation has not been implemented and will be in the future.

Date: 8-13-19

Signed: Shelly Scott
Shelly Scott, County Clerk



County Clerk Response to Grand Jury Report Findings and Recommendations
"Special Districts Transparency Update"
(June 13, 2019)

RESPONSE TO GRAND JURY FINDINGS

F1. A complete list of special districts, JPAs and CSAs in Marin County is not available. Inconsistent partial lists are published by Marin LAFCO, the County Clerk, the County Finance Office, and the California State Controller; therefore, the public is unable to find critical information from one source.

Response: Disagree.

As a general matter, County Clerk agrees that a single source of information is easier for residents to review and understand and supports the Grand Jury's goal of increased transparency regarding these entities. County Clerk notes that to this end, the State Auditor Controller maintains a comprehensive open data website listing the approximately 5,000 special districts (independent and dependent) and JPAs around the state and provides breakout information on the agencies at <https://bythenumbers.sco.ca.gov/>.

However, County Clerk disagrees with this Finding to the extent it implies that County Clerk is not collecting or publishing the data these entities are required to report to County Clerk. These entities' reporting obligations to County Clerk are governed by Government Code section 53051, which requires local public agencies within Marin County to report certain facts about their existence within 70 days of their creation, and further requires such agencies to report any changes to these facts over time. Pursuant to Section 53051, County Clerk has received certain data regarding these agencies over time, and currently publishes such data on the section of its website titled "Roster of Public Agencies" as required.

Nevertheless, Section 53051 does not create any ongoing obligation for local agencies to regularly report information to County Clerk, nor does it give County Clerk the ability to seek any remedy in the event local agencies fail to comply with its terms. This might explain, at least in part, why information on the Roster of Public Agencies maintained by County Clerk contains data that appears to the Grand Jury to be outdated.

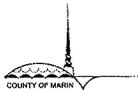
In summary, County Clerk fully complies with existing legal obligations regarding data submitted by the special districts, JPAs, and other local public agencies in Marin County. County Clerk respectfully adds that she cannot dedicate limited resources to take responsibility for soliciting, collecting, and then publishing additional information regarding these agencies when she is not financially or legally responsible for doing so.

F2. Without a full list, it is difficult to determine how many special districts exist and how much taxpayer money is expended by them.

Response: Disagree.

County Clerk references its response to F1. Respectfully, County Clerk cannot dedicate limited resources to take responsibility for soliciting, collecting, and then publishing additional information regarding these agencies when she is not financially or legally responsible for doing so.

County Clerk further notes that in addition to the comprehensive open data website maintained by the State Auditor Controller that is referenced in response to F1, County Clerk understands that the Department of Finance also provides links to the State Controller's Government Compensation in California website at <http://publicpay.ca.gov> - found in two areas on the



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Department of Finance's public website (under the "Payroll" Division and its "Pension and OPEB" information web pages).

F3. Information about total board compensation, including salaries, benefits, and allowances, and how it is calculated is not consistently reported and made easily available for comparison among all special districts.

Response: Disagree.

For its response, County Clerk references its response to F1. County Clerk further notes that local public agencies are not required to report the types of information the Grand Jury references in this Finding to County Clerk under existing law. County Clerk adds that she cannot dedicate limited resources to take responsibility for soliciting, collecting, and then publishing these types of additional information regarding these agencies when she is not financially or legally responsible for doing so.

RESPONSE TO GRAND JURY RECOMMENDATIONS

The Marin County Civil Grand Jury recommends the following:

R1. The Marin County Board of Supervisors should create and publish a comprehensive online "digital directory" of all the County of Marin's dependent and independent special districts, CSAs and JPAs, with links to their websites, no later than December 31, 2019.

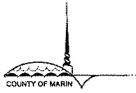
Response: Recommendation R1 relates solely to BOS, not County Clerk, and County Clerk lacks the authority to respond on BOS's behalf. To the extent County Clerk is obligated to respond, County Clerk reports that it understands the recommendation has been implemented.

As noted in response to F1, the State Auditor Controller maintains a comprehensive open data website listing the approximately 5,000 special districts (independent and dependent) and JPAs around the state and provides breakout information on the agencies at <https://bythenumbers.sco.ca.gov/>. County Clerk notes that the State of California is the single entity to which all organizations are ultimately responsible.

County Clerk understands that the Department of Finance also maintains a comprehensive listing with summary information regarding each special district under BOS, as well as a link to the County Special Districts' Budget for budget and related financial information. County Clerk further understands that the Department of Finance includes a link or brief explanation on its home page under "Financial Information," which includes Final Budget and CAFR information, to more clearly explain where detailed information regarding special districts under the Board's direction can be found within the Final Budget.

R2. The Board of Supervisors, the County Director of Finance, and the County Clerk should determine how the list will be compiled, who will be responsible for maintaining it, what formats it will have, and how it will be published.

Response: This recommendation has not been implemented and will be in the future.



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As discussed in its response to R1, and with further reference to its response to F1, County Clerk understands that the Department of Finance already maintains a list of information regarding each special district under BOS. County Clerk also understands that County staff are discussing options with the Marin County Local Agency Formation Commission (LAFCO) to explore enhancing its existing online presence regarding special districts and JPA's in Marin County, though it too faces similar challenges.

To the extent that this Recommendation recommends that County Clerk provide BOS and the Director of Finance input on the BOS's own list, County Clerk is willing provide such input. However, as noted herein, County Clerk cannot independently dedicate limited resources to determining how the BOS will maintain a list of information regarding the referenced public agencies, including many which County Clerk understands do not fall under BOS's purview.

R3. The list should contain the data items delineated above in the Recommended Elements for the Special District List section of this report.

Response: This Recommendation relates solely to BOS, not County Clerk, and County Clerk lacks the authority to respond on BOS's behalf. To the extent County Clerk is obligated to respond, County Clerk reports that she understands that the recommendation has not been implemented and will be in the future.

For her response, County Clerk refers to her responses to R1 and R2, and further states that most of the "Recommended Elements" included in this most recent Grand Jury report are already provided on the Department of Finance website. For example, County Clerk understands that BOS provides links to the State Controller's Government Compensation in California website at <http://publicpay.ca.gov> in two areas on the Department of Finance's public website (under "Payroll" and its "Pension and OPEB" information web pages). County Clerk further suggests that since the State government already maintains this system, it is the State government that may be best positioned to collect and publicize local agency information in the way the Grand Jury suggests. County Clerk believes this system avoids the confusion and expense of maintaining separate sources of the same information, which the Grand Jury's recommendation would require.

Finally, County Clerk understands that BOS plans to work with LAFCO to explore enhancements to its online presence. Specifically, County Clerk understands that County staff are discussing options with LAFCO to explore enhancing its existing online presence regarding special districts and JPA's in Marin County.