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August 25, 2020

Honorable Andrew E. Sweet
Presiding Judge
Marin County Superior Court
P.O. Box 4988
San Rafael, CA 94913

Lucy Dilworth
Foreperson
Marin County Civil Grand Jury
3501 Civic Center Drive, Suite 275
San Rafael, CA 94903

Re: Response to Grand Jury Report Findings and Recommendations
"Finally – A Comprehensive List of Marin's Public Agencies"

Dear Judge Sweet and Madam Foreperson:

Pursuant to Penal Code section 933.05, the County Clerk for the County of Marin hereby submits the enclosed Response to Grand Jury Report Findings and Recommendations in the above-referenced matter.

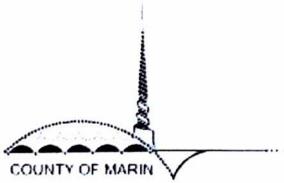
Should you have any questions or concerns, please do not hesitate to contact the undersigned.

Very truly yours,

JACY C. DARDINE
Deputy County Counsel

Encl.

cc: Renee Giacomini Brewer,
Assistant County Counsel
(Via E-Mail)



RESPONSE TO GRAND JURY REPORT FINDINGS AND RECOMMENDATIONS

REPORT TITLE: "Finally – A Comprehensive List of Marin's Public Agencies"
REPORT DATE: June 30, 2020
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-F2**.

GRAND JURY RECOMMENDATIONS

- County Clerk is unable to implement recommendation **R1** because it lacks legal authority and resources to do so.

Date:

8-24-2020

Signed:

Shelly Scott
Shelly Scott, County Clerk



County of Marin Response to Grand Jury Report Findings and Recommendations
"Finally – A Comprehensive List of Marin's Public Agencies"
(June 30, 2020)

RESPONSE TO GRAND JURY FINDINGS

F1. Currently, there is no reliable, comprehensive, and regularly updated list of public agencies in Marin County.

Response: Disagree.

As previously stated, and 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 Controller maintains a comprehensive open data website listing 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 titles "Roster of Public Agencies" as required.

In response to the Grand Jury's report, County Clerk has updated its website with additional information regarding public entities' reporting obligations pursuant to Section 53051. Specifically, when any changes occur to the facts provided in a filed Registry or Roster of Public Agencies, the agency must file an amended statement with the Secretary of State and the County Clerk within 10 days after the change(s). A link has also been provided to the Marin County Department of Finance website for additional information about Marin County Local Government Agencies and Special Districts.

Nevertheless, Section 53051 does not 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. There are multiple, publicly available lists of public agencies that can, with minimal effort, be combined into a single, comprehensive list that can be updated periodically.

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



County of Marin Response to Grand Jury Report Findings and Recommendations
“Finally – A Comprehensive List of Marin’s Public Agencies”
(June 30, 2020)

information regarding these agencies when she is not financially or legally responsible for doing so.

As noted in response to F1, and in response to the Grand Jury’s report, County Clerk has updated its website with additional information regarding public entities’ reporting obligations pursuant to Section 53051. Specifically, when any changes occur to the facts provided in a filed Registry or Roster of Public Agencies, the agency must file an amended statement with the Secretary of State and the County Clerk within 10 days after the change(s). A link has also been provided to the Marin County Department of Finance website for additional information about Marin County Local Government Agencies and Special Districts.

RESPONSE TO GRAND JURY RECOMMENDATIONS

The Marin County Civil Grand Jury recommends the following:

R1. During fiscal year 2020–2021, the Marin County Department of Finance and the County Clerk should adopt the newly developed public agency list contained in this report and implement a plan for one of them to maintain and update it at least annually using a method similar to that described in this report.

As noted in response to F1, the State Controller maintains a comprehensive open data website listing 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.

As noted in response to F1, and in response to the Grand Jury’s report, County Clerk has updated its website with additional information regarding public entities’ reporting obligations pursuant to Section 53051. Specifically, when any changes occur to the facts provided in a filed Registry or Roster of Public Agencies, the agency must file an amended statement with the Secretary of State and the County Clerk within 10 days after the change(s). A link has also been provided to the Marin County Department of Finance website for additional information about Marin County Local Government Agencies and Special Districts.

Nevertheless, Section 53051 does not give County Clerk the ability to seek any remedy in the event local agencies fail to comply with its terms. 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.