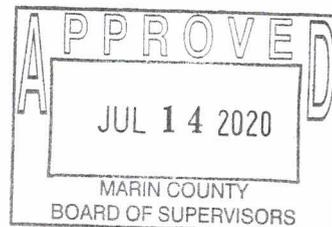


OFFICE OF THE  
COUNTY ADMINISTRATOR

Matthew H. Hymel  
COUNTY ADMINISTRATOR

July 14, 2020



Daniel Eilerman  
ASSISTANT COUNTY  
ADMINISTRATOR

Marin County Board of Supervisors  
3501 Civic Center Drive  
San Rafael, California 94903

Angela Nicholson  
ASSISTANT COUNTY  
ADMINISTRATOR

**SUBJECT: Response to 2019-20 Grand Jury Report, "Follow-Up Report on Web Transparency of Agency Compensation Practices" (April 28, 2020)**

Dear Board Members:

Marin County Civic Center  
3501 Civic Center Drive  
Suite 325  
San Rafael, CA 94903  
415 473 6358 T  
415 473 4104 F  
CRS Dial 711  
[www.marincounty.org/cao](http://www.marincounty.org/cao)

**RECOMMENDATION:** Concur in and adopt the attached proposed response to the FY 2019-20 Marin County Civil Grand Jury Report regarding web transparency and authorize the Board President to forward the response to the Presiding Judge of the Marin County Superior Court.

**SUMMARY:** The 2019-20 Civil Grand Jury Report published a report entitled "Follow-Up Report on Web Transparency of Agency Compensation Practices" (April 28, 2020). The report included a request for response from your Board.

Attached for your consideration, in accordance with §933 of the California Penal Code, is a proposed response. A copy of the Grand Jury report is also attached for your information.

**FISCAL IMPACT:** None.

**ALTERNATIVE:** The Board may amend any suggested response.

**REVIEWED BY:**

- |                                     |                  |                                     |     |
|-------------------------------------|------------------|-------------------------------------|-----|
| <input checked="" type="checkbox"/> | County Counsel   | <input type="checkbox"/>            | N/A |
| <input type="checkbox"/>            | Human Resources  | <input checked="" type="checkbox"/> | N/A |
| <input checked="" type="checkbox"/> | Dept. of Finance | <input type="checkbox"/>            | N/A |

Respectfully submitted,

Daniel Eilerman  
Assistant County Administrator

Reviewed by,

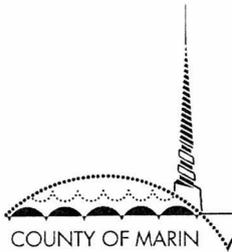
Matthew H. Hymel  
County Administrator

CC: Roy Given, Director of Finance

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MARIN COUNTY  
COUNSEL'S OFFICE

# BOARD OF SUPERVISORS



July 14, 2020

PRESIDENT

Katie Rice

2<sup>ND</sup> DISTRICT

VICE PRESIDENT

Dennis Rodoni

4<sup>TH</sup> DISTRICT

2<sup>ND</sup> VICE PRESIDENT

Judy Arnold

5<sup>TH</sup> DISTRICT

Damon Connolly

1<sup>ST</sup> DISTRICT

Kathrin Sears

3<sup>RD</sup> DISTRICT

Matthew H. Hymel

COUNTY ADMINISTRATOR

CLERK OF THE BOARD

Marin County Civic Center

3501 Civic Center Drive

Suite 329

San Rafael, CA 94903

415 473 7331 T

415 473 3645 F

415 473 6172 TTY

[www.marincounty.org/bos](http://www.marincounty.org/bos)

Honorable Andrew Sweet  
Presiding Judge  
Marin County Superior Court  
3501 Civic Center Drive  
San Rafael, CA 94903

Dear Judge Sweet:

The Marin County Board of Supervisors' response to the FY 2019-2020 Civil Grand Jury Report "Follow-Up Report on Web Transparency of Agency Compensation Practices" (April 28, 2020) is attached.

The attached document responds to all the requests made for responses from the Board of Supervisors.

Respectfully submitted,

Katie Rice  
President, Board of Supervisors

CC: Marin County Civil Grand Jury  
Roy Given, Department of Finance

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MARIN COUNTY  
COUNSEL'S OFFICE



## RESPONSE TO GRAND JURY REPORT FINDINGS AND RECOMMENDATIONS

**REPORT TITLE:** "Follow-Up Report on Web Transparency of Agency Compensation Practices"  
**REPORT DATE:** April 28, 2020  
**RESPONSE BY:** County of Marin Board of Supervisors

### GRAND JURY FINDINGS

- We disagree wholly or partially with the findings numbered: **F2 – F5**

### GRAND JURY RECOMMENDATIONS

- Recommendations numbered **R2 – R5** have been implemented.
- Recommendation numbered **R6** require further analysis.

Date:

July 14, 2020

Signed:

Katie Rice

Katie Rice, President  
Marin County Board of Supervisors



County of Marin Response to Grand Jury Report Findings and Recommendations  
"Follow-Up Report on Web Transparency of Agency Compensation Practices"  
April 28, 2020

## RESPONSE TO GRAND JURY FINDINGS

**F2. Any link to compensation data on an agency's website that takes more than five minutes or three clicks from the home page to locate, does not reasonably satisfy the intent of the Government Code that the information be easily located and "conspicuous" on the agency's website.**

**Response: Disagree.**

A direct link to the State Controller's Government Compensation website is located on the County of Marin Department of Finance's webpage, under 'Payroll' (<https://www.marincounty.org/depts/df/divisions/payroll>). This link has been accessible in 3 clicks from the County's homepage, which meets one of the Grand Jury's new criteria for conspicuousness.

We understand that the County of Marin, with 22 separate departments or business units, is a much larger and more complex website compared to other public entities in Marin. However, we disagree with the Grand Jury's finding that the County 'does not reasonably satisfy the intent of the Government Code' regarding transparency of compensation data. In the spirit of satisfying the Grand Jury's request, we have made the following enhancements to our website by adding additional links:

1. **On the Board of Supervisor's home page** (<https://www.marincounty.org/depts/bs>), under its "Featured Links" section, we have added a link titled "Compensation Transparency." This new link will redirect users to the Department of Finance's Public Pay Information page described above.
2. **Additionally, on the County's Department of Finance home page** (<https://www.marincounty.org/depts/df>), under the existing "Featured Links" section, we have added a third link titled "Compensation Transparency" which leads to the same Public Pay Information page described above.

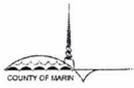
Implementing the above changes will also improve the County's and external search engine capabilities when querying for the County of Marin's public pay information.

**F3. Any link to [publicpay.ca.gov](http://publicpay.ca.gov) on an agency's website that fails to go directly to the agency's current compensation data on that website does not satisfy the intent of the Government Code that information be easily located.**

**Response: Disagree.**

Previously, the County's direct link to the State Controllers' Government Compensation website defaulted to its main home page. We disagree with the Grand Jury's finding that the County 'does not reasonably satisfy the intent of the Government Code' regarding transparency of compensation data.

Nevertheless, we appreciate its recommendation to expedite the hyperlink directly to our organization and most recent calendar year. As such, we have implemented these adjustments based on their recommendations. Now, when a user clicks the link to the State Controller's Government Compensation website from the County of Marin Department of Finance's Public



County of Marin Response to Grand Jury Report Findings and Recommendations  
"Follow-Up Report on Web Transparency of Agency Compensation Practices"  
April 28, 2020

Pay Information page, they are directed to the most recent calendar year of public pay information published for the County of Marin, defaulting to 'Elected Officials' reporting.

**F4. Regarding compensation policies for elected officials, many public agencies do not provide the public with easy access to information regarding salary, meeting fees or stipends (including compensation for serving as liaison to other advisory committees, councils and forums), reimbursements, health and retirement benefits, and other benefits such as equipment.**

**Response: Partially Disagree.**

We can only respond regarding the County of Marin and not to the Grand Jury's broader conclusions regarding "many public agencies." Located as a 'Featured Link' on the Board of Supervisor's home page (<https://www.marincounty.org/depts/bs>), the "Public Official Appointments" link provides a summary of the Fair Political Practices Commission regulation 18705.5 and a direct link to copies of the most recently filed Form 806 for each Board of Supervisor member.

Benefits information applicable to eligible County of Marin employees, including elected officials, are posted on the Department of Human Resources website at:

<https://www.marincountyhr.org/learn-about-benefits>, or directly from the County's homepage under the Government menu. We have updated the County's homepage Featured Links section and the Department of Finance's Public Pay Information website to incorporate Public Official Appointments Form 806.

To augment this information, in conjunction with the updates made to clarify and refine compensation data published on the State Controller's Government Compensation website (noted in F2 and F3 above), we have also added to the County of Marin Department of Finance's Public Pay Information website a link to the County's Human Resources job classification listing, where the user can search for any County job classification title and view annual salary and benefit information specific to the position in question.

**F5. Regarding detailed disclosure of total compensation paid, most public agencies do not break out all components of compensation paid to their elected officials, including salary, meeting feeds or stipends (including compensation for serving as liaison to other advisory committees, councils, and forums), reimbursements, health and retirement benefits, and other benefits such as equipment.**

**Response: Partially Disagree.**

We can only respond regarding the County of Marin and not to the Grand Jury's broader conclusions regarding "most public agencies." Located as a 'Featured Link' on the Board of Supervisor's home page (<https://www.marincounty.org/depts/bs>), the "Public Official Appointments" link provides a summary of the Fair Political Practices Commission regulation 18705.5 and a direct link to copies of the most recently filed Form 806 for each Board of Supervisor member.



County of Marin Response to Grand Jury Report Findings and Recommendations  
"Follow-Up Report on Web Transparency of Agency Compensation Practices"  
April 28, 2020

## RESPONSE TO GRAND JURY RECOMMENDATIONS

The Marin County Civil Grand Jury recommends the following:

**R2. No later than 90 days after the date of this report, agencies should modify the location of their existing [publicpay.ca.gov](https://www.marincounty.org/depts/bs) links to satisfy the requirement of Government Code Section 53908 that their link be "conspicuous." Conspicuous locations for agencies are suggested in Table 2.**

**This recommendation has been implemented.**

We have made the following changes to the County of Marin's public-facing websites:

1. **On the Board of Supervisor's main home page**  
(<https://www.marincounty.org/depts/bs>), we have provided a new "Featured Links" section titled "Compensation Transparency." This new link will direct the user to the Department of Finance's Public Pay Information page described above.
2. **Additionally, on the County of Marin's Department of Finance home page**  
(<https://www.marincounty.org/depts/df>), we have provided a new "Featured Links" section titled "Public Salary Information" which leads the user to the Public Pay Information page described above, as recommended by the Grand Jury in Table 2.

**R3. No later than 90 days after the date of this report, agencies should modify their existing [publicpay.ca.gov](https://www.marincounty.org/depts/bs) links so that they provide a direct link to their current compensation data on the state site. To eliminate the need for annual updates, the URL used for the link should exclude any parameter specifying a year. Formatted URL examples are shown on Appendix A.**

**This recommendation has been implemented.**

We appreciate the Grand Jury's recommendation to expedite the hyperlink directly to our organization and calendar year. Consistent with our response to F3, we have implemented these adjustments accordingly.

**R4. No later than 90 days after the date of this report, in addition to any other compensation links, agencies should include a link on their board or council web pages that leads directly to their "Elected Officials" page on the [publicpay.ca.gov](https://www.marincounty.org/depts/bs) site, conforming to the format suggested on Appendix A.**

**This recommendation has been implemented.**

Please refer to responses provided in R2 and R3 above.

**R5. No later than 120 days after the date of this report, agencies should include on their board or council web pages a comprehensive description of their policies regarding all compensation paid to elected officials specifying, at a minimum, salary, meeting fees or stipends (including compensation for serving as liaison to other advisory committees, councils and forums), reimbursements, health and retirement benefits, and other benefits such as equipment.**



County of Marin Response to Grand Jury Report Findings and Recommendations  
"Follow-Up Report on Web Transparency of Agency Compensation Practices"  
April 28, 2020

**The recommendation has been implemented.**

Policies regarding salary, health, retirement and other benefits available to any eligible employees, including elected officials, are already available on the County's website, as described above in F4. The County's homepage Featured Links and the Department of Finance Compensation Transparency page contain information regarding Public Official Appointment compensation.

The County's Administrator's Office website contains Administrative Regulations, including Administrative Regulation 1 that (<https://www.marincounty.org/depts/ad/divisions/management-and-budget/administrative-policies-and-procedures/administrative-regulation-no-1>) applies to all County employees (appointed and elected) and members of select County commissions, committees, and boards. It covers travel expenses and other reimbursements.

Reimbursement and benefit information applies equally to any eligible employee; we do not believe it to be straightforward to replicate the same information on the Board of Supervisors website and for other elected County officials.

**R6. No later than 120 days after the date of this report, agencies should adopt a practice to compile and publish each year an annual report detailing the compensation actually paid to their elected officials for the previous calendar year. Compensation disclosures should include, at a minimum, salary, meeting fees or stipends (including compensation for serving as liaison to other advisory committees, councils and forums), reimbursements, health and retirement benefits, and other benefits such as equipment. A link to this report should be posted on the agency's board or council web page.**

**This recommendation requires further analysis.**

The County has implemented an electronic Public Records Request system at <https://www.marincounty.org/depts/cl/public-records-request>. Because requests for elected officials' compensation data are part of public records requests, the County will explore a new "Frequent Requests" section (likely as a Featured Link), which would include compensation data paid to elected officials and other public records' requests, directly from this page.

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MARIN COUNTY  
COUNSEL'S OFFICE