



DIABLO
WATER
DISTRICT

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& Secretary:*

Mike Yeraka

General Counsel:
Jeffrey D. Polisner

Filed 9/13/14
MS
Canylan

Original Sent Via UPS and Copy Via E-Mail

September 2, 2014

Mr. Stephen D. Conlin, Foreperson
2013-2014 Contra Costa County Civil Grand Jury
725 Court Street
Martinez, CA 94553-0091

Subject: Response to Grand Jury's Report No. 1405

Dear Mr. Conlin:

The following is Diablo Water District's (DWD) response to the Grand Jury's Report No. 1405 "The Public Records Act in Contra Costa County." This letter addresses Findings 1-7 and Recommendations 1-3 of the Report, as requested.

FINDINGS

Finding #1: *The State of California's policy of transparency in government is embodied in the California Public Records Act (CPRA).*

DWD agrees with the finding.

Finding #2: *Contra Costa County's policy of transparency in government has been strengthened by its adoption of the Better Government Ordinance.*

DWD agrees with the finding.

Finding #3: *Contra Costa County conducts periodic training of its employees regarding how to respond to requests for records under the CPRA and Better Government Ordinance.*

DWD has no knowledge of the County's training of its employees and is therefore not able to agree or disagree with Finding #3.

District's records consistent with the CPRA and similar to the Better Government Ordinance.

Recommendation #2: *Cities and special districts in Contra Costa County should arrange for periodic training of employees who are responsible for responding to Public Records Act requests.*

The recommendation has been implemented. DWD employees responsible for responding to CPRA requests receive training at least annually.

Recommendation #3: *Cities and special districts should consider making certain public records that are clearly disclosable under the CP RA available on their websites:*

The recommendation has been partially implemented and is being addressed as noted below. Requests that have been rarely made are indicated as "Available upon request":

- a. Statements of Economic Interests - Available upon request.
- b. Employment Contracts - Will be implemented and made available on District website.
- c. Annual Audits – Will be implemented and made available on District website.
- d. Travel and Entertainment reimbursements - Available upon request.
- e. Agendas and supporting documents for public meetings – Agendas are available on District website and supporting documents are available upon request.

Sincerely,



Mike Yeraka, P.E.
General Manager

PDF Return

D.10

To: Board of Supervisors

From: David Twa, County Administrator

Date: July 8, 2014



Contra Costa County

Subject: RESPONSE TO 2013/14 CIVIL GRAND JURY REPORT NO. 1405 ENTITLED "THE PUBLIC RECORDS ACT IN CONTRA COSTA COUNTY"

RECOMMENDATION(S):

APPROVE response to 2013/14 Civil Grand Jury Report No. 1405 entitled, "The Public Records Act in Contra Costa County" and DIRECT the Clerk to the Board to send the response to the Superior Court no later than July 15, 2014.

FISCAL IMPACT:

None. This is an informational report.

BACKGROUND:

On June 5, 2014, the County received 2013/14 Civil Grand Jury Report No. 1405 entitled, "The Public Records Act in Contra Costa County", attached, which was filed on May 30, 2014. Penal Code section 933 provides for final grand jury reports at any time during the grand jury's term and requires the governing body of any agency whose operations are the subject of a report to comment on the grand jury's findings and recommendations to the presiding judge of the superior court within 90 days from the date the governing body receives the report, making the Board's response deadline for Report No. 1405 on September 5, 2014.

- APPROVE, RECOMMENDATION OF CNTY ADMINISTRATOR, OTHER, RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: 07/08/2014 APPROVED AS RECOMMENDED OTHER

Clerks Notes:

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: July 8, 2014 David J. Twa,

VOTE OF SUPERVISORS

- AYE: John Gioia, District I Supervisor, Candace Andersen, District II Supervisor, Mary N. Piepho, District III Supervisor, Karen Mitchoff, District IV Supervisor, Federal D. Glover, District V Supervisor

BY: June McHuen, Deputy

Contact: JULIE DiMAGGIO ENEA (925) 335-1077 cc: CAO (DiMaggio Enea)

BACKGROUND: (CONT'D)

The Board of Supervisors, on June 24, directed the County Administrator to prepare a response for Board consideration. Attached is the draft response prepared for submission to the Superior Court on behalf of the County, the Contra Costa County Fire Protection District, and the Crockett-Carquinez Fire Protection District, all of which are subject to the County's Better Government Ordinance and Public Access to County Records Policy.

The Grand Jury was complimentary towards the County's policies and practices with respect to public access to County records. We can agree to most of the findings except Nos. 5 and 6, which pertained generally to cities and special districts, and did not distinguish between County special districts and independent special districts. The County has implemented most of the recommendations. We are recommending that the County not implement parts of Recommendation No. 3 due to concerns about internet privacy, potential for identity theft, and cost, and because internet publication of the specified document types is required neither by law nor County policy.

AgendaQuick©2005 - 2014 Destiny Software Inc., All Rights Reserved

received originally
7/15

**Contra Costa County Board of Supervisors on Behalf of the
Contra Costa County, Contra Costa County Fire Protection District,
and Crockett-Carquinez Fire Protection District**

**Response to Civil Grand Jury Report No. 1405,
entitled "The Public Records Act in Contra Costa County"**

Findings

1. The State of California's policy of transparency in government is embodied in the California Public Records Act (CPRA).

Response: *The respondent agrees with the finding.*

2. Contra Costa County's policy of transparency in government has been strengthened by its adoption of the Better Government Ordinance.

Response: *The respondent agrees with the finding.*

3. Contra Costa County conducts periodic training of its employees regarding how to respond to requests for records under the CPRA and the Better Government Ordinance.

Response: *The respondent agrees with the finding. The County provides training to designated department and agency employees biennially.*

4. The response to CPRA requests by departments reporting to the Board of Supervisors is generally timely and appropriate.

Response: *The respondent agrees with the finding.*

5. The response to CPRA by cities and special districts within Contra Costa County is uneven. Some entities are responsive, while others have a delayed response or fail to respond entirely.

Response: *The County is unable to verify the finding.*

6. Employees of cities and some special districts who deal with CPRA requests are unfamiliar with the Act and the responsibilities of their agency when records are requested.

Response: *The County is unable to verify the finding but can confirm that the designated employees of the County's dependent special districts receive periodic training on their duties under the CPRA and the County's Better Government Ordinance.*

7. Among the most valuable documents that could be included on websites are: Statements of Economic Interests, Employment Contracts, Annual Audits, Travel and Entertainment reimbursements, and agendas and supporting documents for public meetings.

Response: *The respondent agrees that these documents are among the document types frequently requested of the County. In addition to the annual budget documents, audits, annual debt reports, and the Comprehensive Annual Financial Reports, the County currently publishes on the County website meeting agendas and supporting documents for the Board of Supervisors and its standing committees, the Contra Costa County Fire Protection District, and the Contra Costa County Housing Authority (a separate agency).*

Recommendations

1. Cities and special districts in Contra Costa County should consider adopting a policy similar to the Better Government Ordinance, expanding the right of the public to access to public records.

Response: *The recommendation has been implemented. The County's dependent special districts are subject to the Better Government Ordinance.*

2. Cities and special districts in Contra Costa County should arrange for periodic training of employees who are responsible for responding to Public Records Act requests.

Response: *The recommendation has been implemented. Training is offered biennially to designated staff of County departments and dependent special districts.*

3. Cities and special districts should consider making certain public records that are clearly disclosable under the CPRA available on their websites:

- a. Statements of Economic Interests
- b. Employment Contracts
- c. Annual Audits
- d. Travel and Entertainment reimbursements
- e. Agendas and supporting documents for public meetings.

Response: *The recommendation has been implemented with respect to (c) and (e). The recommendation will not be implemented with respect to (a), (b), and (d) because it is not reasonable or warranted. Economic Interest Statements, employment contracts, and travel reimbursements may contain personal information that, while publicly disclosable, is not appropriate for publication on the worldwide web. Redaction of home addresses, personal telephone numbers, personal email addresses, and signatures for web presentation would be cost-prohibitive. These types of documents remain available for inspection at no charge and for production at nominal charge upon request.*

EAST CONTRA COSTA FIRE PROTECTION DISTRICT

Hugh Henderson
Fire Chief



SERVING THE COMMUNITIES OF:
Bethel Island Discovery Bay
Brentwood Knightsen
Byron Morgan Territory
Oakley

July 9, 2014

Stephen D. Conlin, Foreperson
Contra Costa County Civil Grand Jury
725 Court Street/Po Box 431
Martinez, Ca. 94553-0091

Hugh Henderson
7/15
[Signature]

Dear Mr. Conlin,

The Board of Directors of the East Contra Costa Fire Protection District had reviewed the Grand Jury Report No. #1405, "The Public Records Act in Contra Costa County" by the 2013-2014 Contra Costa County Civil Grand Jury.

The District's required responses to the report are below;

1. ***"The State of California's policy of transparency in government is embodied in the California Public Records Act (CPRA)."***

Response: The East Contra Costa Fire Protection District ("District") Agrees. The CPRA, together with the Brown Act (open meetings statutes) and a range of economic interest and other disclosure rules, creates a robust set of transparency requirements for state and local governments.

2. ***"Contra Costa County's policy of transparency in government has been strengthened by the adoption of the Better Government Ordinance."***

Response: The District has no experience or knowledge upon which to agree or disagree with a finding related to adoption of the County's ordinance.

3. ***"Contra Costa County conducts periodic training of its employees regarding how to respond to requests for records under the CPRA and the Better Government Ordinance."***

Response: This Finding is expressly directed to and would be most properly responded to by the County.

4. ***"The response to CPRA requests by departments reporting to the Board of Supervisors is generally timely and appropriate."***

Response: This Finding is expressly directed to and would be most properly responded to by the County.

5. ***“The response to CPRA by cities and special districts within Contra Costa County is uneven. Some entities are responsive, while others have a delayed responses (sic) or fail to respond entirely.”***

Response: The District only has knowledge of its own responses to CPRA requests and is not in a position to agree or disagree with a finding related to other agencies’ practices or performance related to responses to CPRA requests. The District is timely in its responses to CPRA requests.

6. ***“Employees of cities and some special districts who deal with CPRA requests are unfamiliar with the Act and the responsibilities of their agency when records are requested.”***

Response: The District only has knowledge of its own practices and performance responding to CPRA requests and is not in a position to agree or disagree with a finding related to other agencies’ practices or performance related to responses to CPRA requests. All District administrative personnel are aware that the Fire Chief manages responses to CPRA requests and that requests should be forwarded to the Fire Chief immediately upon receipt. District-provided AB 1234-compliant local government ethics training (most recently provided in August, 2013) includes discussion of the CPRA to ensure that District administrative personnel and Board members understand their relative responsibilities under the law.

7. ***“Among the most valuable documents that could be included on websites are: Statements of Economic Interests, Employment Contracts, Annual Audits, Travel and Entertainment reimbursements, and agendas and supporting documents for public meetings.”***

Response: The District Partially Agrees. Based on the District’s experience, the most valuable documents that could be included on the District’s website are: agendas and supporting documents, annual audits and employment contracts. The District has not had sufficient requests for the other referenced materials to prioritize their inclusion on the District’s website.

Grand Jury Recommendations and District Responses:

1. ***“Cities and special districts in Contra Costa County should consider adopting a policy similar to the Better Government Ordinance, expanding the right of the public to access to public records.”***

Response: This recommendation has not been implemented as it was not deemed warranted when the District adopted its Board Policies several years ago; however, the Board may consider updates to those Policies at any time. The District notes that the Better Government Ordinance was written for a large county government made up of numerous sub-agencies with multiple policy-making bodies and many departments/offices that might receive CPRA requests. The District is a single entity administered by one Fire Chief, one administrative support professional and three Battalion Chiefs. All CPRA requests, agenda preparation, and website postings are managed by the District’s small

administrative staff. In this context, there is a much less need for active coordination to ensure government transparency. While a policy containing some elements of the Better Government Ordinance could improve upon government transparency in the District, the District already emphasizes transparency in its operations.

2. ***“Cities and special districts in Contra Costa County should arrange for periodic training of employees who are responsible for responding to Public Records Act requests.”***

Response: The District has already implemented this recommendation. The District includes a discussion of the CPRA and responding to CPRA requests as part of its AB-1234 compliant ethics training provided to all employees who are responsible for responding to Public Records Act requests.

3. ***“Cities and special districts should consider making certain public records that are clearly disclosable under the CPRA available on their websites:***
 - a. ***Statements of Economic Interests***
 - b. ***Employment Contracts***
 - c. ***Annual Audits***
 - d. ***Travel and Entertainment reimbursements***
 - e. ***Agendas and supporting documents for public meetings.”***

Response: The District has partially implemented this recommendation. At present, the District’s Employment Contracts (listed above as item (b)), and Board committee agendas and Board meeting agenda packets (including supporting documents) (item (e)), are available on the District’s website. Annual audits (item (c)) will be added to the website as resources allow when the District’s website undergoes a planned redesign within the next six months. The District has received insufficient CPRA requests to warrant posting of Statements of Economic Interests (item (a)) or reimbursements (item (d)) on its website at this time; all such records are available for public review under the CPRA upon request.

If there are any questions regarding the response, please feel free to contact me.

Sincerely,



Hugh Henderson
Fire Chief



*Loysel
8/27
LJM*

August 25, 2014

Stephen D. Conlin, Foreperson
2013-2014 Contra Costa County Civil Grand Jury
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

Foreperson Conlin,

As requested, attached is the Kensington Fire Protection District's response to Grand Jury Report 1405 "The Public Records Act in Contra Costa County".

Sincerely,

KENSINGTON FIRE PROTECTION DISTRICT

Lance J. Maples
Fire Chief

LJM/bjn

August 25, 2014

Contra Costa County Grand Jury

P.O. Box 911

Martinez, CA 94553-0091

Attention: Stephen D. Conlin

Re: The Public Records Act in Contra Costa County – Letting the Sun Shine In

Findings

1. The respondent agrees with the finding.
2. The respondent has no experience or knowledge of the adoption of the County's Better Government Ordinance.
3. The respondent has no experience or knowledge of County employee training. The Finding is expressly directed to and would be most properly responded to by the County.
4. The respondent has no experience or knowledge of County department reporting. The Finding is expressly directed to and would be most properly responded to by the County.
5. The respondent only has experience and knowledge within its own special district of responses to CPRA.
6. The respondent only has experience and knowledge within its own special district of responses to CPRA. KFPD staff have been trained to properly respond to CPRA requests through the California Special Districts Association.
7. The respondent partially agrees. Based on the District's experience, the most valuable documents that could be included on the District's website are agenda and supporting documents, annual audits, annual budgets and community training opportunities (CERT, car seat installations, and CPR and First Aid). The District has not had sufficient requests for the other referenced materials to prioritize their inclusion on the District's website.

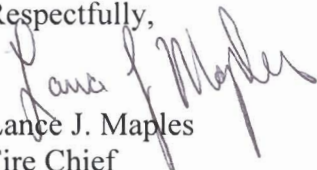
Recommendations:

1. This recommendation has not been implemented. The District last reviewed and updated its Board policies in 2013. The District follows the California Public Records Act and all CPRA requests go through the District's Manager and only employee. The District already emphasizes transparency in its operation as evidenced by its website content and by its award of "Transparency Certificate of Excellence" and "District of Distinction" by the California Special Districts Association.

Contra Costa County Grand Jury
The Public Records Act in Contra Costa County
Page Two

2. The recommendation has been implemented. The District's sole employee that responds to all CPRA requests attends period training for responding to Public Records Act requests.
3. The respondent has partially implemented this recommendation. At present, items "c" and "e" are listed on the District website. Regarding item "b", the District only has one employee and a link is provided to the State Controller's Government Compensation in California website. Items "a" and "d" are not listed at this time but all of the above referenced records are available for public review under the CPRA upon request. Again, the District emphasizes transparency in its operations and all above items that are currently not listed on the District's website could be considered for addition within the next 6 months.

Respectfully,


Lance J. Maples
Fire Chief
Kensington Fire Protection District

*Forged 9/3/14
MHR
Complete*

KENSINGTON POLICE PROTECTION AND COMMUNITY SERVICES DISTRICT

September 3, 2014

Mr. Stephen D. Conlin
Grand Jury Foreperson
725 Court Street
Martinez, CA, 94553-0091

Dear Mr. Conlin,

This letter constitutes the response of the Kensington Police Protection and Community Services District (“KPPCSD” or “the District”) to the Grand Jury Report No. 1405, “The Public Records Act In Contra Costa County” (“the Report”) filed by the Grand Jury on June 3, 2014. The Report sets forth findings and recommendations related to the District and this response addresses each in turn.

FINDINGS/DISTRICT RESPONSE

Findings 1-7 of the attached report;

Per Section 933.05(a) of the California Government Code, **we the respondent agree with the findings.**

RECOMMENDATIONS/RESPONSE

The Grand Jury made recommendations 1-3a-e of the attached report and the District responds to each in turn.

Response to Recommendation #1:

Per Section 933.05(b) of the California Government Code, **we the respondent indicate that the recommendation requires further analysis.**

We will obtain a copy of the Contra Costa County’s Better Government Ordinance and conduct a review and public discussion of the ordinance at an upcoming Kensington Police Protection & Community Services District board meeting, to consider adopting a similar policy. This meeting will be held on or by December 11, 2014.

Response to Recommendation #2:

Per Section 933.05(b) of the California Government Code, **we the respondent indicate that the recommendation has been implemented, and that employees will continue to receive periodic training on responding to Public Records Act requests.**

Response to Recommendations #3a-e:

Per Section 933.05(b) of the California Government Code, **we the respondent indicate that the recommendations 3b-e have been implemented, and that documents identified in recommendation 3a will be placed on the District's website by December 11, 2014.**

CONCLUSION

With this response to the Grand Jury Report No. 1405, the District believes it has fulfilled its obligation to respond to this report as required by law.

I will make myself available for any further questions or documentation that may be needed.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gregory E. Harman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Gregory E. Harman, General Manager/ Chief of Police



Moraga-Orinda Fire District

Fire Chief Stephen Healy

July 16, 2014

Mailed 7-18-14

John T. Laettner, Judge of the Superior Court
Stephen D. Conlin, Grand Jury Foreperson
2013-14 Contra Costa County Grand Jury
725 Court Street
Martinez, CA 94553

RE: Report No. 1405 – The Public Records Act in Contra Costa County

Dear Judge Laettner and Foreperson Conlin:

In June 2014, the Moraga-Orinda Fire District (MOFD) received Grand Jury Report No. 1405, "The Public Records Act in Contra Costa County." Below please find MOFD's responses to the report findings and recommendations.

FINDINGS

1. The State of California's policy of transparency in government is embodied in the California Public Records Act (CPRA).

The Respondent agrees with the finding.

2. Contra Costa County's policy of transparency in government has been strengthened by its adoption of the Better Government Ordinance.

The Respondent has no opinion of this finding because the District has no knowledge of the County's practices.

3. Contra Costa County conducts periodic training of its employees regarding how to respond to requests for records under the CPRA and the Better Government Ordinance.

The Respondent has no opinion of this finding because the District has no knowledge of the County's practices.

4. The response to CPRA requests by departments reporting to the Board of Supervisors is generally timely and appropriate.

The Respondent has no opinion of this finding because the District has no knowledge of the County's practices.

5. The response to CPRA by cities and special districts within Contra Costa County is uneven. Some entities are responsive, while others have a delayed response or fail to respond entirely.

The Respondent partially disagrees with this finding. MOFD's practice is to fully comply with the California Public Records Act. However, MOFD cannot address the practices of other cities and special districts because MOFD has no knowledge of other agencies practices.

6. Employees of cities and some special districts who deal with CPRA requests are unfamiliar with the Act and the responsibilities of their agency when records are requested.

The Respondent has no opinion of this finding because the District has no knowledge of other agencies performance regarding response to CPRA requests.

7. Among the most valuable documents that could be included on websites are: Statements of Economic Interests, Employment Contracts, Annual Audits, Travel and Entertainment reimbursements, and agendas and supporting documents for public meetings.

The Respondent agrees with the finding. MOFD presently includes some employment contracts, annual audits, and agendas and supporting documents on its webpage.

RECOMMENDATIONS

1. Cities and special districts in Contra Costa County should consider adopting a policy similar to the Better Government Ordinance, expanding the right of the public to access to public records.

The recommendation requires further analysis. The Board of Directors will consider adopting a policy similar to the Better Government Ordinance by December 2014.

2. Cities and special districts in Contra Costa County should arrange for periodic training of employees who are responsible for responding to Public Records Act requests.

The recommendation has been implemented. Staff responsible for responding to Public Records Act requests receive periodic training.

3. Cities and special districts should consider making certain public records that are clearly disclosable under the CPRA available on their websites:
 - a. Statements of Economic Interests
 - b. Employment Contracts
 - c. Annual Audits
 - d. Travel and Entertainment reimbursements
 - e. Agendas and supporting documents for public meetings

The recommendation requires further analysis. MOFD presently includes some employment contracts, annual audits, and agendas and supporting documents on its website. The Board of Directors will consider making the additional public records available on the website by December 2014.

Please feel free to contact me if you need additional information.

Sincerely,



Stephen Healy
Fire Chief



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Richard D. Pio Roda
Attorney at Law
Direct Dial: (510) 808-2000
rpioroda@meyersnave.com

Filed 9/3/14
RM
Conley

August 28, 2014

Via U.S. Mail

Stephen D. Conlin
Foreperson
2013-2014 Contra Costa County Civil Grand
Jury
725 Court Street
P.O. Box 431
Martinez, CA 94553

**Re: Rodeo-Hercules Fire Protection District
Response to Grand Jury Report 1405 – “The Public Records Act in Contra
Costa County**

Dear Mr. Conlin:

My name is Richard D. Pio Roda, and I am the General Counsel of the Rodeo Hercules Fire Protection District (“RHFPD,” “District,” or “Respondent”). On behalf of the RHFPD Board of Directors, the District provides the following responses to findings 1-7 and recommendations 1-3 of Grand Jury Report No. 1405 (2014).

FINDINGS

1. The State of California's policy of transparency in government is embodied in the California Public Records Act (CPRA).

Response: The respondent partially disagrees with the finding. In California, transparency in government is also promoted by open meeting laws such as the Brown Act (for local governments) and the Bagley-Keene Act (for state agencies).

2. Contra Costa County's policy of transparency in government has been strengthened by its adoption of the Better Government Ordinance.

Response: The respondent agrees with the finding.

3. Contra Costa County conducts periodic training of its employees regarding how to respond to requests for records under the CPRA and the Better Government Ordinance.

Response: The respondent does not have knowledge as to whether Contra Costa County as a political subdivision of the State of California conducts periodic training of its employees regarding how to respond to requests for records under the CPRA and the Better Government Ordinance. Respondent is a special district formed under the Fire Protection District Law of 1987 (California Health & Safety Code section 13800 *et seq.*). Respondent, to the greatest extent possible, requires employees who respond to requests for records to attend and participate in trainings. Thus, to the extent that this finding includes respondent, then respondent agrees with the finding but only as it applies to CPRA, and not to the Better Government Ordinance, which does not apply to Respondent.

4. The response to CPRA requests by departments reporting to the Board of Supervisors is generally timely and appropriate.

Response: The respondent does not have knowledge as to whether Contra Costa County as a political subdivision of the State of California or its departments that report to its Board of Supervisors respond in a timely and appropriate manner to requests for records under CPRA. Respondent is a special district and sovereign entity formed under the Fire Protection District Law of 1987 (California Health & Safety Code section 13800 *et seq.*), with its own Board of Directors to which its only direct reports are the Fire Chief, and the General Counsel. Respondent responds to CPRA requests according to the requirements of the Act.

5. The response to CPRA by cities and special districts within Contra Costa County is uneven. Some entities are responsive, while others have delayed responses or fail to respond entirely.

Response: The respondent partially disagrees with this finding, insofar as respondent should not be in the pool of special districts within Contra Costa County that is considered a delayed responder or one that fails to respond entirely. Respondent responds to CPRA requests in accordance with the Act.

6. Employees of cities and some special districts who deal with CPRA requests are unfamiliar with the Act and the responsibilities of their agency when records are requested.

Response: The respondent partially disagrees with the finding, insofar as it includes respondent. Respondent's employees who are in charge of responding to CPRA requests (which are the Administrative Services Officer, the Fire Chief, and the General Counsel) are familiar with the Act and the responsibilities of the District

when records are requested. Respondent's employees respond to CPRA requests in accordance with the Act.

7. Among the most valuable documents that could be included on websites are: Statements of Economic Interests, Employment Contracts, Annual Audits, Travel and Entertainment reimbursements, and agendas and supporting documents for public meetings.

Response: The respondent agrees with the finding.

RECOMMENDATIONS

1. Cities and special districts in Contra Costa County should consider adopting a policy similar to the Better Government Ordinance, expanding the right of the public to access public records.

Response: The recommendation will not be implemented because it is not warranted. CPRA already provides sufficient access to governmental records. The Act exempts primarily records that should not be disclosed because of privacy, fairness concerns, or legally-protected confidentiality. Moreover, none of the Grand Jury's report or findings indicates a need to change existing law or expansion of the public right to access. Instead, the report shows a need only for improved compliance with existing law.

2. Cities and special districts in Contra Costa County should arrange for periodic training of employees who are responsible for responding to Public Records Act requests.

Response: This recommendation has not been implemented, but will be implemented by the end of this year. Respondent's Administrative Services Officer, who has primary responsibility for responding to CPRA requests, will receive training, and in turn will work with the Fire Chief on expanding his already copious knowledge of the requirements of the Act. To the extent that the Administrative Services Officer has any questions regarding legal compliance with the Act, the General Counsel is available, and is an expert in CPRA law.

3. Cities and special districts should consider making certain public records that are clearly disclosable under the CPRA available on their websites:

- a. Statements of Economic Interests
- b. Employment Contracts
- c. Annual Audits
- d. Travel and Entertainment reimbursements
- e. Agendas and supporting documents for public meetings.

Response: This recommendation will not be implemented because it is not reasonable. The District has barely any staff besides fire and emergency services personnel: a full-time Fire Chief and a part-time (currently temporary) Administrative Services Officer who also serves as the Executive Assistant to the Board. It is the Fire Chief's prerogative that a more efficient use of the minimal staff time and District resources is to respond to individual requests rather than upload and maintain these documents on the District website.

Very truly yours,



Richard D. Pio Roda
Attorney at Law

RDP

Cc: Board of Directors
Chief Hanley

1546-001/2312712.1



San Ramon Valley Fire Protection District

1500 Bollinger Canyon Road, San Ramon, CA 94583
Phone (925) 838-6600 | Fax (925) 838-6629
www.firedepartment.org | info@firedepartment.org

*Typed 8/27/14
Conlin*

August 27, 2014

Mr. Stephen D. Conlin
2013-2014 Contra Costa County Civil Grand Jury
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

Dear Mr. Conlin:

I am writing in response to your **Grand Jury Report No. 1405**, "The Public Records Act in Contra Costa County" issued by the 2013-2014 Contra Costa County Grand Jury. Please consider this letter to be our formal response to Recommendations 1-3 of said Grand Jury Report, which generally recommends that all local agencies adopt a model ordinance for essentially posting certain non-privileged local agency government documents on the local agency's website and providing periodic training of employees responsible for responding to Public Records Act ("Act") requests.

First off, it should be recognized that the San Ramon Valley Fire Protection District (District") fully supports the efforts of the Grand Jury to enhance the public's ability to better monitor the functioning of government and has always been timely in responding to requests under the Act.

Furthermore, as noted in the Grand Jury report, the Act itself contains numerous exemptions from production of District documents. This means that each request under the Act must be examined for the specific area of District documents that are thought to be produced. A broadly ranging ordinance, as proposed, would require the District staff to review the documents in each of those categories for redaction for the exemptions provided in the Act itself. These areas in particular need to be examined more thoroughly by the District. In addition, the Act only requires the production of documents in the form that they exist within the local agency. A request for a combined Excel spreadsheet or compilations of data that does not already exist *could* require the requesting party to pay the local agency for its preparation time.

With that said, following is the District's formal response to the Grand Jury's Findings and Recommendations:

FINDINGS:

- 1. The District agrees with the finding.**
- 2. The District agrees with the finding.**

3. The District cannot respond to this particular finding due a lack of specific information or knowledge of pertinent facts.
4. The District cannot respond to this particular finding due a lack of specific information or knowledge of pertinent facts.
5. The District cannot respond to this particular finding due a lack of specific information or knowledge of pertinent facts.
6. The District cannot respond to this particular finding due a lack of specific information or knowledge of pertinent facts.
7. The District cannot respond to this particular finding due a lack of specific information or knowledge of pertinent facts.

RECOMMENDATIONS:

1. This recommendation requires further analysis. District staff will discuss the recommendation to consider adoption of a policy similar to the County's Better Government Ordinance with its' legal counsel and Board of Directors before the end of calendar 2014.
2. The recommendation to arrange periodic training of employees who are responsible for responding to Public Records Act requests has not yet been implemented, but will be implemented in the future. The District will actively seek such training opportunities through its network of professional affiliations and associations and schedule the appropriate individuals for such training at the next earliest and convenient opportunity.
3. This recommendation requires further analysis, and will be included in the discussions referenced under the response above for Recommendation 1. There is already available on the District's website a variety of public information and public documents, including: annual comprehensive financial report ("audits"; current budget; salary schedule and Board compensation; employee benefits summary; Board calendar, agendas and minutes; Strategic Plan; Standards of Cover; etc.

The District would like to thank the 2013-2014 Grand Jury for their diligence in promoting open and transparent governance through improving access to public information and documents, and would be pleased to provide any additional information or follow-up with respect to the recommendations.

Sincerely,



Paige Meyer
Fire Chief

cc: Board of Directors