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August 25, 2020  
Honorable Donna Stashyn  
Presiding Judge of the Superior Court  
Solano Superior Court  
600 Union Ave  
Fairfield CA 94533

**REGARDING: County Board of Supervisors response to FY2019-2020 Civil Grand Jury report entitled: Registry of Public Agencies Filing Process**

Dear Judge Stashyn,

The Solano County Board of Supervisors, under Penal Code sections 933 and 933.05, is responding to the following findings and recommendations contained in the FY2019/20 Civil Grand Jury Report entitled: "Registry of Public Agencies Filing Process."

**Grand Jury Finding 1**

Agencies' completion and filing of the Statement of Facts Roster of Public Agencies Form in Solano County, in many instances, are inconsistent, incomplete, inaccurate and out-of-compliance with Government Code section 53051. Review of 111 of the most current Forms (regardless of age) on file with the County revealed the following:

- a) Seventy-two agencies had a single Form on file, many dating back three decades. This represented 65% of the sampled Forms.
- b) 68 agencies' Forms were aged 9 years or more, representing 61% of the sampled Forms.
- c) Thirteen Forms (12%) listed a P.O. Box as the official mailing address despite filing instructions indicating that a street address must be given. Update NOTE: 12/2019 updated instructions now state that a P.O. Box is acceptable.
- d) The actual legal name of the entity was inconsistent in nine instances (8%).
- e) 38 forms (34%) did not meet the regulatory reporting timeframe.
- f) Accuracy of board membership could not be independently verified on 71 Forms (64%).
- g) The status of the agency could not be validated in forty-eight instances (43%).

**Response to Finding 1**

**Treasurer-Tax Collector-County Clerk:** The Solano County Treasurer-Tax Collector-County Clerk's Office agrees with the findings referenced in Finding 1 a, b, c, d, e and f. Finding g cannot be validated by this office.

**Board of Supervisors:** The Board of Supervisors agrees with the Treasurer-Tax Collector-County Clerk's response.

**Grand Jury Recommendation 1A**

Approving legislative bodies in Solano County should provide guidance and training to ensure the accurate completion and filing of the required Forms. Consideration can be given to the following points:

Suggest that governing bodies of public agencies begin to immediately use the Registry of Public Agencies Form (SF-405) available on the Secretary of State's website (See Appendix A).

**Process Improvement** – County Clerk's Office devise and implement a process for agencies to complete and save the SF-405 Form and send it to a specified County email address for filing. Encourage the County Clerk's office to work with the Secretary of State Special Filing Unit to establish a mechanism to electronically transmit the Forms to the State. This process will have minimal impact on the County Clerk's Office and would ensure that County and State records are consistent.

### **Response to Recommendation 1A**

**Treasurer-Tax Collector-County Clerk:** The recommendation has not been implemented; however, the recommendation will be implemented within the next three months. The County Clerk will provide each of the legislative bodies listed on the report with the Form SF-405, with instructions on where and how to file the form, along with the conditions that warrant a revised filing to reflect changes that may have occurred after the original filing. Additional information with points of contact for the state will be provided on the County Clerks website. The legislative bodies can then forward this information to the public agencies within their perspective jurisdiction with instructions to review the information on file with the state and county and update the information as necessary to comply with the code. It is noted that the public agency itself is responsible to ensure the filings at the state and county are current and accurate.

**Board of Supervisors:** The recommendation has not been implemented. The Board of Supervisors agrees with the Treasurer-Tax Collector-County Clerk that the recommendation will be implemented within the next three months, as the department is currently providing each of the legislative bodies listed in the report with the appropriate forms and updating their website.

### **Grand Jury Recommendation 1B**

Upon commencement of the agency's legal existence the approving legislative body direct the newly formed agency's clerk and/or secretary to complete the initial filing within the 70-day requirement.

### **Response to Recommendation 1B**

**Treasurer-Tax Collector-County Clerk:** The recommendation will not be implemented because the Solano County Treasurer-Tax Collector-County Clerk is not the approving legislative body.

**Board of Supervisors:** The recommendation will not be implemented. The Board of Supervisors agrees with the Treasurer-Tax Collector-County Clerk that the Treasurer-Tax Collector-County Clerk's Office is not the approving legislative body.

### **Grand Jury Recommendation 1C**

Ensure the training provided by the approving legislative body directs the newly formed agencies to file subsequent updates within the required 10-day timeframe.

### **Response to Recommendation 1C**

**Treasurer-Tax Collector-County Clerk:** The recommendation has not been implemented; however, the recommendation will be implemented within the next three months. The County Clerk will provide each of the legislative bodies listed on the report with the Form SF-405, with instructions on where and how to file the form, along with the conditions that warrant a revised filing to reflect changes that may have occurred after the original filing. Additional information with points of contact for the state will be provided on the County Clerks website. The legislative bodies can then forward this information to the public agencies within their perspective jurisdiction with instructions to review the information on file with the state and county and update the information

as necessary to comply with the code. It is noted that the public agency itself is responsible to ensure the filings at the state and county are current and accurate.

**Board of Supervisors:** The recommendation has not been implemented. The Board of Supervisors agrees with the Treasurer-Tax Collector-County Clerk that the recommendation will be implemented within the next three months, as the department is currently providing each of the legislative bodies listed in the report with the appropriate forms and updating their website.

**Grand Jury Finding 2A**

Comparative analysis of the most current Forms on file with the State and those on file with the County revealed 92 exceptions representing instances which the County form does not match the State form.

**Response to Finding 2A**

**Treasurer-Tax Collector-County Clerk:** The Solano County Treasurer-Tax Collector-County Clerk does not agree with this finding. The form specified by Government Code is SF-405, the County does not have its own version of this form.

**Board of Supervisors:** The Board of Supervisors agrees with the Treasurer-Tax Collector-County Clerk's response.

**Grand Jury Finding 2B**

The form is on file with the County but not with the State.

**Response to Finding 2B**

**Treasurer-Tax Collector-County Clerk:** The Solano County Treasurer-Tax Collector-County Clerk agrees with the finding.

**Board of Supervisors:** The Board of Supervisors agrees with the Treasurer-Tax Collector-County Clerk's response.

**Grand Jury Finding 2C**

There is no form on file with the County but there is one on file with the State.

**Response to Finding 2C**

**Treasurer-Tax Collector-County Clerk:** The Solano County Treasurer-Tax Collector-County Clerk agrees with the finding.

**Board of Supervisors:** The Board of Supervisors agrees with the Treasurer-Tax Collector-County Clerk's response.

**Grand Jury Recommendation 2A**

Agency governing bodies ensure accurate and timely compliance by simultaneously filing updated forms to the County and State.

**Response to Recommendation 2A**

**Treasurer-Tax Collector-County Clerk:** The recommendation will not be implemented because the Solano County Treasurer-Tax Collector-County Clerk is not the approving legislative body.

**Board of Supervisors:** The recommendation has not been implemented. The Board of Supervisors agrees with the Treasurer-Tax Collector-County Clerk that the Treasurer-Tax Collector-County Clerk is not the approving legislative body regarding this matter.

### **Grand Jury Finding 3**

There is no comprehensive list of public agencies operating in Solano County that is accessible to residents.

#### **Response to Finding 3**

**Treasurer-Tax Collector-County Clerk / County Administrator's Office, Clerk of the Board:** The Solano County Treasurer-Tax Collector-County Clerk and the Solano County Administrator's Office, Clerk of the Board agree with the finding.

**Board of Supervisors:** The Board of Supervisors agrees with the Treasurer-Tax Collector-County Clerk / County Administrator's Office, Clerk of the Board's response.

### **Grand Jury Recommendation 3A**

The County Board of Supervisors, Clerk of the Board, County Administrative Office, and local City Councils collaborate to compile an accurate listing of public agencies, boards, commissions and committees within Solano County using the existing Online Local Appointment Database maintained by the County.

#### **Response to Recommendation 3A**

**Solano County Administrator's Office / Clerk of the Board:** The recommendation will not be implemented because it is not feasible. The Solano County Administrator's Office / Clerk of the Board (COTB) maintains a website database that includes public agencies, boards and committees, rules and bylaws pertaining to County government operations – all of which is accessible by the public. Each of the County's seven cities, including Benicia, Dixon, Fairfield, Rio Vista, Suisun City, Vacaville and Vallejo maintain their own individual listing of boards and commissions relevant to their unique city operations and regulations and there is a link to each city website from the County website. The Solano County COTB does not have governance over city boards and commissions, nor does it have governance over the appointments to those boards and commissions.

**Board of Supervisors:** The recommendation will not be implemented. The Board of Supervisors agrees with the Solano County Administrator's Office / Clerk of the Board that the department does not have governance over city boards and commissions, nor does it have governance over the appointments to those boards and commissions.

### **Grand Jury Recommendation 3B**

The County Board of Supervisors, County Administrator's Office / Clerk of the Board, County Clerk and local City Council's review Appendix B and initiate steps to encourage agencies to make the appropriate corrections by filing missing forms, filing updates and reporting dissolved entities.

#### **Response to Recommendation 3B**

**Solano County Administrator's Office / Clerk of the Board:** The recommendation has not been implemented; however, the recommendation will be implemented within the next three months. The County Clerk will provide each of the legislative bodies listed on the report with the Form SF-405, with instructions on where and how to file the form, along with the conditions that warrant a revised filing to reflect changes that may have occurred after the original filing. Additional information with points of contact for the state will be provided on the County Clerks website. The legislative bodies can then forward this information to the public agencies within their perspective jurisdiction with instructions to review the information on file with the state and county and update

the information as necessary to comply with the code. It is noted that the public agency itself is responsible to ensure the filings at the state and county are current and accurate.

**Board of Supervisors:** The recommendation has not been implemented; however, the Solano County Board of Supervisors agrees with the Treasurer-Tax Collector-County Clerk that the recommendation will be implemented within the next three months, and that additional information, including points of contact for the state will be provided on the department's website; information that can be forwarded to public agencies and updated by the County as necessary.

#### **Grand Jury Finding 4**

There is currently no requirement for an agency to maintain a website, making it difficult to access current information online. However, since 2013, there has been a movement in the State to make information available and searchable one.

#### **Response to Finding 4**

**Solano County Administrator's Office, Clerk of the Board:** The Solano County Administrator's Office / Clerk of the Board agrees with this finding.

**Board of Supervisors:** The Board of Supervisors agrees with the County Administrator's Office, Clerk of the Board's response.

#### **Grand Jury Recommendation 4**

Individual Solano County agencies improve their transparency by establishing a website and keeping it current to benefit both agencies and citizens of the County.

#### **Response to Recommendation 4**

**Solano County Administrator's Office / Clerk of the Board:** The recommendation has been implemented. The Solano County Administrator's Office / Clerk of the Board maintains a current database of boards, commissions and committees that are regulated by the Board of Supervisors. Efforts are already underway to improve the database's transparency and usability for staff and residents. A recent improvement includes an online application to these boards, commissions and committees that allows residents to submit their application online, in addition to postal mail.

**Board of Supervisors:** The recommendation has been implemented. The Solano County Board of Supervisors agrees with the Solano County Administrator's Office / Clerk of the Board that efforts continue to be underway to help improve the existing database, including its transparency and usability for County staff and residents by improving the platform where the application exists.

On behalf of the Solano County Board of Supervisors, we would like to thank the Solano County Civil Grand Jury for their time and attention to County processes and operations. Thank you for the opportunity to address your findings and recommendations – and for your work and contributions to the overall success of Solano County in services to our residents.

Sincerely,



Erin Hannigan  
District 1 Supervisor and Chairwoman of the Board

Cc: Solano County Civil Grand Jury Office ([CDClower@Solano.Courts.Ca.Gov](mailto:CDClower@Solano.Courts.Ca.Gov))