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TREASURER, TAX-COLLECTOR, COUNTY CLERK**



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July 30, 2020
Honorable Donna Stashyn
Presiding Judge of the Superior Court
Solano Superior Court
600 Union Ave
Fairfield CA 94533

REGARDING: County responses to FY2019-2020 Civil Grand Jury report entitled: Registry of Public Agencies Filing Process

Dear Judge Stashyn,

The Solano County Administrator's Office and the Solano County Treasurer-Tax Collector-County Clerk's Office, 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%).

Department Response to Finding #1:

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.

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.

Department Response to Recommendation #1a:

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.

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.

Department Response to Recommendation #1b:

The recommendation will not be implemented because the Solano County Treasurer-Tax Collector-County Clerk 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.

Department Response to Recommendation #1c:

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.

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

Department Response to Finding #2a:

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.

Grand Jury Finding #2b:

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

Department Response to Finding #2b:

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

Grand Jury Finding #2c:

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

Department Response to Finding #2c:

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

Grand Jury Recommendation 2a:

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

Department Response to Recommendation 2a:

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

Grand Jury Finding #3:

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

Department Response to Finding #3:

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

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.

Department Response to Recommendation #3a:

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.

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.

Department Response to Recommendation #3b:

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.

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.

Department Response to Finding #4:

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

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.

Department Response to Recommendation #4:

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.

On behalf of the Solano County Administrator's Office / Clerk of the Board and the Solano County Treasurer-Tax Collector-County Clerk, 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,



Birgitta E. Corsello
County Administrator / Clerk of the Board



Charles Lomeli
Treasurer-Tax Collector-County Clerk

Cc: Solano County Board of Supervisors
Solano County Civil Grand Jury Office (CDClower@Solano.Courts.Ca.Gov)