



CITY OF FAIRFIELD

Founded 1856

Incorporated December 12, 1903

City Manager's Office

September 2, 2020

Home of
Travis Air Force Base

COUNCIL

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Harry T. Price
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Vice-Mayor
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707.429.6298

Councilmembers
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Catherine Moy

Chuck Timm

Rick Vaccaro

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City Manager
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City Attorney
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City Clerk
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City Treasurer
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DEPARTMENTS

City Manager's Office
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Community Development
707.428.7461

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Finance
707.428.7036

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Fire
707.428.7375

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Human Resources
707.428.7394

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Parks & Recreation
707.428.7465

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Police
707.428.7362

•••

Public Works
707.428.7485

Honorable Donna Stashyn
Presiding Judge of the Superior Court
Solano Superior Court
600 Union Avenue
Fairfield, CA 94533

Sent via Email

Re: City of Fairfield Response to 2019-2020 Solano County Grand Jury Report: Registry of Public Agencies Filing Process

Dear Judge Stashyn:

The following is the City of Fairfield's response to the above-mentioned Grand Jury Report which was approved by the City Council last night.

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) Sixty-eight agencies' Forms were aged nine 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) Thirty-eight Forms (34%) did not meet the regulatory reporting timeframe.
- f) Accuracy of board membership could not be independently verified on seventy-one Forms (64%).
- g) The current status of the agency could not be validated in forty-eight instances (43%).

CITY'S RESPONSE:

The City agrees with this finding.

RECOMMENDATION 1 - 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:

- a) 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.

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

CITY'S RESPONSE:

Recommendation has not yet been fully implemented but will be implemented in the next 90 days. The City of Fairfield has an updated filing of required information on the Registry of Public Agencies. However, there are related agencies to the City that need to file an updated Form SF-405. The City Clerk will be working with staff members involved with the related agencies to educate them on the filing requirements and ensuring that the Form SF-405 is filed in the next 90 days for these agencies. In the future, if the City Council forms a new agency, the City Clerk will ensure that the Form SF-405 for that new agency is timely filed and later updated as necessary.

FINDING 2 - Comparative analysis of the most current Forms on file with the State to those on file with the County revealed 92 exceptions representing instances in which:

- a) The County Form does not match the State Form.
- b) The Form is on file with the County but not with the State.

c) There is no Form on file with the County but there is one on file with the State.

CITY'S RESPONSE:

The City agrees with this finding.

RECOMMENDATION 2a - Agency governing bodies ensure accurate and timely compliance by simultaneously filing updated forms to the County and State.

CITY'S RESPONSE:

As explained above, the City Clerk is taking steps to ensure that all of Fairfield's related public entities file updated Form SF-405 within the next 90 days.

RECOMMENDATION 2b - If the agency submits its information electronically or by mail, a copy of the submission should be retained as a business record to prove compliance.

CITY'S RESPONSE:

The City will be implementing this recommendation immediately.

FINDING 3 -There is no comprehensive list of public agencies operating in Solano County that is accessible to residents.

CITY'S RESPONSE:

The City does not have sufficient independent information to agree or disagree with this finding.

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.

CITY'S RESPONSE:

This recommendation has not yet been implemented but the City will implement this recommendation in cooperation with the County. Since the County will take the lead on this recommendation, the City cannot provide a timeframe for its implementation.

RECOMMENDATION 3b - The County Board of Supervisors, Clerk of the Board, County Administrative Office, and local City Councils review Appendix B and initiate steps to encourage agencies to make the appropriate corrections by filing missing Forms, filing updates, and reporting dissolved

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entities.

CITY'S RESPONSE:

The City has implemented this recommendation. The City has reviewed Appendix B and has initiated steps to make sure that those City related agencies that do not have an updated SF-Form 405 on file with the Secretary of State and Solano County Clerk do so within the next 90 days.

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 online.

CITY'S RESPONSE:

Agree with finding.

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.

CITY'S RESPONSE:

This recommendation has been implemented as the City maintains a comprehensive and informative website which it has done for many years.

Respectfully submitted,


FOR
STEFAN T. CHATWIN

City Manager

Attachment 1: August 11, 2020 Response with Grand Jury Report

cc: Greg Stepanicich, City Attorney
Karen Rees, City Clerk
Cheryl Clower, Solano County Administrator