



REPORT TO MAYOR AND COUNCIL

TO THE HONORABLE MAYOR AND COUNCIL:

DATE: July 22, 2014

SUBJECT: AUTHORIZE THE CITY MANAGER TO RESPOND TO CONTRA COSTA COUNTY 2013-2014 GRAND JURY REPORT NOS. 1403, 1404, and 1405, RELATING TO CHILD ABUSE REPORTING TRAINING, PLANNING FOR TECHNOLOGY, AND IMPLEMENTATION OF THE CALIFORNIA PUBLIC RECORDS ACT

Report in Brief

The Contra Costa County Grand Jury has issued Grand Jury Report Nos. 1403 (“Training City Personnel in Reporting Child Abuse”), 1404 (“Planning for Technology”) and 1405 (“The Public Records Act in Contra Costa County”). These reports require a City Council approved response from the City to the findings and recommendations set forth in the reports. The City Council is requested to review the drafted responses and authorize the City Manager to submit the responses to the Grand Jury on behalf of the City.

Background

Each year the Contra Costa County Grand Jury selects governmental issues to research and analyze on behalf of the citizens of the County. Their reports are intended to help bring exposure to important government issues, to provide research and analysis, and to make findings and recommendations for possible solutions. The result is a report to which identified public entities are required to respond.

The FY 2013-2014 Grand Jury elected to issue three reports to the City of Concord: *Training City Personnel in Reporting Child Abuse*, *Planning for Technology* and *The Public Records Act in Contra Costa County*. These reports (copies attached) provide analysis, findings and recommendations. The Grand Jury has requested that the City of Concord respond to the findings and recommendations within each of these reports. The same Grand Jury Reports were issued to the Contra Costa County Board of Supervisors, as well as over 40 other cities, school districts and special districts.

Discussion

The three topics of the Grand Jury Reports and the recommended responses are discussed below. The Information Technology Department prepared the response to the report relating to technology, while the City Attorney’s Office prepared the response to the report relating to training city personnel in

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reporting child abuse, and worked in tandem with the Clerk's Office in preparing the response to the report relating to the Public Records Act.

In all cases, the City's drafted responses address the identified issues only as they relate to the City of Concord; the City does not have direct knowledge of the other responding organizations, and therefore does not make statements in relation to those organizations.

The format of the response to the findings and recommendations is prescribed in the cover letter for each report. With regard to the findings, the Grand Jury requires a response of agreement, disagreement or partial disagreement with discussion of any reason for "non-agreement."

With regard to the recommendations, the Grand Jury requires a response to be one of the four below:

- The recommendation has been implemented, with a summary describing the implemented actions.
- The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
- The recommendation requires further analysis. This response should explain the scope and parameters of the analysis or study, and a time frame for the matter to be prepared for discussion. This time frame shall not exceed six months from the date of the publication of the Grand Jury Report.
- The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation thereof.

Grand Jury Report No. 1403, *Training City Personnel in Reporting Child Abuse*

This Grand Jury Report flows from recent incidents of alleged and confirmed child abuse in various school districts within the Contra County, as well as the well-documented allegations of child molestation in 2012 by a part-time employee of Walnut Creek's Leshner Center for the Arts. The report notes that in 1963, the State Legislature enacted the California Child Abuse and Neglect Reporting Law, which classifies over 40 categories of public and private employees as "mandated reporters." Not surprisingly, these categories (set forth in California Penal Code Section 11165.7) encompass employment positions involving frequent contact with minors, such as teachers, counselors, coaches, and recreational program leaders. The categories also include individuals who are employed by local law enforcement agencies (both sworn and non-sworn), as well as all "administrator[s] or employee[s] of a public or private organization whose duties require direct contact and supervision of children."

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Mandated reporters essentially are obligated by state law to report known or reasonably suspected cases of child, elder or dependent adult abuse and neglect to any law enforcement agency, child protective or welfare services agency.

Notably, in 2013, the City of Concord adopted Administrative Directive 167 (“Mandated Reporters”), detailing which City employees are mandated reporters, explaining the legislative framework surrounding mandated reporting, and setting forth the obligations of all mandated reporters and their supervisors who learn of facts reasonably indicating that an act requiring mandatory reporting has occurred.

Some of the findings set forth in Grand Jury Report No. 1403 include recitations of the various categories of individuals who are deemed to be mandated reporters. The remainder of the Grand Jury Report’s findings and recommendations is devoted to the training protocols adopted by cities to educate their employees on mandated reporter requirements—beyond simply having a written policy.

As confirmed in our proposed response to the Grand Jury, while employers of mandated reporters are not required to administer mandated reporter training, Penal Code Section 11165.7 strongly encourages them to do so. California law similarly encourages organizations that utilize volunteers who have direct contact with and supervision of children to take the same training, even though they technically are not mandated reporters.

In sum, the City of Concord is both meeting and exceeding all of the State requirements and recommendations regarding mandated reporter training, and our proposed response to the Grand Jury reflects this conclusion.

Grand Jury Report No. 1404, *Planning for Technology*

Grand Jury Report No. 1404 sets forth findings which collectively underscore that the use and need for technology (particularly information technology) by cities has increased dramatically over the past 20 years, requiring the need for cities to develop engage in inter-departmental strategic planning to ensure effective and economical use of technology. The City of Concord’s response agrees with all of these findings.

The “Recommendations” portion of Grand Jury Report No. 1404 details specific proposals for creating and implementing a strategic technology plan. The City’s response confirms that Concord has already implemented virtually all of the recommendations. Specifically, beginning in 2003 the City adopted a strategic plan, known as the Information Technology Project Plan (ITP), which identifies technology needs and technology for a five-year horizon, and budgets those needs and estimated costs in the City’s 10-year financial forecast. This plan is similar to the City’s Capital Improvement Plan (CIP). Costs are projected, including replacement, in the City’s rolling 10-year financial forecast. The City of Concord’s current ITP cost allocation plan allocates cost recovery through the City’s technology replacement fund in which each user department is charged based on their respective level of IT related services.

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Grand Jury Report No. 1405, *The Public Records Act in Contra Costa County*

Grand Jury Report No. 1405 contains findings concluding that although California's Public Records Act embodies the state's policy of transparency in government, the timeliness and quality of responses by cities and special districts within Contra Costa is uneven, and in some instances cities/special districts are not meeting their obligations.

Concord's response to these collective findings is that while we have no information regarding other cities, Concord's compliance with our Public Records Act (PRA) obligations is exemplary. We note that as a matter of longstanding practice, Department Heads forward PRA request to the City Clerk's Office and the City Attorney's Office, which in turn coordinate with one another in ensuring that timely and complete responses are provided.

The recommendations portion of Grand Jury Report No. 1405 includes a suggestion that cities/special districts adopt a PRA policy analogous to the County's Better Governance Ordinance, and that we provide periodic training of employees who are responsible for responding to PRA requests. We note in our response that the City already has a policy analogous to the public records portion of the County's Better Governance; namely, Policy and Procedure No. 27 ("Public Records Inspection and Fees"), and that staff who respond to PRA requests do receive periodic training, along with oversight by the City Attorney and City Clerk's Offices.

In sum, the City of Concord's website provides access to virtually all of the types of documents highlighted in the Grand Jury Report. The other documents are routinely produced upon request.

Fiscal Impact

There is no fiscal impact to the City created by responding to the Grand Jury Reports.

Public Contact

Posting of the Agenda.

Recommendation for Action

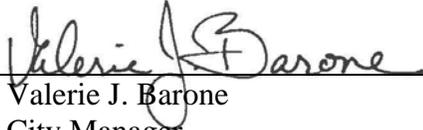
Staff recommends that the City Council review the drafted responses to the Contra Costa County Grand Jury Reports, make any desired edits, and authorize the City Manager to submit them on the Council's behalf.

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Valerie J. Barone

City Manager

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- Attachment 1: Grand Jury Report No. 1403, *Training City Personnel in Reporting Child Abuse*
- Attachment 2: Proposed Response to Grand Jury Report No. 1403
- Attachment 3: Grand Jury Report No. 1404, *Planning for Technology*
- Attachment 4: Proposed Response to Grand Jury Report No. 1404
- Attachment 5: Grand Jury Report No. 1405, *The Public Records Act in Contra Costa County*
- Attachment 6: Proposed Response to Grand Jury Report No. 1405



May 6, 2014

Daniel E. Keen, City Manager
1950 Parkside Drive
Concord, CA 94519

RECEIVED
MAY 07 2014
CITY MGR'S. OFFICE

Dear Mr. Keen:

Attached is a copy of **Grand Jury Report No. 1403, 'Training City Personnel in Reporting Child Abuse'** by the "2013-2014" Contra Costa Grand Jury. As City of Concord is a subject of the report, this report is being provided to you at least two working days before it is released publicly in accordance with California Penal Code section 933.05(f).

Section 933.05(a) of the California Government Code requires that a person or entity that is the subject of a report shall respond to each finding in the report by indicating one of the following :

- (1) The respondent agrees with the finding;
- (2) The respondent disagrees with the finding; or
- (3) The respondent partially disagrees with the finding.

If the respondent wholly or partially disagrees with a finding, the respondent shall specify the portion of the finding that is disputed, and shall include an explanation of the reasons therefore.

In addition, Section 933.05(b) requires that the respondent reply to each recommendation of the report by stating one of the following actions:

1. The recommendation has been implemented, with a summary describing the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis. This response should explain the scope and parameters of the analysis or study, and a time frame for the matter to be prepared for discussion. This time frame shall not exceed six months from the date of the publication of the Grand Jury Report.

4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation thereof.

Please be aware that Section 933.05 specifies that no officer, agency, department or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report. Please ensure that your response to the above noted Grand Jury report complies in form and substance with the legal requirements for such responses. We expect your response, no later than **AUGUST 6, 2014** under the Penal Code.

Please send a copy of your response in hard copy to the Grand Jury, as well as a copy by e-mail in Word to clope2@contracosta.courts.ca.gov .

Sincerely,



Stephen D. Conlin, Foreperson
2013-2014 Contra Costa County Civil Grand Jury

Enclosure

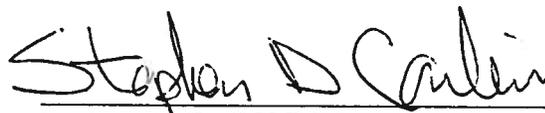
**A REPORT BY
THE 2013-2014 CONTRA COSTA COUNTY GRAND JURY**
725 Court Street
Martinez, California 94553

Report 1403

**TRAINING CITY PERSONNEL IN
REPORTING CHILD ABUSE**

APPROVED BY THE GRAND JURY:

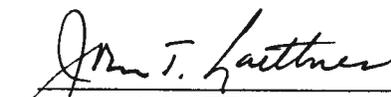
Date: 04/24/2014



STEPHEN D. CONLIN
GRAND JURY FOREPERSON

ACCEPTED FOR FILING:

Date: 5/5/14



JOHN T. LAETTNER
JUDGE OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report 1403

Training City Employees in Reporting Child Abuse

TO: All Contra Costa County Cities

SUMMARY

Multiple lawsuits alleging child abuse, and the failure to report suspected instances of the same, have revealed that many employees of public entities, including those of cities, do not understand their duties to identify and report suspected or known instances of child abuse. This failure is due, in large part, to inadequate training of employees, and other personnel, in their legal obligations as “mandated reporters”.

To help protect children from child abuse, and cities from liability for failing to report suspected cases of abuse, each city should establish and implement a program to train all “mandated reporters”, including volunteers and other personnel who have direct contact or supervision of children, in abuse reporting guidelines. The training programs should be conducted on an annual basis and each city should implement a system to verify that employees and other personnel who are mandated reporters have successfully completed the training.

METHODOLOGY

- Review of California Penal Code sections mandating reporting of child abuse;
- Review of publications by the State Office of Child Abuse Prevention, Greater Bay Area Child Abuse Prevention Council Coalition and Child Abuse Prevention Council of Contra Costa County;
- Detailed survey of each city regarding their policies, procedures and practices in the training of employees to report suspected child abuse;
- Interviews of child abuse prevention experts;
- Interview of city personnel responsible for child abuse reporting training, and;
- Review of Walnut Creek Investigative Report.

BACKGROUND

The first child abuse reporting law was enacted in California in 1963. Nevertheless, more than 50 years later, cities within this County, as well as other public entities, have failed to provide basic training to their employees in reporting suspected, or actual, child abuse. The lack of training has resulted in instances when suspected or known child abuse was not reported as required by law and where city employees were unaware of their duties to report the alleged abuse.

The Problem

The alleged failures of various school districts within the County to report suspected or known child abuse are now well documented, as set forth in the Grand Jury's recent report (Report No. 1402). School Districts in Moraga, Antioch and Brentwood have recently agreed to pay millions of dollars to settle lawsuits alleging instances of child abuse that resulted, in part, from the purported failure of school personnel to report suspected, or known, cases of child abuse. Additional lawsuits are pending.

However, problems relating to the alleged failure to report suspected or known child abuse, and the lack of employee training about the duty to report the same, is not confined to school districts in the County. A recent case in the City of Walnut Creek revealed the potential damaging effects that may result when child abuse allegations arise from the failure of a city to adequately train its employees, or other personnel, to report known or suspected instances of child abuse.

This well-documented incident involved allegations of child molestation in 2012 by a part-time employee of Walnut Creek's Leshner Center for the Arts. The suspected abuse became known to various City officials. The District Attorney filed criminal charges against the employee in February 2013. In addition, investigations by the Concord Police Department and later by an independent investigator retained by the City were undertaken to determine whether Walnut Creek employees failed to report the suspected abuse pursuant to their obligations under the California Penal Code.

The report prepared by the independent investigator ultimately concluded that there was no city-wide training of employees about their obligations to report suspected child abuse. The report found that numerous City officials had not received any training on "mandated reporting" and, at least in one case "did not know there was such a thing as 'mandated reporting'." The report found that all of the officials should have received adequate training in reporting suspected child abuse.

The incident cost Walnut Creek far more than the expense of the investigative report. Several City officials were temporarily suspended from their jobs and others resigned. The City ended up paying the attorney's fees for at least some of the suspended employees. The damage to the City's reputation and morale is unknown.

The above discussion is not intended to single out Walnut Creek, as the lack of adequate training has been almost uniform among cities within the County for years. Instead, it is an illustration of the potential consequences cities may face for failing to provide their employees adequate training to report abuse. In light of the explosion of claims against school districts, cities may face serious abuse claims in the future unless adequate training is instituted and maintained.

The Law

The California Child Abuse and Neglect Reporting Law is set forth in Penal Code sections 11165 – 11174.3. Since its enactment in 1963, the law has been amended on several occasions, expanding both the definition of “abuse” and the persons – known as “mandated reporters” – who are required to report suspected instances of child abuse. The law defines the obligations in detail, that include:

1. **What** is child abuse (Penal Code section 11165.6 [all references are to the Penal Code]);
2. **What** must be reported (P.C. section 11166);
3. **Who** is a mandated reporter (P.C. section 11165.7);
4. **When** the suspected abuse should be reported (P.C. section 11166)
5. **To Whom** the suspected abuse should be reported (P.C. section 11166);
6. **Safeguards** for persons making the mandated reports (P.C. section 11172)
7. **Liabilities** for failure to make a required report (P.C. section 11166.01);and
8. **Responsibilities** of the agency employing the mandated reporter (P.C. section 11166.1).

The Penal Code’s definition of a “mandated reporter” is extensive and should be scrutinized by each city to determine which of its employees fall within the statutory definition. However, certain categories of employees set forth in P.C. section 11165.7 clearly apply to certain employees within a city. These employees include:

“ . . .

(6) An administrator of a public or private day camp;

(7) An administrator or employee of a public or private youth center, youth center recreation program or youth organization;

(8) An administrator or employee of a public or private organization whose duties require direct contact and supervision of children...”

The Penal Code does not explicitly require cities to train their “mandated reporters” in their obligations; however, P.C. section 11165.7(c). provides:

“Employers are strongly encouraged to provide their employees who are mandated reporters in [their] duties . This training shall include training in child abuse and neglect identification and training in child abuse and neglect reporting. . . .”

A report of suspected child abuse must be made **immediately**, or as soon as practical, to legal authorities by phone and then followed by a **written** report within 36 hours. Failure to do so,

subjects the mandated reporter to criminal liability. Moreover, the obligation to make the report cannot be satisfied by telling a supervisor or colleague – an apparent misconception in many of the child abuse cases.

The Training

1. Mandated Reporters

The Grand Jury recently issued a report (Report No. 1402) on the status of child abuse reporting training by school districts in the County. While the Grand Jury concluded that the training programs were long overdue and deficient in a number of respects, the Grand Jury found that most of the districts were making a serious effort to develop and improve their training programs. Clearly there is further work to be done.

However, the abuse reporting policies and training programs of the cities in the County lag far behind the programs instituted by the school districts. Almost none of the cities had a city-wide policy on reporting child abuse, let alone a training program, until the last few months. The responses of several of the cities to the Grand Jury's request in November 2013 for information on this subject illustrate the problem.

The City of Clayton responded, in part, that:

“Following the recent unfortunate incident and publicity on this subject with The City of Walnut Creek, Clayton was in the midst of preparing a City Administrative Policy. After receipt of the Civil Grand Jury's November 2013[letter], City staff accelerated the task and the enclosed City Administrative Policy was adopted by the Council at its public meeting on 12/13/13.”

The City of Oakley responded that it did not have a formal policy on child abuse reporting in place, but attached a draft Mandated Reporting Policy “...that is currently under review by the City Attorney.”

The City of San Pablo responded to the Grand Jury's request by stating, in part:

“...the City plans on presenting for City Council approval in the near future a child abuse reporting policy along the lines of similar policies recently adopted by Concord, Brentwood and Lafayette.”

These responses reflect the status of policies and training programs across almost all cities within the County. Almost all of the cities are scrambling to enact policies. But policies alone are not enough. Adoption of actual training programs and effective implementation of those programs are critical. Such training programs should be adopted and implemented now.

From a training perspective, the Child Abuse Prevention Council of Contra Costa County (CAPC) has been retained by a number of school districts and cities to provide “mandated reporter” training to their personnel. CAPC provides live training by qualified instructors. The training lasts approximately one to one and a half hours and includes sample scenarios, as well as a “give and take” discussion with the training participants. Moreover, the training is provided at

no cost to the city.

The evidence clearly suggests that cities within the County should be encouraged to adopt a uniform training program in order to ensure adequate and comprehensive education of City personnel in reporting suspected child abuse. A review of the Penal Code provisions relating to mandated reporters, as well as other pertinent information, indicate that an effective and comprehensive training program should be mandatory for all city employees whose duties require direct contact and supervision of children. The training program should be given annually and, at a minimum, include the following topics:

- Who are “mandated reporters”;
- What is “reasonable suspicion” of child abuse;
- How and when should a report be made;
- What safeguards are in place to protect mandated reporters; and
- What are the ramifications of making a suspected child abuse report.

In addition, each City should establish a procedure for **verifying** that all employees who are mandated reporters have successfully completed the training program.

2. Volunteers

Volunteers are specifically excluded from the definition of “mandated reporters” under the Penal Code, even those who have direct contact with and supervise children. (P.C. section 11165.7(b).) However, the statute also provides that such volunteers are:

“ . . . encouraged to obtain training in the identification and reporting of child abuse and neglect and are further encouraged to report known or suspected instances of child abuse or neglect . . . ”

Moreover, the statute further provides:

“Public and private organizations are encouraged to provide their volunteers whose duties require direct contact with and supervision of children with training in the identification and reporting of child abuse and neglect.” (P.C. 11165.7(f).)

There have been well-documented instances of child abuse by volunteers in city programs, particularly those in recreational or sports areas. Given the potential for abuse, as well as the statutory language that encourages training of volunteers, each city should consider including volunteers in its abuse reporting training programs.

3. Independent Contractors

Some cities enter into agreements with independent contractors to provide services that require direct contact or supervision of children. In those cases, the contracting city should ensure that

each independent contractor involved in such contact with children has successfully completed the city's "mandated reporter" training program.

Obviously, training programs alone cannot prevent all instances of child abuse. However, if an effective and comprehensive training program prevents only **one** child from being abused, **one** family from having to endure the hardships of an abused child, **one** City from having to pay millions of dollars to settle a child abuse lawsuit, then there is no reason for any district to resist implementing the same.

FINDINGS

1. The law strongly encourages cities to provide their employees who are "mandated reporters" with training about their obligations to identify and report known or suspected child abuse.
2. A "mandated reporter" employed by a city includes, but is not limited to, an administrator or employee whose duties require direct contact and supervision of children.
3. Training in child abuse reporting obligations should be given annually to every city employee whose duties require direct contact and supervision of children.
4. Training in child abuse reporting obligations should include:
 - a. Who are "mandated reporters";
 - b. What is "reasonable suspicion" of child abuse;
 - c. How and when a report should be made;
 - d. What safeguards are in place to protect mandated reporters; and
 - e. What are the ramifications of making a suspected child abuse report.
5. While volunteers who have direct contact or supervise children are excluded from the definition of "mandated reporters" under the Penal Code, the law "encourages" such volunteers to obtain training in identifying and reporting suspected or known child abuse.
6. A procedure should be implemented to verify that all city personnel who are mandated reporters receive training.
7. The Child Abuse Prevention Council of Contra Costa County provides training services in abuse reporting at no cost to cities in the County.

RECOMMENDATIONS

1. Each city should consider immediately adopting a policy to train its employees and other personnel about their obligation to identify and report suspected cases of child abuse.

2. Each city should review the duties of all employees and other personnel to determine which personnel fall within the definition of “mandated reporters” under Penal Code section 11165.7.
3. The training program should include all personnel who are “mandated reporters”.
4. The training program in child abuse reporting obligations should include:
 - a. Who are “mandated reporters”;
 - b. What is “reasonable suspicion” of child abuse;
 - c. How and when a report should be made;
 - d. What safeguards are in place to protect mandated reporters; and
 - e. What are the ramifications of making a suspected child abuse report.
5. Each city should consider including all volunteers who have direct contact with or supervise children in its abuse reporting training program.
6. In the case where a city enters into an agreement with an independent contractor to provide services that requires direct contact or supervision of children, the city should consider ensuring that the independent contractor and each of its staff who will have direct contact or supervision of children have successfully completed the city’s “mandated reporting” training program.
7. Each city should establish a procedure for verifying that all employees and other personnel who are mandated reporters have successfully completed the training program each year.
8. Each city should consider retaining the Child Abuse Prevention Council of Contra Costa County to provide free training services about child abuse reporting.

REQUIRED RESPONSES

	<u>Findings</u>	<u>Recommendations</u>
City of Antioch	1-7	1-8
City of Brentwood	1-7	1-8
City of Clayton	1-7	1-8
City of Concord	1-7	1-8
Town of Danville	1-7	1-8
City of El Cerrito	1-7	1-8
City of Hercules	1-7	1-8
City of Lafayette	1-7	1-8
City of Martinez	1-7	1-8
Town of Moraga	1-7	1-8
City of Oakley	1-7	1-8
City of Orinda	1-7	1-8
City of Pinole	1-7	1-8
City of Pittsburg	1-7	1-8
City of Pleasant Hill	1-7	1-8
City of Richmond	1-7	1-8
City of San Pablo	1-7	1-8
City of San Ramon	1-7	1-8
City of Walnut Creek	1-7	1-8

July 23, 2014

Stephen D. Conlin, Foreperson
Contra Costa Civil Grand Jury
725 Court Street
P.O. Box 911
Martinez, CA 94553-0091

Re: City of Concord Response to Grand Jury Report No. 1403
Training City Personnel in Reporting Child Abuse

Dear Mr. Conlin:

This letter serves as the City of Concord's response to the Contra Costa County Grand Jury's findings and recommendations set forth in Report No. 1403, entitled "Training City Personnel in Reporting Child Abuse."

I. FINDINGS

Finding No. 1: "The law encourages cities to provide their employees who are 'mandated reporters' with training about their obligations to identify and report known or suspected child abuse."

Response to Finding No. 1: The City of Concord agrees with this finding.

Finding No. 2: "A mandated reporter employed by a city includes, but is not limited to, an administrator or employee whose duties require direct contact with and supervision of children."

Response to Finding No. 2: The City of Concord agrees with this finding.

Finding No. 3: "Training in child abuse reporting obligations should be given annually to every city employee whose duties require direct contact and supervision of children"

Response to Finding No. 3: The City of Concord agrees with this finding.

Finding No. 4: "Training in child abuse reporting obligations should include:

- a. Who are 'mandated reporters;'
- b. What is 'reasonable suspicion' of child abuse;
- c. How and when a report should be made;
- d. What safeguards are in place to protect mandated reporters;
- e. What are the ramifications of making a suspected child abuse report."

Response to Finding No. 4: The City of Concord agrees with this finding.

Finding No. 5: "While volunteers who have direct contact or supervise children are excluded from the definition of 'mandated reporters' under the Penal Code, the law 'encourages' such volunteers to obtain training in identifying and reporting suspected or known child abuse."

Response to Finding No. 5: The City of Concord agrees with this finding.

Finding No. 6: "A procedure should be implemented to verify that all city personnel who are mandated reporters received training."

Response to Finding No. 6: The City of Concord agrees with this finding.

Finding No. 7: "The Child Abuse Prevention Council of Contra Costa County provides training services in abuse reporting at no cost to cities in the County."

Response to Finding No. 7: The City of Concord agrees with this finding.

II. **RECOMMENDATIONS**

Recommendation No. 1: "Each City should immediately consider adopting a policy to train its employees and other personnel about their obligation to identify and report suspected cases of child abuse."

Response to Recommendation 1: This recommendation has already been implemented. Administrative Directive 167, which defines who is a mandated reporter and their responsibilities and obligations, includes a section on training requirements.

Recommendation No. 2: “Each city should review all of the duties of all employees and other personnel to determine which personnel fall within the definition of ‘mandated reporters’ under Penal Code section 11165.7”

Response to Recommendation 2: This recommendation has already been implemented by the City of Concord with respect to employees and volunteers who have one-on-one contact with minors.

Recommendation No. 3: “The training program should include all personnel who are “mandated reporters.”

Response to Recommendation 3: This recommendation has already been implemented by the City of Concord with the exception that non-sworn police department employees—all of whom are mandated reporters under the law—have not historically received training. However, all will receive training by September 1, 2014 and regularly thereafter, in compliance with the City’s adopted Administrative Directive.

Recommendation No. 4: “The training program in child abuse reporting obligations should include:

- a. Who are ‘mandated reporters’;
- b. What is ‘reasonable suspicion’ of child abuse;
- c. How and when a report should be made;
- d. What safeguards are in place to protect mandated reporters; and
- e. What are the ramifications of making a suspected child abuse report.”

Response to Recommendation No. 4: The City has already implemented this recommendation.

Recommendation No. 5: “Each City should consider including all volunteers who have direct contact with or supervise children in its abuse reporting training program.”

Response to Recommendation No. 5: The City of Concord already implements such training with respect to Parks and Recreation volunteers who have one-on-one contact with minors. Training of other City volunteers who have direct contact with or supervise children will be completed by September 1, 2014.

Recommendation No. 6: “In the case where a city enters into an agreement with an independent contractor to provide services that require direct contact with or supervision of children, the city should consider ensuring that the independent contractor and each of its staff

who will have direct contact with or supervision of children have successfully completed the city's 'mandated reporting' training program.

Response to Recommendation No. 6: The City of Concord will not implement this recommendation, because the City does not have the staff and resources to schedule and provide mandated reporter training to all independent contractors and their staff who contract with the City to provide services involving direct contact with or supervision of children. However, on a going forward basis the City will require that all such independent contractors provide proof that they have conducted such training.

Recommendation No. 7: "Each City should establish a procedure for verifying that all employees and other personnel who are mandated reporters have successfully completed the training each year."

Response to Recommendation No. 7: This recommendation has already been implemented. The City of Concord maintains records verifying completion of child abuse reporting training by all mandated reporters and other employees and volunteers who receive such training.

Recommendation No. 8: "Each City should consider retaining the Child Abuse Prevention Council of Contra Costa County to provide free training services about child abuse reporting."

Response to Recommendation No. 8: This recommendation has already been implemented.

Please let me know if you have any questions or require additional information concerning the above responses. You can reach me at my direct telephone number (925) 671-3175 or by email at valerie.barone@cityofconcord.org.

Yours truly,

Valerie J. Barone
City Manager



RECEIVED
MAY 07 2014
CITY MGR'S. OFFICE

May 6, 2014

Daniel E. Keen, City Manager
1950 Parkside Drive
Concord, CA 94519

Dear Mr. Keen:

Attached is a copy of **Grand Jury Report No. 1404, 'Planning For Technology'** by the "2013-2014" Contra Costa Grand Jury. As City of Concord is a subject of the report, this report is being provided to you at least two working days before it is released publicly in accordance with California Penal Code section 933.05(f).

Section 933.05(a) of the California Government Code requires that a person or entity that is the subject of a report shall respond to each finding in the report by indicating one of the following :

- (1) The respondent agrees with the finding;
- (2) The respondent disagrees with the finding; or
- (3) The respondent partially disagrees with the finding.

If the respondent wholly or partially disagrees with a finding, the respondent shall specify the portion of the finding that is disputed, and shall include an explanation of the reasons therefore.

In addition, Section 933.05(b) requires that the respondent reply to each recommendation of the report by stating one of the following actions:

1. The recommendation has been implemented, with a summary describing the implemented action.
2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
3. The recommendation requires further analysis. This response should explain the scope and parameters of the analysis or study, and a time frame for the matter to be prepared for discussion. This time frame shall not exceed six months from the date of the publication of the Grand Jury Report.

4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation thereof.

Please be aware that Section 933.05 specifies that no officer, agency, department or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report. Please ensure that your response to the above noted Grand Jury report complies in form and substance with the legal requirements for such responses. We expect your response, no later than **AUGUST 6, 2014** under the Penal Code.

Please send a copy of your response in hard copy to the Grand Jury, as well as a copy by e-mail in Word to clope2@contracosta.courts.ca.gov .

Sincerely,



Stephen D. Conlin, Foreperson
2013-2014 Contra Costa County Civil Grand Jury

Enclosure

**A REPORT BY
THE 2013-2014 CONTRA COSTA COUNTY GRAND JURY**
725 Court Street
Martinez, California 94553

Report 1404

PLANNING FOR TECHNOLOGY

Towards an Integrated, Strategic Approach

APPROVED BY THE GRAND JURY:

Date: 04/24/2014


STEPHEN D. CONLIN
GRAND JURY FOREPERSON

ACCEPTED FOR FILING:

Date: May 5, 2014


JOHN T. LAETTNER
JUDGES OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report

PLANNING FOR TECHNOLOGY

Towards an Integrated, Strategic Approach

TO: All Contra Costa County Cities

SUMMARY

The use of technology by cities has increased dramatically over the past 20 years, from simply playing a support role in providing desktop computers and network servers to being a catalyst for productivity and touching virtually every department operation. As demand for technology applications has expanded, the need for cities to develop integrated plans has become critical.

Technology budgets of cities have increased significantly over the past few years. Some cities in Contra Costa County spend over 6% of their total funding on technology. Industry experts estimate that municipal technology budgets typically range between 5-7% of total city budgets.

Strategic planning is essential for the largest cities, which offer a variety of services, but even the smallest cities face increasing technological demands for communication, efficiency and safety. Furthermore, access to information around the clock is a baseline public expectation, no matter the city size. Demand for access to local government services via the Internet will continue to increase.

Cities would benefit from developing a five-year plan to ensure effective and economical use of technology. Each plan should include an analysis of the technology investments and a detailed budget. The plan should also identify objectives and needs that are common to multiple departments within the city to increase efficiency and cost savings. Finally, each plan should be reviewed on an annual basis by city staff and updated as appropriate.

METHODOLOGY

Information was obtained from:

- Surveys completed by all 19 cities in Contra Costa County

- Interviews with municipal technology managers
- Information from industry experts
- Industry association of municipal technology managers
- Public media

BACKGROUND

Growing importance of technology

Cities are experiencing increased demand for the implementation of new technology despite limited resources. Having a long-range technology plan clarifies the sequence of implementation and provides clear communication with departments, the city council, and the public about what is both envisioned and ultimately accomplished.

Highlights of an annual city budget are typically summarized in the city manager's "budget message". The messages of many city managers in Contra Costa County place an emphasis on expanded implementation of technology as a primary strategy to create greater efficiency and provide the public with increased access to city services.

As limited city resources continue to put pressure on the delivery of city services, city departments are forced to do more with less. Technology can often provide solutions without increasing personnel. Technology can also improve efficiency by providing the public with internet access to city services, such as on-line registration for recreation programs, license renewals, and on-line payments for a multitude of services.

The public increasingly expects access to city information via the Internet. Examples include live video streaming of city council meetings and other city meetings, land and geographical information, access to city records, budgets, and ordinances.

The use of crime-fighting technology applications are also increasing in some cities. Gunshot audio-detection systems, automatic license plate readers that spot stolen vehicles, and remote-controlled cameras all increase the breadth of technology used by municipalities. In a recent newspaper article, the City Manager of Pinole stated:

"The city continues to see violent crime trending downward. This reflects significant public investment by the City Council in emerging technologies along with effective proactive community policing to engage residents in assisting the Police Department in solving major crimes."

Technology planning

Some cities in Contra Costa County have developed technology master plans with clear priorities and goals. Technology managers have stated that the process used to develop these plans includes:

- Assessment of existing technology organization and skills;
- Analysis of current and future technological needs;
- Facilitated department level and city-wide prioritization process; and
- Communication of the final plan including timeline and budgets

Effective technology planning has the potential to create significant improvements in the internal operations of the city. By identifying objectives and needs that are common to multiple departments, integrated programs can be developed that improve communication, efficiency and cost savings. As reported by city technology managers, a technology plan establishes clear priorities that are aligned with overall city goals, and identifies funding for those projects deemed most critical to the community.

The interdepartmental approach for development of a technology plan also highlights shared business needs across department lines, as well as results in computer programs that benefit multiple departments and applications that are more cost effective and easier to manage. Plans often include the formation of an internal group within the city that includes high-level department representatives. The group tracks priorities identified in the plan, evaluates requests from departments for technology projects, communicates back to the organization the status of project implementation, and makes recommendations to the city manager on budget allocation and shifting priorities.

Strategic technology planning has become common practice for many California municipalities. One industry expert explained:

“Historically, technology master plans have focused on infrastructure (desktop computers, network servers, data centers, etc.). However, in today’s environment, technology master plans are more focused on business or operational needs and the applications that can improve, streamline, or automate functions. In addition, today’s plans also focus more on data security, data sharing, integration/ interfaces, and mobility.”

There are several benefits to the strategic planning process:

- Requires a thorough assessment of existing technology resources and systems;
- Requires communication with all stakeholders and results in a set of priorities that make decisions transparent;
- Includes setting realistic budgets that include capital investments and on-going staff resources;
- Allows for monitoring progress and making adjustments as technology needs change; and
- Educates city executives on the technological implications of their decisions.

Where it's working

The cities of Walnut Creek and Danville have embraced technology planning and developed multi-year plans that guide technology investment and prioritize staff resources. Each city has a strategic technology plan that outlines technology needs for the city over a five-year period. This period gives cities sufficient time to choose and implement technology, but is not so long as to incorporate technology that may be obsolete within the time horizon. The plans include an analysis of the technology investment, a budget, and a timeline. The plans are reviewed on an annual basis for updates and modifications.

The programs developed and implemented by Walnut Creek and Danville are consistent with recommendations by experts in the technology field, as well as the industry literature on best practices. Perhaps as important, is the fact that the plans appear to be working, as technology projects are planned, budgeted and implemented. Strategic planning that incorporates technology requirements is a benefit regardless of the size of a city or its budget. Each city should strive for greater efficiency in operations, improved services and easier public access to local government. Planning for specific technology needs within the context of over-arching city-wide goals is a necessary part of the budgeting process.

FINDINGS

1. Demand for technology in all aspects of local government has exploded over the past 20 years and is expected to continue to increase.
2. City budgets often identify the need for technology improvements to achieve greater efficiency in government services.
3. Technology expenditures represent a significant part of many city budgets.
4. Technology project implementation is often a multi-year investment.
5. Technology in city government is rapidly changing. Industry associations and technology research groups are a good source of information on emerging trends.
6. A city with a long-range plan for technology, including a budget, has a road map of priorities that provides clarity to city personnel and the public.

RECOMMENDATIONS

1. Each city within the County should consider creating and implementing a strategic technology plan, and identifying funds to do so.
2. Each city should consider identifying the technology needs of the city over a minimum of a five-year period in the strategic technology plan.

3. Each city should consider identifying technology projects and costs in the city budget.
4. Each city should consider identifying any technological objectives and needs that are common to multiple departments within the city in the technology plan and developing integrated programs to increase efficiency and cost savings.
5. Each city should consider reviewing its technology plan on an annual basis and updating it as appropriate.

REQUIRED RESPONSES

	<u>Findings</u>	<u>Recommendations</u>
City of Antioch	1-6	1-5
City of Brentwood	1-6	1-5
City of Clayton	1-6	1-5
City of Concord	1-6	1-5
Town of Danville	1-6	1-5
City of El Cerrito	1-6	1-5
City of Hercules	1-6	1-5
City of Lafayette	1-6	1-5
City of Martinez	1-6	1-5
Town of Moraga	1-6	1-5
City of Oakley	1-6	1-5
City of Orinda	1-6	1-5
City of Pinole	1-6	1-5
City of Pittsburg	1-6	1-5
City of Pleasant Hill	1-6	1-5
City of Richmond	1-6	1-5
City of San Pablo	1-6	1-5

City of San Ramon	1-6	1-5
City of Walnut Creek	1-6	1-5

July 23, 2014

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

Re: City of Concord Response to May 6, 2014 Grand Jury Request
Planning for Technology

Dear Mr. Conlin:

This letter serves as the City of Concord's response to the Contra Costa Grand Jury's findings and recommendations set forth in Report No. 1404, entitled "Planning for Technology."

I. FINDINGS

Finding No. 1: "Demand for technology in all aspects of local government has exploded over the past 20 years and is expected to continue to increase."

Response to Finding No. 1: The City of Concord agrees with the finding.

Finding No. 2: "City budgets often identify the need for technology improvements to achieve greater efficiency in government services."

Response to Finding No. 2: The City of Concord agrees with the finding.

Finding No. 3: "Technology expenditures represent a significant part of many city budgets."

Response to Finding No. 3: The City of Concord agrees with the finding.

Finding No. 4: “Technology project implementation is often a multi-year investment.”

Response to Finding No. 4: The City of Concord agrees with the finding.

Finding No. 5: “Technology in city government is rapidly changing. Industry associations and technology research groups are a good source of information on emerging trends.”

Response to Finding No. 5: The City of Concord agrees with the finding.

Finding No. 6: “A city with a long-range plan for technology, including a budget, has a road map of priorities that provides clarity to city personnel and the public.”

Response to Finding No. 6: The City of Concord agrees with the finding.

II. RECOMMENDATIONS

Recommendation No. 1: “Each city within the County should consider creating and implementing a strategic technology plan, and identify funds to do so.”

Response to Recommendation No. 1: The recommendation has been implemented. The City of Concord has had a strategic plan since 2003. The latest strategic plan update was conducted in May 2014.

Recommendation No. 2: “Each city should consider identifying the technology needs of the city over a minimum of a five-year period in the strategic technology plan.”

Response to Recommendation No. 2: The recommendation has been implemented. The City of Concord strategic plan identifies technology needs and technology for a five-year horizon. All technology systems are put into replacement and budgeted with the City’s 10-year financial forecast.

Recommendation No. 3: “Each city should consider identifying technology projects and costs in the city budget.”

Response to Recommendation No 3: The recommendation has been implemented. The City of Concord identifies technology projects and costs in the annual City budget through the

Letter to Stephen Conlin
Grand Jury Report No. 1404 – Response
July 23, 2014
Page 3 of 3

Information Technology Project Plan (ITP). This plan is similar to the City’s Capital Improvement Plan (CIP). Costs are projected, including replacement, in the City’s rolling 10-year financial forecast.

Recommendation No. 4: “Each city should consider identifying any technological objectives and needs that are common to multiple departments within the city in the technology plan and developing integrated programs to increase efficiency and cost savings.”

Response to Recommendation No. 4: The recommendation has been implemented. The City of Concord’s current ITP cost allocation plan allocates cost recovery through the City’s technology replacement fund in which each user department is charged based on their respective level of IT related services. Additionally, a City-wide steering committee is being established and will take into consideration “enterprise wide” technological objectives and needs that are common to multiple departments with the city.

Recommendation No. 5: “Each city should consider reviewing its technology plan on an annual basis and updating it as appropriate.”

Response to Recommendation No. 5: The recommendation has been implemented. The City of Concord reviews its technology plan each spring to support the City’s annual budget and rolling 10-year financial plan.

Please let me know if you have any questions or require additional information concerning the above responses. You can reach me at my direct telephone number (925) 671-3175 or by email at valerie.barone@cityofconcord.org.

Yours truly,

Valerie J. Barone
City Manager



RECEIVED

JUN 06 2014

CITY MGR'S. OFFICE

*cc.
Scott
Mark
M. Rom
(cc)*

June 3, 2014

Valerie Barone, City Manager
City of Concord
1950 Parkside Drive
Concord, CA 94519

Dear Ms. Barone:

Attached is a copy of **Grand Jury Report No. 1405, 'The Public Records Act In Contra Costa County'** by the "2013-2014" Contra Costa Grand Jury. As the City of Concord is a subject of the report, this report is being provided to you at least two working days before it is released publicly in accordance with California Penal Code section 933.05(f).

Section 933.05(a) of the California Government Code requires that a person or entity that is the subject of a report shall respond to each finding in the report by indicating one of the following :

- (1) The respondent agrees with the finding;
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- (3) The respondent partially disagrees with the finding.

If the respondent wholly or partially disagrees with a finding, the respondent shall specify the portion of the finding that is disputed, and shall include an explanation of the reasons therefore.

In addition, Section 933.05(b) requires that the respondent reply to each recommendation of the report by stating one of the following actions:

- 1. The recommendation has been implemented, with a summary describing the implemented action.
- 2. The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
- 3. The recommendation requires further analysis. This response should explain the scope and parameters of the analysis or study, and a time frame for the matter to be prepared for discussion. This time frame shall not exceed six months from the date of the publication of the Grand Jury Report.

4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation thereof.

Please be aware that Section 933.05 specifies that no officer, agency, department or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report. Please ensure that your response to the above noted Grand Jury report complies in form and substance with the legal requirements for such responses. We expect your response, no later than **SEPTEMBER 3, 2014** under the Penal Code.

Please send a copy of your response in hard copy to the Grand Jury, as well as a copy by e-mail in Word to clope2@contracosta.courts.ca.gov.

Sincerely,



Stephen D. Conlin, Foreperson
2013-2014 Contra Costa County Civil Grand Jury

Enclosure

**A REPORT BY
THE 2013-2014 CONTRA COSTA COUNTY GRAND JURY**

725 Court Street
Martinez, California 94553

REPORT 1405

**THE PUBLIC RECORDS ACT IN
CONTRA COSTA COUNTY**

Letting the Sun Shine In

APPROVED BY THE GRAND JURY:

Date: 5/22/2014


STEPHEN D. CONLIN
GRAND JURY FOREPERSON

ACCEPTED FOR FILING:

Date: 5/30/14


JOHN T. LAETTNER
JUDGE OF THE SUPERIOR COURT

Contra Costa County Grand Jury Report 1405

THE PUBLIC RECORDS ACT IN CONTRA COSTA COUNTY

Letting the Sun Shine In

TO: Contra Costa County Board of Supervisors
All Contra Costa County Cities,
All Contra Costa County School Districts,
All Contra Costa County Fire Districts,
Selected Special Districts in Contra Costa County

SUMMARY

The California Public Records Act (the "CPRA" or "Act") is the law that ensures the public has access to records generated by public agencies. The Act, however is complex and flawed. Employees responsible for fulfilling CPRA requests do not always respond in the manner required by the law. Contra Costa County has adopted a Better Government Ordinance; it allows the public even greater access to government records and information and clarifies some of the uncertainties of the ACT. The practice of making public records available on a governmental entity's website is an economical and practical means of complying with the Act.

METHODOLOGY

In preparing this report, the Contra Costa Civil Grand Jury:

- Interviewed an individual who makes frequent requests for public records from agencies in Contra Costa County and one who bears responsibility for insuring compliance with the law.
- E-mailed and made in-person requests for routine public records to a cross-section of agencies within the County.

Reviewed:

- The California Public Records Act, Government Code Section 6250 et seq.;
- The Summary of the California Public Records Act 2004 prepared by the California Attorney General's Office;

- Contra Costa County's Better Government Ordinance, 25-2.202 et seq.;
- Contra Costa County Administration Bulletin Number 120.5, Public Access to County Records;
- The People's Business: A Guide to the California Public Records Act published by the League of California Cities;
- Materials concerning audits of public agencies for Public Records Act compliance published by Californians Aware, the Center for Public Form Rights.

BACKGROUND

The CPRA, enacted in 1968, ensures that the public has access to governmental records, and that those records will be disclosed to the public upon request, unless there is a specific reason provided by the Act not to do so. Access to information concerning the conduct of governmental activities permits the public to better monitor the functioning of government and reduces the likelihood of waste, fraud and corruption.

The Act strongly favors the release of the requested records. For example:

- The request need not be in writing. There may be good reason to do so to establish the exact nature of the documents sought and the time frame for responses, but it is not required by law.
- The person requesting the records does not need to identify him/herself. Although it may be easier for the responding agency to deal with the request and get back to the party making the request, only in a few specified situations need the requester be identified.
- The request need not state the purpose of the request.
- The governmental entity has the burden of justifying the denial of a request.
- The agency must respond to the request within 10 days, or provide notice to the requester within 14 days concerning the existence of the requested records, and the records must be produced within a reasonable time.
- The agency must assist the requester by attempting to identify records that contain the information sought.
- Fees may be charged for the costs of reproduction of the records, but not for the time required to conduct a search.

Despite the CPRA's strong mandate and the important policy that lead to its enactment, members of the public and the press are occasionally rebuffed or given the runaround when making legitimate CPRA request. In some cases this may be the result of imprecise requests:

- The scope of the request must be reasonably clear.
- The requester may ask for records that don't exist. The government entity need not create information or write reports in response to requests under the Act.
- The government entity need only produce records that are reasonably identified.

The CPRA does present problems in its implementation. It is complicated in that it contains many exceptions to disclosure, including such matters as attorney-client communications, code enforcement records, law enforcement records, pending litigation, personnel records, and recipients of public services, among others.

If an agency in or of the County opposes disclosure of the records, it can argue that one or more of the exceptions apply. Unless the person making the request is persistent and challenges the agency's right to withhold the record, the agency may avoid disclosure. The requesting party's only option at that point is to threaten litigation or actually file a lawsuit, a choice that realistically is an option available only to the press or other entities with significant resources but less likely to be exercised by individual members of the public.

The Board of Supervisors has adopted the "Better Government Ordinance," (the "BGO"), that expands the public's access to records beyond those available to the public under the CPRA. The BGO applies to the offices of County government under the authority of the Board of Supervisors. Independent districts are covered only by the Public Records Act.

An increased number of County agencies maintain websites that provide links to public records. This has been of major assistance to citizens seeking information, and it is an efficient and inexpensive way of complying with the Public Records Act.

Among the most valuable classifications of documents whose publication would strengthen integrity in government are: Statements of Economic Interests, Employment Contracts, Annual Audits, Travel and Entertainment reimbursements and agendas and supporting documents for public meetings.

Compliance with the Act in Contra Costa County

Compliance with the Act by those agencies reporting to the Board of Supervisors is generally good, but compliance by cities and special districts is uneven, with some being very forthcoming and others less so. There are several reasons that could account for the failure to comply, from an unwillingness to provide information during the existence of a public controversy to simple ignorance about the requirements and workings of the Act. The County provides annual training about the CPRA and compliance. This, no doubt, accounts for the greater receptiveness of County offices to document requests.

E-mail requests were sent to 41 different cities, special districts and divisions of County government. The same request was made to each entity; a request for a copy of the contract of the highest-ranking official for that entity. The request did not identify the name of the person making the request nor did it reveal any connection with the Grand Jury. In many instances an e-mail response with the appropriate document attached or a reference to the document online was received within an hour or so from the time of the inquiry. Several took from one to three days. Several took seven days; one took 24 days. Several of the e-mails bounced and had to be re-directed to a different e-mail addresses where the response was normally prompt once the request reached the appropriate staff member. There was no response from 12 of the offices.

Visits, including visits to some of the offices that failed to respond to the e-mail requests, resulted usually in positive responses. When the Statement of Economic Interest form (Form 700) was requested, it was produced in a matter of minutes in some instances. At other times, an e-mail was sent to the requester with the document attached.

Requests pursuant to the CPRA do not need to be in writing; the requesters do not have to reveal their identity, explain the purpose of the request or with whom they might be affiliated. However this information was requested on several occasions and one entity insisted that the request be in writing.

Several patterns emerged in response to CPRA requests.

- Requests by e-mail were generally directed to knowledgeable individuals within the office so the resulting response was timely and professional.
- Personal visits to offices, while usually successful (the requested record was provided), often revealed the staff's uncertainty about who in the office should respond to the request.
- In-person visits often resulted in requests for the requestor's name and purpose of the request, disclosures the law does not require.
- The quickest responses came when the information was already on the entity's website and could be referenced easily.
- The requests were for very routine documents that are clearly subject to the Act and should be readily forthcoming.

FINDINGS

1. The State of California's policy of transparency in government is embodied in the California Public Records Act (CPRA).
2. Contra Costa County's policy of transparency in government has been strengthened by its adoption of the Better Government 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.
4. The response to CPRA requests by departments reporting to the Board of Supervisors is generally timely and appropriate.
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 or fail to respond entirely.
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.
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.

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.
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.
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.

REQUIRED RESPONSES

	<u>Findings</u>	<u>Recommendations</u>
Contra Costa County Board of Supervisors	1-7	1 - 3
City of Antioch	1-7	1 - 3
City of Brentwood	1-7	1 - 3
City of Clayton	1-7	1 - 3
City of Concord	1-7	1 - 3
Town of Danville	1-7	1 - 3
City of El Cerrito	1-7	1 - 3
City of Hercules	1-7	1 - 3
City of Lafayette	1-7	1 - 3
City of Martinez	1-7	1 - 3
Town of Moraga	1-7	1 - 3
City of Oakley	1-7	1 - 3
City of Orinda	1-7	1 - 3
City of Pinole	1-7	1 - 3
City of Pittsburg	1-7	1 - 3
City of Pleasant Hill	1-7	1 - 3
City of Richmond	1-7	1 - 3
City of San Pablo	1-7	1 - 3
City of San Ramon	1-7	1 - 3
City of Walnut Creek	1-7	1 - 3
Acalanes Union High School District	1-7	1 - 3
Antioch Unified School District	1-7	1 - 3

	<u>FINDINGS</u>	<u>RECOMMENDATIONS</u>
Brentwood Union School District	1-7	1 - 3
Byron Unified School District	1-7	1 - 3
Canyon School District	1-7	1 - 3
Contra Costa Community College District	1-7	1 - 3
John Swett Unified School District	1-7	1 - 3
Knightsen Elementary School District	1-7	1 - 3
Lafayette School District	1-7	1 - 3
Liberty Union High School District	1-7	1 - 3
Martinez Unified School District	1-7	1 - 3
Moraga School District	1-7	1 - 3
Mount Diablo Unified School District	1-7	1 - 3
Oakley Union Elementary School District	1-7	1 - 3
Orinda Union School District	1-7	1 - 3
Pittsburg Unified School District	1-7	1 - 3
San Ramon Valley Unified School District	1-7	1 - 3
Walnut Creek School District	1-7	1 - 3
West Contra Costa Unified School District	1-7	1 - 3
Contra Costa County Office of Education	1-7	1 - 3
Kensington Police Protection and Community Services District	1-7	1 - 3
Pleasant Hill Recreation and Park District	1-7	1 - 3
Contra Costa Water District	1-7	1 - 3
Diablo Water District	1-7	1 - 3

	<u>FINDINGS</u>	<u>RECOMMENDATIONS</u>
West Contra Costa Health Care District	1-7	1 - 3
Contra Costa County Fire Protection District	1-7	1 - 3
Crockett-Carquinez Fire Protection District	1-7	1 - 3
East Contra Costa Fire Protection District	1-7	1 - 3
Kensington Fire Protection District	1-7	1 - 3
Moraga-Orinda Fire District	1-7	1 - 3
Rodeo-Hercules Fire Protection District	1-7	1 - 3
San Ramon Valley Fire Protection District	1-7	1 - 3

July 23, 2014

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

Re: City of Concord Response to June 3, 2014 Grand Jury Request
The Public Records Act in Contra Costa County

Dear Mr. Conlin:

This letter serves as the City of Concord's response to the Contra Costa Grand Jury's findings and recommendations set forth in Report No. 1405, entitled "The Public Records Act in Contra Costa County."

I. FINDINGS

Finding No. 1: "The State of California's policy of transparency in government is embodied in the California Public Records Act (CPRA)."

Response to Finding No. 1: The City of Concord agrees with this finding.

Finding No. 2: "Contra Costa County's policy of transparency in government has been strengthened by its adoption of the Better Government Ordinance."

Response to Finding No. 2: While the City of Concord agrees that the Better Government Ordinance was adopted by Contra Costa County with the salutary goal of strengthening transparency in government, the City of Concord does not have comprehensive information on the extent to which that policy has been implemented, and thus is unable to provide an informed response to this finding.

Finding No. 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 to Finding No. 3: The City of Concord does not have any information regarding this finding, and therefore is not in a position to provide an informed response.

Finding No. 4: “The response to CPRA requests by departments reporting to the Board of Supervisors is generally timely and appropriate.”

Response to Finding No. 4: The City of Concord does not have any information regarding this finding, and therefore is not in a position to provide an informed response.

Finding No. 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 to Finding No. 5: The City of Concord disagrees with this response as it pertains to Concord. The City of Concord does not have any information regarding this finding as it pertains to other cities and special districts within Contra Costa County, and therefore is not in a position to provide an informed response as to those cities and special districts.

Finding No. 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 to Finding No. 6: The City of Concord disagrees with this response as it pertains to Concord. The City of Concord does not have any information regarding this finding as it pertains to other cities and special districts within Contra Costa County, and therefore is not in a position to provide an informed response as to those cities and special districts.

Finding No. 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 to Finding No. 7: The City of Concord agrees with this finding in respect to agendas and supporting documents for public meetings and Form 700 Statements of Economic Interest filed by the City Council, the City Manager and the City Attorney, but disagrees with the remaining portion of this finding.

II. RECOMMENDATIONS

Recommendation No. 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 to Recommendation No. 1: This recommendation will not be implemented because it is not warranted. The City of Concord has already adopted Policy and Procedure No. 27 (“Public Records Inspection and Fees) which is analogous to the Public Records portion of Contra Costa County’s Better Governance Ordinance. This policy is periodically reviewed for required updates.

Recommendation No. 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 to Recommendation No. 2: This recommendation has been implemented. The City Attorney’s Office and City Clerk’s Office provide training to all Department Heads and employees who handle Public Records Act requests.

Recommendation No. 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. Employee Contracts
- c. Annual Audits
- d. Travel and Entertainment reimbursements
- e. Agendas and supporting documents for public meetings.”

Response to Recommendation No 3: This recommendation has been implemented in part, but is unwarranted and will not be implemented as to certain public records, as discussed below.

- a. The City has included a statement on the website that refers interested parties to the FPPC website to view the Statements of Economic Interest filed for all 82700 filers. Interested persons are directed to the City Clerk’s office for immediate access to the Form 700 files for the 123 individuals who file a Form 700, Conflict of Interest, with the City of Concord.

- b. Any employment contract that requires City Council approval is available on the website for review as part of the supporting documents to an agenda. Any other employment contract will be made available upon request.
- c. The annual Comprehensive Annual Financial Report (CAFR) for the years 2002-2013 on the City's website at <http://www.cityofconcord.org/citygov/finance/reports> as are the City Budgets.
- d. Travel and Entertainment reimbursements are not posted to the City's website. The Fiscal Budget contains the annual amount of funding allocated for travel and meetings, and it is reviewed at a public meeting. Most entertainment expenses incurred by the City Council are paid for by the Councilmember directly and are not reimbursable. All travel expenditures are made available upon formal request.
- e. Public meeting agendas and supporting documents, annotated agendas, and minutes for the past five years are available on the City's website. An on-demand video library of meetings for the same period is also available to the public for review via the website at <http://www.cityofconcord.org/citygov/agendas/council/>.

Please let me know if you have any questions or require additional information concerning the above responses. You can reach me at my direct telephone number (925) 671-3175 or by email at valerie.barone@cityofconcord.org

Yours truly,

Valerie J. Barone
City Manager