

EAST CONTRA COSTA FIRE PROTECTION DISTRICT

Hugh Henderson
Fire Chief



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

July 9, 2014

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

Revised
7/15
[Signature]

Dear Mr. Conlin,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Grand Jury Recommendations and District Responses:

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

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

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

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

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

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

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

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

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

Sincerely,



Hugh Henderson
Fire Chief