

TRANSPARENCY - OPEN MEETING LAW

BACKGROUND:

The Brown Act is the quintessential law governing public meetings in California. Authored by Assemblyman Ralph M. Brown and enacted in 1953, it guarantees the public's right to attend and participate in meetings of local legislative bodies.

The Brown Act, originally a 686 word statute that has grown substantially over the years, was enacted in response to mounting public concerns over informal, undisclosed meetings held by local elected officials. City councils, county boards, and other local government bodies were avoiding public scrutiny by holding secret "workshops" and "study sessions." The Brown Act originally applied to California city and county government agencies, boards, and councils. Additionally, the comparable Bagley-Keene Act mandated open meetings for State and local government agencies including school district boards of trustees, community services districts and planning commissions.

The introduction to the Brown Act describes its purpose and intent:

In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.

REASON FOR INVESTIGATION:

Over the past five (5) years, the Tulare County Grand Jury has received no fewer than twenty-three (23) citizen complaints involving alleged violations of the State's open meetings laws. These complaints allege such violations as:

- a. failure to post agendas in the manner prescribed which is, in most cases seventy-two (72) hours in advance of the scheduled start time of the meeting
- b. failure to post notice of the continuation of a suspended/recessed meeting in the prescribed manner
- c. failure to make public documents pertaining to meeting agenda items available for public scrutiny in the prescribed manner

METHOD OF INVESTIGATION:

In the 2014-2015 term, the Grand Jury has interviewed complainants and relevant public officials in an effort to determine whether or not and/or to what extent violations did in fact occur. Additionally the Grand Jury reviewed relevant public documents.

FACTS:

1. Repeatedly, the Grand Jury was confronted with situations in which, by the time the complaint was received and processed, sufficient time had passed so as to make it exceedingly difficult to determine with certainty whether a violation had indeed occurred. Thus placing all but the most flagrant violations in a category of "He said, she said."

FINDINGS:

- F1. Adherence to the provisions of California's "open meetings" laws requires diligence on the part of public officials; vigilance on the part of those they serve; and good faith on the part of both.

RECOMMENDATIONS:

- R1. All Tulare County public agencies strictly adhere to the provisions of California open meetings laws.
- R2. All elected/appointed members of Tulare County special districts, school boards, planning commissions, etc. participate in Tulare County Counsel's annual board training.
- R3. The eight incorporated cities in Tulare County convey the findings of this report to all public boards within their jurisdiction.
- R4. Tulare County Local Agency Formation Commission (LAFCO) convey the findings of this report to all the agencies within their jurisdiction.
- R5. Tulare County Office of Education (TCOE) convey the findings of this report to all the school districts within their jurisdiction.

REQUIRED RESPONSES:

1. Local Agency Formation Commission (LAFCO)
2. Tulare County Office of Education (TCOE)
3. Eight incorporated cities in Tulare County;
 - a. Dinuba City Council,
 - b. Exeter City Council
 - c. Farmersville City Council
 - d. Lindsay City Council
 - e. Porterville City Council
 - f. Tulare City Council

- g. Visalia City Council
 - h. Woodlake City Council
4. Board of Supervisors

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911, 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Section 924.2 and 929).



City Manager
559/591-5904

City Attorney
559/437-1770

Administrative Services
559/591-5900

Development Services
559/591-5906

Fire/Ambulance Services
559/591-5931

Parks & Community Services
559/591-5940

Police Services
559/591-5914

Public Works Services
559/591-5924

June 18, 2015

To: The Honorable Judge Bret Hillman
Tulare County Grand Jury

From: City of Dinuba City Council

Subject: Tulare County Grand Jury Report: Transparency – Open Meeting Law

Thank you for your interest in the City of Dinuba. The Tulare County Grand Jury provided a report to the City of Dinuba City Council titled "Transparency – Open Meeting Law" and, requires a response.

In regard to the City of Dinuba's practices concerning the recent 2014-2015 Tulare County Grand Jury Report, here is the "City's" response:

FINDINGS F1: Adherence to the provisions of California's "open meetings" laws requires diligence on the part of public officials; vigilance on the part of those they serve; and good faith on the part of both.

The City of Dinuba City Council agrees with the finding.

RECOMMENDATION R1: All Tulare County public agencies strictly adhere to the provisions of California open meetings laws.

The City has always posted agendas at Dinuba City Hall, Dinuba Police Station and more recently began posting at the Dinuba Transit Center, and, the deputy clerk who handles the posting has been employed with the City for many years. The postings are well in advance of the seventy-two hour requirements. The City has always posted the continued/suspended or recessed meeting in the manner prescribed in the Brown Act. The City does not have to continue or postpone meetings on any regular basis, and that is the exception not the rule, but, the City is well versed in the posting of suspended and continued meetings under the Brown Act. The City is unaware of any failure to post. It has been an established practice of the City since the passage of the Brown Act.

The City has a website www.dinuba.org where city agendas, city minutes, actions of the planning commission and much more City information that is useful and shows transparency as well as open government are posted. Dinuba posts employees' salaries and benefits on the web for full disclosure. City also uses City Connect a phone messaging system to communicate with the residents of Dinuba about pertinent and essential information.

RECEIVED
7-6-2015

405 East El Monte Way, Dinuba, CA 93618

Fax 559/591-5902

E-Mail address: development@dinuba.ca.gov

www.dinuba.ca.gov

Office of the City Administrator

100 North C Street Exeter, CA 93221
Ph. #559-592-4539



City of Exeter



May 27, 2015

Tulare County Grand Jury
Chuck White, Foreman
5963 South Mooney Boulevard
Visalia, CA 93277

Dear Grand Jury:

The City of Exeter received your letter of May 22, 2015 regarding compliance with open meeting laws. In addition to serving the City of Exeter as City Administrator, I am also a long-time City Clerk. I served as President of the City Clerks Association of California in 1999, and have for many years been intimately familiar with the Ralph M. Brown Act. I take the Brown Act quite seriously, and to my knowledge the City of Exeter has never been the subject of complaints in regard to compliance (or more specifically lack thereof) with the Brown Act. Nevertheless, the City of Exeter will continue to diligently adhere to the provisions of California's open meeting laws.

At the regularly scheduled Exeter City Council meeting of Tuesday, May 26, 2015, your communication was presented to all present members of the Exeter City Council and discussed. The findings of the Grand Jury report will also be provided to other public boards within our jurisdiction.

Please advise if we can provide further information of assistance.

Respectfully yours,

A handwritten signature in blue ink, appearing to read "Randy Groom".

Randy Groom
City Administrator/City Clerk

cc: The Honorable Bret Hillman
County Civic Center, Room 303
221 South Mooney Blvd.
Visalia, CA 93291

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6-2-2015

Office of the City Administrator

100 North C Street Exeter, CA 93221
Ph. #559-592-4539



City of Exeter



August 10, 2015

Tulare County Grand Jury
Chuck White, Foreman
5963 South Mooney Boulevard
Visalia, CA 93277

Dear Grand Jury:

We are in receipt of your letter dated July 30, 2015. This letter, however, was addressed to City of Lindsay, Office of the City Administrator. Being unsure if you meant for this letter to be delivered to the City of Lindsay or to the City of Exeter, I will take the time to respond regardless.

In the City of Exeter's May 27, 2015 response letter, I believed that we had addressed the salient points of the Grand Jury's Report – Transparency – Open Meeting Law. Per your recent letter, a more detailed response has been requested – specifically, formatted responses to Finding F1 and Recommendations R1 through R5. I hope the following will suffice:

FINDINGS

We agree with the findings, numbered F1. As stated in our original letter, we take the Brown Act seriously and strive diligently to comply.

RECOMMENDATIONS

Recommendation number R1 has been implemented.

Recommendation number R2 requires further analysis. This recommendation is not specifically directed to Cities or City Councils, but we already participate in board training through our City Attorney, which would appear to meet the intent of the recommendation.

Recommendation number R3 has been implemented. As stated in our original letter, the findings of the Grand Jury Report were shared with the Exeter City Council in a public meeting, and the letter indicated they would be shared with other public boards within our jurisdiction.

Recommendation number R4 is directed at the Local Agency Formation Commission.

Recommendation number R5 is directed at the Tulare County Office of Education.

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8-17-2015

Please advise if we can provide further information of assistance.

Respectfully yours,

A handwritten signature in blue ink, appearing to read "Randy Groom".

Randy Groom
City Administrator/City Clerk

cc: The Honorable Bret Hillman
County Civic Center, Room 303
221 South Mooney Blvd.
Visalia, CA 93291

Michael L. Farley
Rhys C. Boyd-Farrell
Moses Diaz
Zachary J. Farley**
Joseph R. Beery
Jennie Barkinskaya

FARLEY LAW FIRM
108 WEST CENTER AVENUE
VISALIA, CALIFORNIA 93291
TELEPHONE 559-738-5975
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Kari Fike
Paralegal-Office Manager

Rosie M. Onizaki
Paralegal

Diane Farloy
Paralegal

*Certified Specialist
Legal Malpractice Law
The State Bar of California
Board of Legal Specialization
Admitted in CA and TX
**Admitted in CA and NY

Honorable Bret D. Hillman, Presiding Judge
TULARE COUNTY SUPERIOR COURT
221 South Mooney Boulevard, Department 7
Visalia, California 93291

June 23, 2015

RE: 2015 *Grand Jury Report on City of Farmersville*

Dear Judge Hillman:

This office represents the City of Farmersville ("City") whose City Council ("Council") asked that we respond on its behalf to the Tulare County Grand Jury's May 2015 report pursuant to Penal Code sections 933 and 933.05.

The Grand Jury made the following findings and recommendations and the City submits the following responses:

Finding 1: Adherence to the provisions of California's "open meetings" laws requires diligence on the part of public officials; vigilance on the part of those they serve; and good faith on the part of both.

Recommendation 1: All Tulare County public agencies strictly adhere to the provisions of California open meetings laws.

Response 1: The City generally agrees with this finding. However, the City has no authority to require or otherwise ensure that other public agencies comply with open meeting legislation, though the City itself intends to continue to comply. Accordingly, the recommendation was already, and continues to be, implemented as to the City and its various public bodies.

Recommendation 2: All elected/appointed members of Tulare County special districts, school boards, planning commissions, etc. participate in Tulare County Counsel's annual board training.

Response 2: The City generally agrees with finding No. 1. However, the City has no authority to require or otherwise ensure that elected or appointed officials of other public agencies participate in the Tulare County Counsel's annual board training, though the City does hereby encourage its Planning Commission and Recreation Commission members to attend. Accordingly, the recommendation was implemented as to the City's

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6-23-2015

Hon. Bret D. Hillman, Presiding Judge
RE: 2015 Grand Jury Report on City of Farmersville
June 23, 2015
Page 2

Planning Commission and Recreation Commission.

Recommendation 3: The eight incorporated cities in Tulare County convey the findings of this report to all public boards within their jurisdiction.

Response 3: The City generally agrees with finding No. 1. The City has no authority to require or otherwise ensure that other incorporated municipalities convey such finding to all public boards within their jurisdiction, though the City itself has done so as to its Planning Commission and Recreation Commission. Accordingly, this recommendation was implemented by the City as to the City itself.

Recommendation 4: Tulare County Local Agency Formation Commission (LAFCo) convey the findings of this report to all the agencies within their jurisdiction.

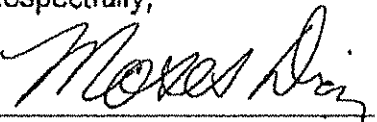
Response 4: The City generally agrees with finding No. 1. The City has no authority to require or otherwise ensure that LAFCo convey such finding to all the agencies within its jurisdiction. Accordingly, this recommendation will not be implemented by City.

Recommendation 5: Tulare County Office of Education (TCOE) convey the findings of this report to all.

Response 5: The City generally agrees with finding No. 1. The City has no authority to require or otherwise ensure that TCOE convey such finding to all the school districts within its jurisdiction. Accordingly, this recommendation will not be implemented by City.

If you have any questions or concerns, please advise us and we will respond as expeditiously as possible.

Respectfully,



Michael L. Farley
Moses Diaz

Enclosure(s): (none)
CC: (Farmersville)



City of Lindsay



P.O. Box 369 — Lindsay, California 93247 — 251 Honolulu Street

May 28, 2015

Tulare County Grand Jury
5963 So. Mooney Blvd.
Visalia, CA 93277

SUBJECT: Grand Jury Report on Transparency –Open Meeting Law

Hon. Judge Hillman,

The City of Lindsay is in receipt of Tulare County Grand Jury Report regarding Transparency-Open Meeting law, delivered to City Hall on May 27, 2015.

In response to all listed allegations,

- a. Failure to post agendas in the manner prescribed which is, in most cases (72) hours in advance of the scheduled start time of the meeting.
- b. Failure to post notice of continuation of a suspended/recessed meeting in a prescribed manner.
- c. Failure to make public documents pertaining to meeting agenda items available for public scrutiny in the prescribed manner.

The City of Lindsay has wholly implemented Grand Jury recommendation to strictly adhere to the provisions of the California open meeting laws, advise all elected/appointed members of the Lindsay City Council and the Lindsay Oversight Board.

The Lindsay City Council holds meetings the 2nd and 4th Tuesday of the month and posts meeting agendas online by 6pm and on the bulletin board at City Hall on the previous Friday. Printed agendas are made available to the public in the office of the City Clerk and at the Lindsay Public Library. Legal notices are posted on the City Hall Bulletin Board and in the office of the City Clerk in the prescribed manner and for the designated time.

Any information that does not get included in the agenda is provided to the City Council and all members of the public at the same time and in the same form (i.e. electronic, printed).

Notices of Special meetings, changes in time or place are noticed at the above noted places and also at the regular and designated sites.

Please address any information or further questions to the Lindsay City Clerk, Carmela Wilson at 559-562-7102 Ext 8031 or Office.

Sincerely,

Carmela Wilson
Carmela Wilson, City Clerk

Office of the City Clerk

559-562-7102 Ext 8031

fax 559-562-7100

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6-8-2015

LINDSAY...
THE FRIENDLY CITY



HEART OF CENTRAL
CALIFORNIA ORANGE AREA



City of Lindsay



P.O. Box 369 — Lindsay, California 93247 — 251 Honolulu Street

August 4, 2015

Tulare County Grand Jury
5963 So. Money Blvd.
Visalia, CA 93277

SUBJECT: Grand Jury Report on Transparency –Open Meeting Law

Hon. Grand Jury Foreman,

The City of Lindsay is in receipt of Tulare County Grand Jury correspondence dated July 30, 2015 stating my response did not adequately address Findings & Recommendations contained in Grand Jury Notice regarding Transparency-Open Meeting law, delivered to City Hall on May 22, 2015.

In response to all listed allegations,

- a. Failure to post agendas in the manner prescribed which is, in most cases (72) hours in advance of the scheduled start time of the meeting.
- b. Failure to post notice of continuation of a suspended/recessed meeting in a prescribed manner.
- c. Failure to make public documents pertaining to meeting agenda items available for public scrutiny in the prescribed manner.

FINDINGS:

The City of Lindsay does not agree with the (3) numbered Findings described above.

- (a) As City Clerk for the City of Lindsay I post agendas in the manner prescribed within and prior to the required (72) hours in advance of the scheduled start time of the meetings. The Lindsay City Council currently holds meetings the 2nd and 4th Tuesday of the month at 6pm in the Council Chambers at City Hall and posts meeting agendas online by 6pm and on the bulletin board at City Hall on the previous Friday. Printed agendas are made available to the public in the office of the City Clerk from 8am-5pm and at the Lindsay Public Library during their hours of operation.
Prior to providing complete agendas online, the City of Lindsay posted only the Agenda Cover Sheets online and made all supporting documents available for public review in the office of the City Clerk and in the Finance Department from 8am-5pm.
- (b) Notices of continuation or recessed meeting-The City of Lindsay follows the (72) hour schedule for all notices and posts them in the same manner, whether they are continued or suspended.
- (c) Failure to make public documents pertaining to meeting agenda items available for public scrutiny in the prescribed manner-The City of Lindsay posts complete agenda online by 6pm and are available in print in the Office of the City Clerk from 8am-5pm and in the Lindsay Public Library during their hours of operation. Any information that does not get included in the agenda is provided to the City Council and all members of the public at the same time and in the same form (i.e. electronic, printed).

LINDSAY...
THE FRIENDLY CITY



HEART OF CENTRAL
CALIFORNIA ORANGE AREA

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8-10-2015

August 4, 2015

Pg 2 of 2

FINDINGS continued

The City of Lindsay will to adhere to the provisions of the "Open Meetings" laws on the part of our public officials, for those we serve and good faith on the part of both.

RECOMMENDATIONS

The City of Lindsay is already following recommendations contained in R1 & R2 of this letter but further agrees to the following Tulare County Grand Jury recommendations

R1. That The City of Lindsay strictly adhere to the provisions of the California open meeting laws.

R2. The City of Lindsay is open to participating in Tulare County Counsel's annual board training and will investigate the city's option to participate.

R3. The City of Lindsay as part of the eight incorporated cities in Tulare County agrees to convey the findings of this report to all public boards within their jurisdiction.

R4. LAFCO conveying the findings of this report to all agencies within their jurisdiction does not apply to the City of Lindsay.

R5. TCOE conveying the findings of this report to all agencies within their jurisdiction does not apply to the City of Lindsay.

I trust the information provided herein will adequately address your request. Please address any further questions or information to Carmela Wilson, Lindsay City Clerk at 559-562-7102 Ext 8031 or to the City of Lindsay, P.O. Box 369, Lindsay CA 93247, Attn. City Clerk.

Respectfully submitted,


Carmela Wilson, City Clerk

Office of the City Clerk

559-562-7102 Ext 8031

fax 559-562-7100

CC: The Honorable Judge Bret Hillman County Civic Center, Rm 303, 221 S. Mooney Blvd, Visalia, CA



July 21, 2015

The Honorable Judge Bret Hillman
County Civic Center, Room 303
221 S. Mooney Boulevard
Visalia, California 93291

Tulare County Grand Jury
5963 S. Mooney Boulevard
Visalia, California 93277

Report: Transparency – Open Meeting Law

To the Honorable Judge Bret Hillman and Tulare County Grand Jury Members:

The City of Porterville is in receipt of the Tulare County Grand Jury Report related to the review of the Brown Act and open meeting laws. Please accept this correspondence as the required response on behalf of the City Council to the Report.

In response to Finding #1 of the Report, that "Adherence to the provisions of California's 'open meetings' laws requires diligence on the part of public officials; vigilance on the part of those they serve; and good faith on the part of both," the City AGREES with the finding.

In response to Recommendation #1 of the Report, that "All Tulare County public agencies strictly adhere to the provisions of California open meeting laws," the City AGREES with the recommendation.

In response to Recommendation #2 of the Report, that "All elected/appointed members of Tulare County special districts, school boards, planning commissions, etc. participate in Tulare County Counsel's annual board training," the City AGREES with the recommendation that annual training would be beneficial.

In response to Recommendation #3 of the Report, that "The eight incorporated cities in Tulare County convey the findings of this report to all public boards within their jurisdiction," the City will IMPLEMENT this recommendation.

In response to Recommendation #4 of the Report, that "Tulare County Local Agency Formation Commission (LAFCO) convey the findings of this report to all the agencies within their jurisdiction," the City AGREES with the recommendation.

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10-7-2015

2014-2015 Tulare County Grand Jury
Page 2 of 2
July 21, 2015

In response to Recommendation #5 of the Report, that "Tulare County Office of Education (TCOE) convey the findings of this report to all the school districts within their jurisdiction," the City AGREES with the recommendation.

Thank you for your time and consideration in the acceptance of this letter of response.

Sincerely,



Milt Stowe
Mayor





City Manager's Office

May 28, 2015

The Honorable Judge Bret Hillman
Superior Court of California
County of Tulare
County Civic Center 303
221 S. Mooney Blvd.
Visalia, CA 93291

SUBJECT: TRANSPARENCY – OPEN MEETING LAW

Dear Judge Hillman:

I have reviewed the May 27, 2015 Grand Jury report entitled "Transparency – Open Meeting Law" and have prepared the following responses to the *findings and recommendations*:

Response to Findings

Finding 1. Adherence to the provisions of California's "open meetings" laws requires diligence on the part of public officials, vigilance on the part of those they serve; and good faith on the part of both.

Respondent agrees with the finding. *The City of Tulare agrees, and strives to ensure transparency and compliance with the Brown Act with regard to the City of Tulare's legislative meetings. The following practices are applied to ensure access and transparency is listed below:*

1. *Agendas are posted to public kiosks, freely accessible to members of the public.*
2. *Agendas are posted to the City's website.*
3. *Agendas are available upon request by walk-in, email*, fax* and by U.S. mail* [Requests for email, fax and mail must be renewed annually.]*
4. *Agenda items and related attachments, that are not confidential or privileged (closed session materials), are also available upon request following the day of the meeting, subject to copy charges of 10 cents per page.*
5. *A complete copy of the agenda packet for the City Council, Board of Public Utilities and Planning Commission [the three major decision making authorities for the City] are available for public viewing at their respective meetings.*

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6-8-2015

Recommendation 5: Tulare County Office of Education (TCOE) conveys the findings of this report to all the agencies within their jurisdiction.

Respondent agrees with this recommendation. *The City of Tulare agrees that TCOE conveys the findings of this report to the agencies within its jurisdiction.*

Please feel free to contact me should you have any questions or concerns regarding the responses contained herein.

Respectfully submitted,



Don Dorman
City Manager/City Clerk

cc: Tulare County Grand Jury
5963 S. Mooney Blvd.
Visalia, CA 93277

Tulare County Board of Supervisors
2800 W. Burrel Ave.
Visalia, CA 93291

June 22, 2015

To Whom it May Concern,

The Woodlake City Council agrees that the adherence to the provisions of California's open meeting laws is important to Woodlake and its citizens. The Woodlake City Council has responded to the findings and recommendations below.

FINDINGS

F1. Adherence to the provisions of California's "open meetings" laws requires diligence on the part of public officials; vigilance on the part of those they serve; and good faith on the part of both.

The Woodlake City Council agrees with the finding. Adherence to open meeting laws requires diligence on the part of the City's public officials and vigilance on the part of those that we serve.

RECOMMENDATIONS

R1. All Tulare County public agencies strictly adhere to the provisions of California open meeting laws.

This recommendation has been implemented. The Woodlake City Council agrees to continue to adhere to the provisions of California open meeting laws.

R2. All elected/appointed members of Tulare County special districts, school boards, planning commissions, etc. participate in Tulare County Counsel's annual board training.

The City of Woodlake's attorney provides in-house training to Woodlake's City Council and Planning Commission members regarding open meeting laws. The City will continue to offer this training to the Woodlake City Council and Planning Commission.

R3. The eight incorporated cities in Tulare County convey the findings of this report to all public boards within their jurisdiction.

This recommendation has not yet been implemented, but will be implemented. The City Council will convey the findings of this report to public boards within Woodlake's jurisdiction by August 1st, 2015.

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7-9-2015

R4. Tulare County Local Agency Formation Commissions (LAFCO) convey the findings of this report to all the agencies within their jurisdiction.

This recommendation will not be implemented by the Woodlake City Council because it only applies to LAFCO.

R5. Tulare County Office of Education (TCOE) convey the findings of this report to all the school districts within their jurisdiction.

This recommendation will not be implemented by the Woodlake City council because it only applies to the Tulare County Office of Education.

The City of Woodlake would like to thank you for taking the time to review this critical matter affecting Tulare County.

If you have any questions, please feel free to contact me at any time.

Sincerely,

A handwritten signature in blue ink that reads "R. Mendoza". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

Rudy Mendoza, Mayor
City of Woodlake

Cc: Frances Ortiz, Vice Mayor
Jose Martinez, Council Member
Greg Gonzalez, Council Member
Chuck Ray, Council Member



August 5, 2015

The Honorable Bret Hillman
County Civic Center, Room 303
221 South Mooney Blvd.
Visalia, CA 93291

Tulare County Grand Jury
5963 S. Mooney Blvd.
Visalia, CA 93277

Re: Tulare County Grand Jury Report
Transparency – Open Meeting Law

Dear Honorable Hillman and Tulare County Grand Jury:

The City of Visalia acknowledges receipt of the Tulare County Grand Jury report regarding Transparency – Open Meeting Law received by the City of Visalia on May 21, 2015. The City agrees with the report's premise that local agencies should be diligent about providing information to the public.

The City of Visalia endeavors to follow, and in many instances, goes beyond the provisions in the Brown Act, the Maddy Act, and other laws which ensure and encourage public access to local government.

References in the report to complaints received by the Tulare County Grand Jury of failure to comply with the Brown Act do not appear related to the City of Visalia. In addition, the City is not aware of any specific complaint regarding failure of the Visalia City Council or any of the City's subsidiary bodies to comply with the Brown Act.

Findings: The City of Visalia agrees with the findings of the Tulare County Grand Jury. The findings are pertinent provisions of the Ralph M. Brown Act that the City Council and all City of Visalia Council-appointed, advisory Committees and Commissions are required to follow.

The City Clerk's office works diligently with both the City Council and its Committees and Commissions to ensure that these regulations are followed and that the meetings are conducted properly.

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8-12-2015

COUNTY OF TULARE
BOARD OF SUPERVISORS



J. STEVEN WORTHLEY

Chairman of the Board

July 28, 2015

The Honorable Judge Hillman
Tulare County Superior Court, Room 303
221 South Mooney Boulevard
Visalia, CA 93291

Dear Judge Hillman:

On behalf of the Board of Supervisors, the following are the Board's responses to the findings and recommendations included in the 2014/2015 Tulare County Grand Jury Report titled "*Transparency – Open Meeting Law*". The eight incorporated cities, Tulare County Local Agency Formation Commission (LAFCO), and Tulare County Office of Education are independent entities and are not within the jurisdiction of the Board of Supervisors. The Board of Supervisors has no independent basis by which to respond to the specific findings and recommendation therein.

Findings and Board Responses

Finding 1

Adherence to the provisions of California's "open meetings" laws requires diligence on the part of public officials; vigilance on the part of those they serve, and good faith on the part of both.

Response: The Board agrees with this finding.

Recommendations and Board Responses

Recommendation 1

All Tulare County public agencies strictly adhere to the provisions of California open meetings laws.

Response: This recommendation has been implemented to the extent that "All Tulare County Public Agencies" refers to agencies within the jurisdiction of the Tulare County Board of Supervisors, to which the Brown Act applies. Meetings and agendas of Brown Act-subject bodies are properly noticed and accessible by the public, documentation is posted when required or otherwise available for public inspection when required, and public comment is allowed at said meetings. Closed sessions are only used when

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authorized, and are noticed and reported on, as required by the law. As to other public agencies, this recommendation is not within the purview of the Board of Supervisors.

Recommendation 2

All elected/appointed members of Tulare County special districts, school boards, planning commissions, etc. participate in Tulare County Counsel's annual board training.

Response: This recommendation has been partially implemented. Training is provided to the extent that the attendance of the members of a particular board or commission is under the authority of the Tulare County Board of Supervisors. In addition, an upcoming agenda item will request that the Board of Supervisors approve a training, provided by the Auditor's Office and County Counsel, which will include a Brown Act component.

Recommendations 3-5

Response: As to each of the Recommendations in 3 through 5, the recommendations will not be implemented by the Tulare County Board of Supervisors, as these recommendations are not within the jurisdiction or authority of the Tulare County Board of Supervisors.

Sincerely,


J. Steven Worthley, Chairman
Tulare County Board of Supervisors

CC: Tulare County Grand Jury



**TULARE COUNTY
LOCAL AGENCY FORMATION COMMISSION**

210 N. Church St., Suite B, Visalia, CA 93291 Phone: (559) 623-0450 FAX: (559) 733-6720

COMMISSIONERS:

*Juliet Allen, Chair
Rudy Mendoza, V-Chair
Allen Ishida
Cameron Hamilton
Steve Worthley*

ALTERNATES:

*Mike Ennis
Dennis Mederos
Craig Vejvoda*

EXECUTIVE OFFICER:

Ben Giuliani

July 1, 2015

TO: District Manager and Board
FROM: Tulare County Local Agency Formation Commission (LAFCo)
SUBJECT: Tulare County Grand Jury Report: "Transparency – Open Meeting Law"

On May 26th, 2015 the Tulare County Grand Jury provided a report to Tulare County LAFCo titled "Transparency – Open Meeting Law". The Grand Jury requested that Tulare County LAFCo forward their report to all special districts within LAFCo's jurisdiction. The Grand Jury report is enclosed with this letter.

Tulare County conducts training sessions regarding the Brown Act and other topics that may be of interest to your district. Your district should be receiving notices of when future sessions will be taking place. Past training session information is listed on the webpage below.

<http://tularecounty.ca.gov/board/index.cfm/governance/>

The State Office of the Attorney General has published a guide to the "Brown Act, Open Meetings for Local Legislative Bodies". The webpage to the guide is listed below.

http://ag.ca.gov/publications/2003_Intro_BrownAct.pdf

Conducting meetings according to established rules of parliamentary procedure can also assist your boards in having transparent, open meetings. Listed below is a webpage link to Rosenberg's Rules of Order. Rosenberg's Rules of Order is a simplified version of Robert's Rules of Order that is tailored to smaller boards and councils.

<http://www.daverosenberg.net/articles/RulesOfOrder.htm>

If there are any questions regarding this letter, please contact me at 623-0450 or bgiuliani@tularecoq.org.

Sincerely,

Ben Giuliani
Executive Officer
Tulare County Local Agency Formation Commission

Cc: Tulare County Grand Jury

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TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION

210 N. Church St., Suite B, Visalia, CA 93291 Phone: (559) 623-0450 FAX: (559) 733-6720

COMMISSIONERS:

Juliet Allen, Chair
Rudy Mendoza, V-Chair
Allen Ishida
Cameron Hamilton
Steve Worthley

ALTERNATES:

Mike Ennis
Dennis Mederos
Craig Vejvoda

EXECUTIVE OFFICER:

Ben Giuliani

June 10, 2015

TO: The Honorable Judge Bret Hillman
Tulare County Grand Jury
Tulare County Board of Supervisors

FROM: Tulare County Local Agency Formation Commission (LAFCo)

SUBJECT: Tulare County Grand Jury Report: "Transparency – Open Meeting Law"

On May 26th, 2015 the Tulare County Grand Jury provided a report to Tulare County LAFCo titled "Transparency – Open Meeting Law". The Grand Jury, pursuant to California Penal Code §933(c) required a response from Tulare County LAFCo by July 13th, 2015. Tulare County LAFCo reviewed the Grand Jury report at its June 10th, 2015 meeting. The following are LAFCo's responses:

Findings

F1. Adherence to the provisions of California's "open meetings" law requires diligence on the part of public officials; vigilance on the part of those they serve; and good faith on the part of both.

Tulare County LAFCo agrees with this finding.

Recommendations

R1. All Tulare County public agencies strictly adhere to the provisions of California open meetings law.

Tulare County LAFCo agrees with this finding.

R2. All elected/appointed members of Tulare County special districts, school boards, planning commissions, etc. participate in Tulare County Counsel's annual board training.

Tulare County LAFCo partially agrees with this finding. School boards and planning commissions are not in the purview of LAFCo. Also, special district board members will have varying levels of knowledge regarding open meetings law and all may not need training. However, the Tulare County Counsel's annual board training is a valuable resource for those that need it.

R3. The eight incorporated cities in Tulare County convey the findings of this report to all public boards within their jurisdiction.

Tulare County LAFCo neither agrees nor disagrees with this finding. This finding is not in the purview of LAFCo.

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R4. Tulare County Local Agency Formation Commission (LAFCO) convey the findings of this report to all public boards within their jurisdiction.

Tulare County LAFCo will convey the findings of this Grand Jury report to all special districts for which Tulare County LAFCo is the principal county.

R5. Tulare County Office of Education (TCOE) convey the findings of this report to all school districts within their jurisdiction.

Tulare County LAFCo neither agrees nor disagrees with this finding. This finding is not in the purview of LAFCo.

If there are any questions regarding this response, please contact me at 623-0450 or bgiuliani@tularecog.org.

Sincerely,



Ben Giuliani
Executive Officer
Tulare County Local Agency Formation Commission

Cc: Tulare County Office of Education
The eight incorporated cities in Tulare County

Tulare County Office of Education

Committed to Students, Support and Service

June 25, 2015

Jim Vidak
County
Superintendent
of Schools

2637 W. Burrel Ave.
P.O. Box 5091
Visalia, California
93278-5091

(559) 733-6300
www.tcoe.org

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Business Services
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Human Resources
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**Instructional
Services**
(559) 733-6328
fax (559) 737-4378

Special Services
(559) 730-2910
fax (559) 730-2511

The Honorable Judge Hillman
County Civic Center, Room 303
221 South Mooney Boulevard
Visalia CA 93291

Tulare County Board of Supervisors
2800 W. Burrel Avenue
Visalia CA 93291

Tulare County Grand Jury
5963 South Mooney Boulevard
Visalia CA 93277

RESPONSES TO 2015 TULARE COUNTY GRAND JURY REPORTS

Enclosed is the following:

1. Transparency – Open Meeting Law

We extend our gratitude to the Tulare County Grand Jury for their diligent efforts in compiling these reports. Our responses to your recommendations include information gained through extensive research.

If I can be of further assistance, please feel free to contact me.

Sincerely,



Jim Vidak
Tulare County Superintendent of Schools

JV:mm

Enclosure

June 26, 2015

The Honorable Judge Hillman
County Civic Center, Room 303
221 S. Mooney Boulevard
Visalia CA 93291

Tulare County Grand Jury
5963 S. Mooney Boulevard
Visalia CA 93277

Tulare County Board of Supervisors
2800 W. Burrel Ave
Visalia CA 93291

Subject: Written Response of the **Tulare County Office of Education** pursuant to
California Penal Code § 933(c)
Report Name: **Transparency – Open Meeting Law**

FINDINGS

F1. Adherence to the provisions of California's "open meetings" laws required diligence on the part of public officials; vigilance on the part of those they serve; and good faith on the part of both.

Response: The Tulare County Office of Education and County Superintendent of Schools agree with this finding.

RECOMMENDATIONS

R1. All Tulare County public agencies strictly adhere to the provisions of California open meeting laws.

Response: The Tulare County Office of Education and County Superintendent of Schools currently adheres to and will continue to adhere to the provisions of California's "open meetings" laws as according to The Brown Act.

We will make note of your recommendation suggested. Once again, we extend our gratitude to the Tulare County Grand Jury for their diligent efforts in compiling these findings and recommendations.

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Tulare County Office of Education

Committed to Students, Support and Service

Jim Vidak
County
Superintendent
of Schools

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TO: Tulare County Grand Jury
FROM: Marlene Moreno, Administrative Assistant to
Superintendent Jim Vidak
DATE: July 15, 2015
RE: Corrected Grand Jury Report Response to:
Transparency – Open Meeting Law

Attached you will find a corrected Response to the Grand Jury Report: Transparency – Open Meeting Law. I failed to enclose the correct edited copy when I mailed the response on Monday, July 13, 2015.

Please accept my apologies for any inconvenience this may have caused.

Thank you.

June 26, 2015

The Honorable Judge Hillman
County Civic Center, Room 303
221 S. Mooney Boulevard
Visalia CA 93291

Tulare County Grand Jury
5963 S. Mooney Boulevard
Visalia CA 93277

Tulare County Board of Supervisors
2800 W. Burrel Ave
Visalia CA 93291

Subject: Written Response of the **Tulare County Office of Education** pursuant to
California Penal Code § 933(c)
Report Name: **Transparency – Open Meeting Law**

FINDINGS

F1. Adherence to the provisions of California's "open meetings" laws required diligence on the part of public officials; vigilance on the part of those they serve; and good faith on the part of both.

Response: The Tulare County Office of Education and County Superintendent of Schools agree with this finding.

RECOMMENDATIONS

R1. All Tulare County public agencies strictly adhere to the provisions of California open meeting laws.

Response: The Tulare County Office of Education and County Superintendent of Schools currently adheres to and will continue to adhere to the provisions of California's "open meetings" laws as according to The Brown Act.

R2. All elected/Appointed members of Tulare County special districts, school boards, planning commissions, etc. participate in Tulare County Counsel's annual board training.

Response: The Tulare County Office of Education and County Superintendent of Schools agree with this finding because we lack sufficient information or belief to the contrary.

R3. The eight incorporated cities in Tulare County convey the findings of this report to all public boards within their jurisdiction.

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Response: The Tulare County Office of Education and County Superintendent of Schools agree with this finding because we lack sufficient information or belief to the contrary.

R4. Tulare County Local Agency Formation Commission (LAFCO) convey the findings of this report to all the agencies within their jurisdiction.

Response: The Tulare County Office of Education and County Superintendent of Schools agree with this finding because we lack sufficient information or belief to the contrary.

R5. Tulare County Office of Education (TCOE) convey the findings of this report to all the school districts within their jurisdiction.

Response: The Tulare County Office of Education and County Superintendent of Schools will convey the findings of this report to all school districts within the Tulare County jurisdiction.

We will make note of your recommendation suggested. Once again, we extend our gratitude to the Tulare County Grand Jury for their diligent efforts in compiling these findings and recommendations.