



Southern Marin Fire Protection District

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June 1, 2020

Ms. Lucy Dilworth, Foreperson,
Marin County Civil Grand Jury
3501 Civic Center Drive, Room #275
San Rafael, CA 94903

Foreperson Dilworth,

At its May 27, 2020 monthly Board Meeting, the Board of Director of the Southern Marin Fire Protection District approved:

1. The response to the Grand Jury Report titled, "Follow-Up Report on Web Transparency of Agency Compensation Practices."
2. A copy of the recently approved SMFD Policy #1215 – Web Transparency – Compensation.
3. A copy of the recently approved SMFD Policy #1216 – Compensation of Elected or Appointed Officials.
4. A copy of the SMFD Staff Report titled, "Annual Board Compensation," approved by the Board of Directors at their May 27, 2020 monthly Board meeting.

The Southern Marin Fire Protection District has already made modifications to our website per the direction of the Marin County Civil Grand Jury report titled, "Follow-Up Report on Web Transparency of Agency Compensation Practices."

Additionally, using the Marin Municipal Water District's example in the Civil Grand Jury Report, the Southern Marin Fire Protection District adopted by policy requiring the annual posting of Board compensation, as well as the actual data in the format recommended by the Marin County Civil Grand Jury. Both of these documents are posted to our website under Administration / Transparency and Administration/Board of Directors, so that they are easily and quickly found per the Marin County Civil Grand Jury's direction.

Please feel free to contact me if there are additional questions, or if any concerns remain.

Respectfully,

Christian Tubbs, Fire Chief

**Southern Marin Fire Protection District
Response to Marin County Civil Grand Jury Report**

**“Follow-Up Report on Web Transparency of Agency Compensation Practices”
April 2020**

In this Grand Jury Report, the Southern Marin Fire Protection District has been directed to respond to Recommendations F2, F5, R2 & R4. Those responses are detailed below.

FINDINGS

F2. Any link to compensation data on an agency’s website that takes more than five minutes or three clicks from the home page to locate, does not reasonably satisfy the intent of the Government Code that the information be easily located and “conspicuous” on the agency’s website.

Response: The Southern Marin Fire Protection District agrees with **Finding 2**. The *publicpay.ca.gov* link for employee compensation was not but is now available on the Southern Marin Fire Protection District’s website in three clicks or less, and less than five minutes (Admin/Financials & Budget/ *publicpay.ca.gov*. Additionally, the compensation for Board Members is available in three clicks or less, and less than five minutes (Admin/Board of Directors).

F5. Regarding detailed disclosure of total compensation paid, most public agencies do not break out all components of compensation paid to their elected officials, including salary, meeting fees or stipends (including compensation for serving as liaisons to other advisory committees, councils and forums), reimbursements, health and retirement benefits, and other benefits such as equipment.

Response: The Southern Marin Fire Protection District Agrees with Finding F5. The Southern Marin Fire Protection District has posted the monthly stipend allotted each Board Members on the District website, (Admin/Board of Directors). In reviewing the MMWD website as cited in the Grand Jury Report with specific reference to elected compensation reports, the Southern Marin Fire Protection District will generate a similar report and post it to the District’s website annually. We have incorporated this into our business practice through the adoption of policy.

RECOMMENDATIONS

R2. No later than 90 days after the date of this report, agencies should modify the location of their existing *publicpay.ca.gov* links to satisfy the requirement of Government Code §53908 that their link is “conspicuous.” Conspicuous locations for agencies are suggested in Table 2.

Response: The Southern Marin Fire Protection District Agrees with the Recommendation and has ensured that the required reporting has occurred. The Southern Marin Fire Protection District was not previously aware of this requirement. The Southern Marin Fire Protection

District has taken specific action to ensure that this requirement is met as detailed in the legislation.

R4. No later than 90 days after the date of this report, in addition to any other compensation links, agencies should include a link on their board or council pages that leads directly to their “Elected Officials” page on the *publicpay.ca.gov* site, conforming to the format suggested on Appendix A.

Response: The Southern Marin Fire Protection District agrees with the Recommendation. The Southern Marin Fire Protection District has added the specified link to the District’s website in two locations (Admin/Board of Directors) and (Admin/Transparency). The later location was added as a result of the previous Grand Jury report.

R6. No later than 120 days after the date of this report, agencies should adopt a practice to compile and publish each year an annual report detailing the compensation actually paid to their elected officials for the previous calendar year. Compensation disclosures should include, at a minimum, salary, meeting fees or stipends (including compensation for serving as liaison to other advisory committees, councils and forums), reimbursements, health and retirement benefits, and other benefits such as equipment. A link to this report should be posted on the agency’s board or council web page.

Response: The Southern Marin Fire Protection District Agrees with this Recommendation. The Southern Marin Fire Protection District has adopted policy reflecting this requirement (attachment 1 & 2). In reviewing the MMWD website as cited in the Grand Jury Report with specific reference to elected compensation reports, the Southern Marin Fire Protection District will generate a similar report and post it to the District’s website annually.

Policy 1215 – Web Transparency - Compensation

1215.1 Purpose

To establish the Southern Marin Fire Protection District's policy for ensuring compliance with California Government Code Regulations related to Website Transparency Requirements for Government Agencies and Compensation.

California Government Code §53908 requires that government agencies that have websites, "shall post, in a conspicuous location on its internet web site, information on the annual compensation of its elected officials, officers, and employees that is submitted to the controller."

California Government Code §53892 requires that government agencies submit to the State Controller, "The annual compensation of a local agency's elected officials, officers, and employees in accordance with reporting instructions developed by the Controller pursuant to §53891 in consultation with affected local agencies."

1215.2 Policy

The California Government Code Requires the posting of District Compensation Information to the District's website. The District's website will post the compensation information from the Controller's Government Compensation in California Internet Web site ("Public Pay Link"), to the District's website, and the information shall be posted/updated annually. There shall be a link to the employee's compensation, and a separate link to the Board of Directors Compensation. These links shall be available from the District's Home page in less than three clicks and five minutes. The District shall also post an Annual Staff Report reflecting the total compensation provided to Board Directors for the previous fiscal year.

1215.3 Procedure

The Finance Manager shall produce, at the completion of each fiscal year, the following reports to the District's website in compliance with California Government Code §53908 and §53892:

1. Board of Directors Annual Compensation Report.
2. Employees Annual Compensation Report

Additionally, the Fire Chief shall cause a Staff Report on the annual compensation of Board Directors to be produced for the Board of Directors, at a public monthly meeting. This report shall be posted to the District website following the public meeting.

Policy 1216 Compensation of Elected or Appointed Officials

1216.1 Purpose

The purpose of this document is to establish a consistent policy for compensating District elected or appointed officials for attending Board meetings, committee meetings and other official business.

For purposes of this policy, elected or appointed officials shall mean those persons elected or appointed to fill a position on the District's Board of Directors, and committee members or others designated to represent the District at an approved function.

1216.2 Policy

The Southern Marin Fire Protection District is subject to various provisions of state law concerning compensation of its Board of Directors for attending meetings of the Board and serving as a representative of the District at other business functions. Assembly Bill 1234, which became effective on January 1, 2006, instituted in part the following sections of the Government Code:

§53232.1(a) When compensation is otherwise authorized by statute, a local agency may pay compensation to members of a legislative body for attendance at the following occurrences:

1. (1) A meeting of the legislative body.
2. (2) A meeting of an advisory body.
3. (3) A conference or organized educational activity conducted in compliance with

subdivision (c) of §54952.2, including, but not limited to, ethics training required by Article 2.4 (commencing with §53234).

(b) A local agency may pay compensation for attendance at occurrences not specified in subdivision (a) only if the governing body has adopted, in a public meeting, a written policy specifying other types of occasions that constitute the performance of official duties for which a member of the legislative body may receive payment.

The Southern Marin Fire Protection District's Board Policy Manual include the following sections that relate to compensation for Board members:

3.3 Compensation.

Each director shall receive as compensation a maximum of one hundred dollars per meeting for attendance at meetings of the board, or for service rendered as a member of the board by request of the board. No director may receive compensation of more than four hundred dollars compensation per month.

The Southern Marin Fire Protection District authorizes payment to any Board member at the established compensation rate for attending Board meetings and the following SMFD committee meetings:

District Personnel Committee
District Finance Committee
District Emergency & Disaster Preparedness Committee
District Building Committee (Ad Hoc)
Shared Services (Ad Hoc)

In addition, the Southern Marin Fire Protection District authorizes payment of the meeting compensation rate to the Board members designated as principal liaison, or alternate to the principal, if the principal does not attend, for attendance at the following meetings or other District business as authorized by the Board President:

Marin Emergency Radio Authority (MERA)
Marin Wildfire Protection Authority (MWPA)
Southern Marin Emergency Medical Paramedic System (SMEMPS)
SMFD and City of Mill Valley Joint Shared Services Committee

1216.3 Authorization and Approval of Compensation

To ensure proper accounting of expenses, Directors will notify the Clerk of the Board on a monthly basis concerning the meetings that they attended during that month. The Clerk of the Board will compile the compensation report and verify its accuracy with each of the Board members.

The Fire Chief shall review and approve the compensation requests submitted by the elected or appointed officials.



Southern Marin Fire Protection District

Finance Committee

Cathryn Hilliard, Chair

Pete Fleming

Thomas Perazzo, Alternate

STAFF REPORT – Annual Board Compensation

Date

May 20, 2020

Topic

Annual Board Compensation Report - 2019

Background

On April 28, 2020, the Southern Marin Fire Protection District received a Grand Jury Report that concludes that Marin Government Agencies have not fully complied with State regulations related to web site transparency. This is a follow-up report to the March 2016 Grand Jury Report, titled, "Web Transparency Report Card." Though the District complied with the first report, the Grand Jury found additional needs specifically related to transparency of both employee wages and benefits, and a focus on elected officials wages and benefits.

The Grand Jury further found that the Southern Marin Fire District has not previously posted to the website, a compiled and published report of the Board of Directors total annual compensation. The Grand Jury further recommends that this report be posted to the District's Board of Directors page.

Summary

The District has implemented the required changes and prepared a response for the Grand Jury, as required by law. The Fire District will also begin publishing annually, the Board compensation information to the District's website. The Marin Municipal Water District was cited as an example of a report that fully meets the Grand Jury's expectations, which is the format adopted by staff for the Board to adopt.

Findings

The following table represents the summary of the Southern Marin Fire District's Board of Directors Annual Compensation for 2019.

Board of Directors Expenses – 2019	Kurt Chun	Christine DeBerry**	Peter Fleming	Cathryn Hilliard	Thomas Perazzo	Daniel St. John*	Christina Waldeck**	Stephen Willis
Type of Activity or Benefit:								
Regular Board Meetings	1100	200	900	1200	1200	0	800	800
Board Committees & Other Special Meetings	200	0	100	1200	1300	0	200	200
Conferences, Training & Memberships	0	0	0	295	295	0	0	0
Medical/Dental Benefits	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Total	\$1,300	\$200	\$1,000	\$2,695	\$2,795	\$ -	\$1,000	\$1,000

• Director St. John donates his Board Compensation back to Southern Marin Fire Protection District

** Directors Waldeck and DeBerry have split terms: DeBerry replaced Waldeck mid-term.

Recommendation(s)

The Fire Chief recommends that the Committee receives the report and directs the Fire Chief to include the report in the May Board of Directors Report.

Attachments:

1. Policy 1215 – Web Transparency
2. Policy 1216 - Compensation of Elected or Appointed Officials.

Board Action:

Ayes – 6, Noes – 0, Absent - 1

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MARIN COUNTY
COUNSEL'S OFFICE