

Response to Grand Jury Report Form

Report Title: Email Accessibility to City Government

Report Date: April 30, 2013

Authorized Responder and Agency Mayor Debbie Peterson on behalf of the
Grover Beach City Council

FINDINGS

- I (we) agree with the findings numbered: F2 and 4
- I (we) disagree wholly or partially with the findings numbered: F1, 2, 3, and 5
(Attach a statement specifying any portions of the findings that are disputed;
include an explanation of the reasons.)

RECOMMENDATIONS

- Recommendations numbered R2 have been implemented.
(Attach a summary describing the implemented actions.)
- Recommendations numbered _____ have not yet been implemented,
but will be implemented in the future.
(Attach a timeframe for the implementation.)
- Recommendations numbered R1 require further analysis.

(Attach an explanation and the scope and parameters of an analysis or study,
and a timeframe for the matter to be prepared for discussion by the officer or
director of the agency or department being investigated or reviewed, including
the governing body of the public agency when applicable. This timeframe shall
not exceed six months from the date of publication of the grand jury report.)
- Recommendations numbered _____ will not be implemented
because they are not warranted or are not reasonable.

(Attach an explanation.)

Date: July 19, 2013 Signed: 

Number of pages attached Three (3)



City of Grover Beach

Mayor Debbie Peterson Mayor Pro Tem Karen Bright
Council Member Jeff Lee, Council Member Glenn Marshall, Council Member Bill Nicolls

Robert Perrault
City Manager

July 19, 2013

The Honorable Judge Barry T. LaBarbera
Presiding Judge
Superior Court of California
1035 Palm Street, Room 355
San Luis Obispo, CA 93408

**SUBJECT: RESPONSE TO SAN LUIS OBISPO COUNTY GRAND JURY REPORT ENTITLED:
 "EMAIL ACCESSIBILITY TO CITY GOVERNMENT"**

Dear Judge LaBarbera:

Thank you for the opportunity to respond to the Grand Jury Report entitled "Email Accessibility to City Government". The Council considered the report during the City Council meeting held on Monday, July 15, 2013. The report is critical of the City's current practice of not listing email addresses for individual Council Members on the City's website and concludes that "Grover Beach residents do not have email access to their elected council members, and therefore are hindered in gaining access to their elected officials."

Information for contacting the Grover Beach City Council is provided on the City's website and is also included on all business cards issued to individual Council Members. A page on the City website provides instructions for contacting Council Members and the various avenues for members of the public to contact public officials through email, written correspondence (delivered by mail or hand-delivered to City Hall) or by telephone. (The website address is: www.grover.org/index.aspx?NID=165) This same webpage also includes a link to the general group email address for the City Council ("gbadmin@grover.org") and a link to a "Contact Your City Council" form, which is submitted via email. All emailed messages received are forwarded to the intended addressee.

The City does not provide private email addresses of public officials to the general public nor do we encourage their use.

Findings:

- 1. The City of Grover Beach does not list email addresses for City Council members on their official website.**

***Response:** The City of Grover Beach does not list individual email addresses for individual City Council Members on the City's website. It is important to note that Grover Beach residents do have email access to members of the City Council. The City provides a link to the general email address "gbadmin@grover.org" that is available to contact any individual member or all members of the City Council. The website also provides instructions regarding contacting Council Members by email.*

154 South Eighth Street ♦ Grover Beach, California 93433 ♦ FAX (805) 489-9657 ♦ www.grover.org

Administrative Services/Water (805) 473-4550 ♦ City Council/City Manager (805) 473-4567 ♦ City Clerk (805) 473-4568
Community Development - Building, Planning & Economic Development (805) 473-4520 ♦ Human Resources (805) 473-4564
Parks & Recreation (805) 473-4580 ♦ Police/Non-Emergency (805) 473-4511 ♦ Public Works (805) 473-4520

2. **Grover Beach City Council members use personal emails for city business and the email addresses are not published on the official city website.**

Response: The City is aware that City Council Members use personal emails for City business and the City intentionally does not list personal emails on the City's website.

3. **Information regarding city business discussed on personal emails is not available to the public.**

Response: The City does not agree with this finding. Citizens can review City business discussed on personal emails by making a public records request. This is the same process that would be used if individual Council Member email addresses were listed on the website. All Council Members are advised during their orientation with the City Clerk and City Attorney upon taking office that all public business conducted in written form, including email messages, are subject to disclosure under the Public Records Act.

4. **No evidence of Brown Act violations were discovered; however, the use of personal email in discussing public business can easily and unnecessarily give the impression of such.**

Response: The City agrees that no Brown Act violations were discovered; however, disagrees that the use of email in discussing public business in of itself can easily and unnecessarily give the impression of such.

5. **The Cities of Arroyo Grande and San Luis Obispo each have Brown Act Disclosure relating to the use of official emails on their city websites.**

Response: The City is aware that the Cities of Arroyo Grande and San Luis Obispo each have Brown Act disclosures related to the use of emails on their respective websites. The City of Grover Beach also has the following disclosure statement posted on the City's website: "Please note: Please be aware that correspondence sent to or from members of the City Council may be subject to disclosure and additional distribution pursuant to the Public Records Act and the Brown Act."

A copy of the City webpage that includes this disclosure statement was included in the information originally provided to the Grand Jury in October 2012.

Recommendations:

1. **The City of Grover Beach should create an official city email address for each city council member and department head and list them on the city website.**

Response: Email address information for individual Department Directors is already posted on the City website. In reference to email addresses for the City Council and each Council Member, the Council has a number of options in responding to this recommendation.

The City will be evaluating the option of assigning each Council Member individual addresses (eg., name@grover.org) for posting on the website with a copy sent automatically to the City Management Office.

2. The cities of Grover Beach, Pismo Beach, Morro Bay, Atascadero, and Paso Robles should provide a Brown Act disclosure similar to that provided by the City of San Luis Obispo, regarding the use of city-based emails as a way of demonstrating that they are in conformance with the Brown Act.

Response: The City of Grover Beach currently provides a disclosure statement regarding the Brown Act and the Public Records Act on its website that pertains to all correspondence. It is substantially the same as provided by the City of San Luis Obispo on that City's website. A copy of the City webpage that includes this disclosure statement was included in the information originally provided to the Grand Jury in October 2012.

Once again, thank you for the opportunity to respond to the Grand Jury Report.

Sincerely,



DEBBIE PETERSON
Mayor

c: SLO County Grand Jury, PO Box 4910, SLO, CA 93403 (w/ copy sent to: grandjury@co.slo.ca.us)
City Council
City Manager
City Attorney
Police Chief