



# TOWN OF FAIRFAX

## STAFF REPORT

### July 1, 2020

**TO:** Mayor and Town Council

**FROM:** Michele Gardner, Town Clerk

**SUBJECT:** Approve response to Marin Civil Grand Jury Report entitled *Follow-Up Report on Web Transparency of Agency Compensation Practices*

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#### **RECOMMENDATION**

Approve the attached response to the 2019-2020 Marin Civil Grand Jury Report entitled *Follow-Up Report on Web Transparency of Agency Compensation Practices*.

#### **BACKGROUND**

The Marin County Civil Grand Jury issued two reports, in 2016 and 2017, examining the websites of local government agencies in Marin County. Following the reports, the Town included information consistent with the recommendations of the Grand Jury, including the recommendation that all the local agencies should update their websites “to include the annual compensation of . . . elected officials, officers and employees.”

The report issued this year, on April 28, 2020, entitled “Follow-up Report on Web Transparency of Agency Compensation Practices” is a follow up to 2016 and 2017 reports, and focuses on the completeness and accessibility of information on the compensation of a local agency’s employees and elected officials. The Town is required by to respond to this report on or before July 27, 2020, using the attached form. Penal Code section 933(c).

#### **DISCUSSION**

The California Government Code requires the Town to report the annual compensation (total wages and total retirement/health contribution) of elected officials, officers, and employees to the State Controller’s office, which posts this information on its website at [publicpay.ca.gov](http://publicpay.ca.gov) (“Public Pay”). The Town must post its compensation information “in a conspicuous location” on its website, which it may do by posting a link to the Public Pay website. Our Town website has had links to Public Pay since at least 2016.

The Grand Jury report contains six findings and seven recommendations. The Town of Fairfax is requested to respond to two of the Grand Jury’s six findings and three of the seven recommendations. The response form is attached for the Council’s approval. A more detailed description of the response is as follows.

#### **1. Grand Jury Finding F3 and Recommendations R3 & R4**

The Grand Jury’s **Finding F3** states that a link that fails to go directly to the agency’s current compensation data on the Public Pay website does not satisfy the intent of the Government Code that information be easily located. **Recommendations R3 and R4** propose that such links should be put in place within 90 days, for the employees and elected officials.

**Town Response:** The Town has implemented the recommendations by making one minor adjustment. At the time of the Grand Jury’s audit, the Town website had links to the most recent Public Pay Employee compensation data page, which includes a tab for Elected Officials. The links were on the Town’s Human Resources Department webpage and on the Town Council webpage. The link on the Council webpage has been adjusted to take the user directly to the Elected Officials Public Pay, rather than to the page with a tab for Elected Officials.

## **2. Grand Jury Finding F5 and Recommendation R6**

**Grand Jury Finding F5** states that most public agency websites do not break out all components of total compensation paid to their elected officials. **Recommendation R6** suggests that within 120 days after April 28, agencies should adopt a practice to compile and publish an annual report detailing the compensation actually paid to their elected officials for the previous calendar year with a link to that report on the Council webpage.

**Town Response.** The Town will implement the recommendation on or before July 27, 2020. The total compensation the Town paid to elected officials in the previous year, with health and retirement benefits broken out, is posted on the Public Pay website. It includes the Town Councilmembers and the Town Treasurer. The elected Town Clerk is not included as there is no compensation for the position. The report will be corrected to accurately reflect this information.

It should be noted that in addition to the Public Pay link on the Council webpage, there is also a link to Form 806, which shows the compensation each councilmember receives from boards and commissions on which they serve.

### **FISCAL IMPACT**

N/a

### **ATTACHMENTS**

- A. Proposed Response to Grand Jury Report
- B. Grand Jury Report “Follow-Up Report on Web Transparency of Agency Compensation Practices” dated April 28, 2020