

AUG 08 2016

VENTURA COUNTY
GRAND JURY

The Honorable Donald D. Coleman
President Judge, Superior Court of California
County of Ventura
800 S. Victoria Avenue
Ventura, CA 93009

Re: City of San Buenaventura Freedom of Information

Dear Judge Coleman:

The City of Ventura received the 2015-2016 Grand Jury Report "City of San Buenaventura Freedom of Information". In accordance with Penal Code Section 933.05, we submit this response to the Grand Jury findings and recommendations.

The City Council appreciates and welcomes the efforts of the Grand Jury's review of Ventura's compliance with the Freedom of Information Act.

The Grand Jury requires a response to findings FI-01, FI-02, FI-03, FI-04 and FI-05 and recommendations R-01, R-02, R-03, R-04 from the City Council and the City Manager.

Findings

FI-01: *Ventura's administrative policy for public records complies with CPRA and is a system that serves the community well.*

Response to FI-01: Agree. Our public records policy complies with the California Public Records act and serves the community well.

FI-02: *Request for information taken orally or sent by email to a department or individual is not always recorded into the COMCATE system. Therefore, performance statistics are not accurate.*

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Response to FI-02: Agree. Not all requests are entered into COMCATE. Requests not entered into COMCATE are traditionally phone or counter requests that, if possible, are handled immediately upon receipt from the requestor. For example if someone requests a copy of a specific letter or specific report and the document(s) are readily available, we will immediately provide the information rather than requiring the use of the online system. The City will evaluate our methods to determine the best mechanism to track these requests to ensure they are captured in performance statistics.

FI-03: *Subsequent to an initial request and response, communication between the requester and representatives of Ventura may not be transcribed or recorded within the COMCATE system.*

Response to FI-03: Agree. Depending on the request, it may be more efficient and effective for oral communication to clarify the request and the response may not be transcribed into COMCATE. The City agrees that summary notes or a notation that the requestor was contacted with the date, time and staff member information should be entered as a minimum into COMCATE before closing the request.

FI-04: *Ventura's Administrative Policy and Procedures documents posted online do not indicate the date of current or previous revisions nor the expiration date. Therefore, it is not possible to determine if the City complies with its Public Record Request Policy in Section No. 8.5.*

Response to FI-04: Disagree. Policy issued dates, dates of revision and previous revisions are indicated when applicable on all policies. Policy 8.5 was issued in 2012 and has not been revised; therefore it cannot have a previous revision date or date of this revision. This policy is accurate and up-to-date. Additionally, this policy does not have an expiration date, therefore, the comment notation for this policy is not applicable as noted. While the finding is outside the scope of "Freedom of Information," the City would welcome the opportunity to further discuss this issue.

FI-05: *City Policy 1.1 ("Protocols for Issuing, Amending & Deleting Administrative Policies & Procedures") has a last revision date of April 30, 2002, the policy is not in compliance with itself.*

Response to FI-05: Disagree. Policy 1.1 established the procedures for policy and procedures maintenance. That policy has no expiration date and is reviewed per the stated frequency. If no updates are required, the policy is not updated. Therefore, the last revision date of April 30, 2002 is accurate and the policy is in compliance with itself. The City will review its procedures to develop a mechanism to allow the public to know the policy they are viewing is the current policy. Again, while this finding is outside the

scope of "Freedom of Information," the City would welcome the opportunity to further discuss this issue.

Recommendations

R-01: *Revise Policy 1.1 to ensure that online policy publications have no blank fields and are clearly date/time stamped with "Date Issued" and "Expiration Date". Additionally, replace the "Date of this Revision" field with "Date of Last Reviewed".*

Response to R-01: *Neither Agree or Disagree.* Current online policies have all applicable date/time fields completed. The City will consider adding the wording for "date of last review" on the policy templates to clarify and make it clear that the reader is reviewing the current copy of the policy.

R-02: *Update and post revision dates for the Public Request Policy and other policies that omit a "last reviewed" date.*

Response to R-02: *Neither Agree or Disagree.* The City will review existing policy to determine the best way to ensure the public understands they are reviewing the most current copy of the policy online.

R-03: *Revise Administrative Policy and Procedures Manual so all communications associated with a request for public records and information are entered into the COMCATE system.*

Response to R-03: *Neither Agree or Disagree.* A majority of the public record request reside in COMCATE. The City will evaluate to determine if it's feasible to enter all requests into COMCATE. As discussed in FI-02, for phone or counter requests that are handled immediately, it may not be an efficient use of staff time to enter a closed request.

R-04: *Conduct a regularly scheduled audit to review all policies for compliance with policy 1.1.*

Response to R-04: *Neither Agree or Disagree.* The City has an effective policy and procedure process in place with updating policies as needed and adding policies as appropriate. We agree that an audit would be useful but this does not warrant the resources required to do regular audits.

On August 1, 2016 the Ventura City Council approved this Grand Jury report response and authorized the mayor to make this reply. The City Manager concurs with the response provided. We appreciate the Grand Jury's efforts in looking into this important matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Erik Nasarenko". The signature is stylized with a large initial "E" and a long horizontal stroke at the end.

Erik Nasarenko
Mayor