



COUNTY OF SAN DIEGO

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CLERK OF THE BOARD  
OF SUPERVISORS

# COUNTY OF SAN DIEGO

## BOARD OF SUPERVISORS

1600 PACIFIC HIGHWAY, ROOM 335, SAN DIEGO, CALIFORNIA 92101-2470

### AGENDA ITEM

**DATE:** December 7, 2021

**12**

**TO:** Board of Supervisors

#### **SUBJECT**

**UPDATE ON TRANSPARENCY ADVISORY COMMITTEE RECOMMENDATIONS FOR ENSURING TRANSPARENCY AND OPEN GOVERNMENT IN THE COUNTY OF SAN DIEGO (DISTRICTS: ALL)**

#### **OVERVIEW**

On January 12, 2021, the Board of Supervisors established an advisory committee to develop recommendations to enhance transparency, accessibility, and open government within the County of San Diego's ("County") operations, public engagement processes, and website offerings. The Board Members appointed to serve on this Transparency Committee, Vice Chair Vargas and Supervisor Anderson, worked with County staff and co-chaired a public meeting on September 7, 2021, to consider numerous suggestions for improving current practices. Based on the input they received, the Committee identified priority items to focus on and report back to the Board for further action. Approval of this item will provide County staff with the direction needed to move forward on the priorities identified by the Committee.

#### **RECOMMENDATION(S)**

##### **VICE CHAIR VARGAS AND SUPERVISOR ANDERSON**

Direct the Chief Administrative Officer to:

1. Continue supporting the Transparency Committee as established on January 12, 2021 (9), by investigating actions that can be taken to create greater transparency and ease of access to County information in the following areas:
  - a. Public Records Act procedures
  - b. Retention period for email correspondence
  - c. Ease of accessibility of archived public records on the County website
  - d. Public engagement in the County budget process
  - e. Enhancing existing interpretation and translation services for all aspects of County operations and information, including a process to evaluate success of those services.

**SUBJECT: UPDATE ON TRANSPARENCY ADVISORY COMMITTEE  
RECOMMENDATIONS FOR ENSURING TRANSPARENCY AND OPEN  
GOVERNMENT IN THE COUNTY OF SAN DIEGO**

2. Propose to the Transparency Committee draft recommendations for changes to County policies, practices, and procedures in the areas mentioned in Recommendation 1 within 60 days.
3. Report back to the Board of Supervisors within 120 days with a memorandum outlining the final recommendations in the areas mentioned in Recommendation 1 for changes to the policies, practices, and procedures to create greater transparency and ease of access to the County's information.

**EQUITY IMPACT STATEMENT**

All communities are entitled to a transparent and accountable government regardless of their background, socioeconomic status, or familiarity with the processes used to access County documents and information. To ensure County decisions and policies are based on civic engagement and broad public input, it is vital that all populations, including those who have been historically underserved, have the ability to easily access accurate information. Instituting policies and practices that facilitate access to the County's information and remove traditional barriers, such as language barriers, will create a transparent and accountable government that works for all, including communities historically lacking in access to government.

**FISCAL IMPACT**

There is no fiscal impact associated with this action. There may be future fiscal impacts associated with future recommendations. Any such recommendations would return to the Board for approval.

**BUSINESS IMPACT STATEMENT**

N/A

**ADVISORY BOARD STATEMENT**

The Transparency Committee met on June 24, 2021, September 7, 2021, and November 9, 2021 to consider and identify specific issues to address. The items contained in this Board Letter were selected by the Transparency Committee as the priority issues.

**BACKGROUND**

On January 12, 2021 (9), the San Diego County Board of Supervisors ("Board") created an advisory committee of the Board ("Transparency Committee") tasked with recommending changes that would allow for greater transparency in our local government and foster participation and collaboration with the public. The Transparency Committee was directed to consult with County staff, hold meetings, research best practices, engage the public, and craft recommendations that would allow for the public to access County governance and information with greater ease.

The Transparency Committee was formed based on the principle that "good government demands the intelligent interest of every citizen" and that transparency allows for meaningful civic engagement, good governance, and accountability to the public. Under these auspices, the Transparency Committee has reviewed and assessed various policies, procedures, and practices that impact government transparency and public participation in the governing process. The

**SUBJECT: UPDATE ON TRANSPARENCY ADVISORY COMMITTEE  
RECOMMENDATIONS FOR ENSURING TRANSPARENCY AND OPEN  
GOVERNMENT IN THE COUNTY OF SAN DIEGO**

Committee met on three occasions: June 24, 2021, September 7, 2021, and November 9, 2021. Among the issues that the Transparency Committee considered were the County email retention policy, the process by which documents are requested and produced in response to Public Records Act requests, the modernization of the County's document search system, increasing public participation and engagement in the budget process and in meetings held by the Board, committees, and other governing bodies, and translation and interpretation services. During the Committee's public outreach and engagement efforts, the public, including a number of community groups, echoed concerns regarding many of these same issues.

Through their meetings, feedback from the public, and consultation from staff, the Transparency Committee developed priority areas of focus. As the priority issues crystalized, staff provided context and research findings for possible solutions. The following is a summary of the County's policies, procedures, and practices the Transparency Committee has considered and the proposed recommendations to facilitate greater transparency, good governance, and civic engagement in those subject areas.

**Public Records Act Requests**

The California Public Records Act expressly provides that access to information concerning the conduct of the people's business is a fundamental and necessary right of every person. This fundamental right helps advance transparency, promotes more comprehensive understanding of government decisions, and ensures accountability to the public. Under the County's current system, there is no central contact or clearinghouse to submit requests and requestors often do not know where to send their requests.

The Transparency Committee has worked with staff to understand best practices and the various options to enhance the County's current Public Records Act processes. These include: centralizing the work related to Public Records Act requests through a centralized team or office that will coordinate responding to requests; identifying and training points of contact in each department to assist with Public Record Act requests; and establishing an external web page or a portal by which the public can submit and view records requests.

The next steps to finalizing these changes to the County's Public Records Act processes is to work with County departments to explore the impact that a centralized team or portal may have regarding the management and dissemination of the information retained and maintained by that department. Additional steps include an analysis of where, functionally, a centralized team would be located, and the broader implications of standing up and funding a centralized team and portal.

**Email Retention Policy**

Under current County policies and state law, emails themselves do not have a designated retention; the content of an email may require it to be retained as required by law and the County's record retention schedule. Under the County of San Diego's recent email settings, after 60 days, emails were auto-deleted unless they were archived or otherwise saved. However, currently, in response to the COVID-19 pandemic, this setting has been turned off and emails are

**SUBJECT: UPDATE ON TRANSPARENCY ADVISORY COMMITTEE  
RECOMMENDATIONS FOR ENSURING TRANSPARENCY AND OPEN  
GOVERNMENT IN THE COUNTY OF SAN DIEGO**

currently not being automatically deleted. Staff researched retention policies of mid-sized companies and other local governments and provided guidance to the Transparency Committee on the best practices with respect to email retention policies. This review included looking at the types of information that may reside within email and any related retention requirements. Based on staff's analysis, an initial recommendation was made to retain emails for a period of time between 60 days and two years.

In order to finalize this recommendation, County staff will work with departments to create an inventory of what content resides in email and how email is used as a communication and record-keeping tool. With this information, staff will provide a more specific recommended timeframe for email retention.

Archived Public Records

The County provides online access to official records from the Board of Supervisors dating back to 1877. However, because records have been categorized in a variety of formats over the years, the County search portal does not function as it should and often does not return responsive documents. Staff have worked to make these records fully text-searchable (as of 2019) and have completed a project with the County's information technology provider to address functionality issues by consolidating document categories and adding various levels to a document search. These enhancements will provide more robust results for a single search, improving ease of access to archived public records. The Clerk of the Board of Supervisors continues to address break fixes and review further enhancements related to ranking and summarizing results.

Public Engagement in the Budget Process

Recently, the County has put a good deal of thought into how to ensure that the budget process is transparent and accessible to the public. The County holds evening budget hearings and budget workshops to increase public participation and feedback on the budgeting process. Furthermore, with significant public and community organization feedback, the County is developing a Budget Equity Tool to be completed by each County department to ensure that funding allocations are made in an equitable manner and that the public is aware of the allocations. Along with this Budget Equity Tool, County staff will continue to facilitate budget workshops with the community. Other changes to make budget information more readily available include providing more detailed information in the County's Open Budget portal, and providing information specifically about key milestones and dates for the budget on the County's website.

Remote Public Engagement in Government Meetings

Public participation at Board of Supervisors meetings and other County of San Diego boards and commissions is paramount. The pandemic brought about a host of new ways for the County to engage the public in Board of Supervisors meetings, as well as other County board and committee meetings. The public has been able to provide public comment via telephone and has been able to attend other meetings via Zoom, BlueJeans, and Teams. These offerings have increased the ability of the public to participate and engage with elected and appointed officials. However, there remain improvements that can be made to increase the accessibility of such engagement. Considerations include whether to require that all meetings of boards and

**SUBJECT: UPDATE ON TRANSPARENCY ADVISORY COMMITTEE  
RECOMMENDATIONS FOR ENSURING TRANSPARENCY AND OPEN  
GOVERNMENT IN THE COUNTY OF SAN DIEGO**

commissions be livestreamed, and public participation be allowed remotely, or whether to require that recordings be posted after meetings are held.

At a Special Board of Supervisors Meeting on November 10, 2021, the Board revised its Rules of Procedure to permanently provide for the ability for members of the public to address the Board of Supervisors remotely via a telephonic or other Internet-based service option at regular meetings. Staff is being asked to analyze the impacts of applying this requirement to all boards and commission meetings.

Language Access

San Diego County is a richly culturally diverse region. In 2019, 37.68% of people in San Diego County spoke a language other than English at home, and 14.63% of the County's population spoke English less than "very well," a metric of the U.S. Census. Communication is the backbone of transparency. Ensuring that the government works for everyone means that we need to provide comprehensive language access.

Recently, the County invested \$2.5 million in enhancing translation and interpretation services. Additionally, to improve access to translation services available to County departments, in September 2021, the County entered into agreements with contractors to provide oral, telephonic and written translation services in Arabic, Chinese, Spanish, Tagalog, and Vietnamese. These services are available for all vital documents and on an as-needed basis throughout all regions in the County and for use in a variety of settings including County offices, clinics, clients' homes, schools, libraries, and public forums. However, these were one-time funds and the future costs of translation and interpretation services will be the responsibility of each County department. Embedding the culture of comprehensive language access in all aspects of County business will require systemic change not only to the translation and interpretation services provided but to making sure the County utilizes those services wherever and whenever there is a language barrier. It will also mean regularly measuring the efficacy of the translation and interpretation services to ensure full and fair access to the County is available to individuals who do not speak English.

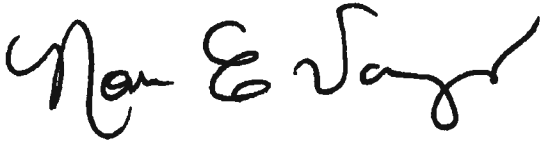
The Transparency Committee recommends reliable language access as a priority area of focus, specifically that the County continue to assess the ways in which translation and interpretation services can be improved and embedded in all aspects of County operations. Additionally, the Committee has asked that the County develop a process for evaluation of translation and interpretation quality to ensure that the County is attaining the goal of full access to all people, regardless of the language that they speak.

**SUBJECT: UPDATE ON TRANSPARENCY ADVISORY COMMITTEE  
RECOMMENDATIONS FOR ENSURING TRANSPARENCY AND OPEN  
GOVERNMENT IN THE COUNTY OF SAN DIEGO**

**LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN**

The requested action supports the County's 2021-2026 Strategic Plan objectives of Operational Excellence and Sustainable Environments/Thriving by encouraging residents to engage in community life and civic activities.

Respectfully submitted,



**VICE CHAIR NORA VARGAS**  
Supervisor, District 1



**SUPERVISOR JOEL ANDERSON**  
Supervisor, District 2

**ATTACHMENT(S)**

N/A