

CITIZENS' OVERSIGHT PROJECTS (COPS)

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Board of Directors
c/o Barry Jantz, CEO
Grossmont Healthcare District
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REF: C00025

Dear Board of Directors:

This letter is a follow-up from my comments at the January 16, 2010, meeting of the Grossmont Healthcare District Board of Directors, specifically to the agenda item regarding the grant to the East County Chamber of Commerce and the "Summer Health Saturday" event. I decided it would be fruitful to address this issue in written form since my verbal comments related to that issue were misconstrued. A letter such as this lets me provide some background and context that should help to elucidate my point of view.

I come to your meeting working on an experiment, one that I started in 2006 called "Citizens' Oversight Projects (COPs)." As a citizen in democracy, you are responsible to oversee the entire government, from top to bottom. Chief Justice Brandeis once said that the most important office in a democracy is that of the citizen. The intent of COPs is to improve the performance of that office.

It is a sad fact, however, that few people actually take their oversight responsibilities seriously. I've read a number of articles by elected officials stating that they are disappointed that more people don't keep track of their proceedings. "We talk about their taxes, and no one shows up," they might say. Indeed, as I started to look into this, I found very few people who had taken it upon themselves to keep track of what is going on, particularly to the less obvious bodies. And if more people were involved, perhaps we would avoid bad decisions that cumulatively result in the dysfunctional government we now have.

But the lack of involvement by the public is arguably also very much the responsibility of our elected bodies and whether they embrace such involvement. Even without any intention to obscure their operation, with no or little involvement by the public, the elected bodies become more and more difficult to observe as a natural consequence of trying to be efficient. For example, why post the full agenda if no one reads it? Certainly, the bodies comply with the minimum requirements prescribed by the Brown Act, but that is not sufficient for public to find it easy to become involved.

We observed dozens of public bodies and found a general pattern with the following common public-access shortcomings. Again, these have to do with ease of access and interaction by the public. Only some of these are a concern with this body:

- Non-posting of the full agenda on the web site. (This was a problem with GHD when we first became involved.)
- Non-posting of minutes of meetings in a timely manner. (Still a problem with GHD).
- Holding meetings around a table and not facing the public (not a problem at GHD. You have a great meeting room).

- Use of long consent calendars wherein each one of the issues is neither explicitly mentioned nor debated. (not a problem with GHD.)
- Reference to agenda items only by number instead of by name (not a problem at GHD.)
- Not reading the complete ordinances as required by law but reading only the titles, even though the ordinances are typically less than a page. (Not a problem at GHD.)
- Attempt to intimidate speakers by asking for information that is not required by law, such as requiring their name, home address or signature in order to attend or speak. (This was a problem with GHD but has been rectified.)
- Demeaning or personal remarks made of public speakers, or feedback from the body that the speaker is a trouble-maker, should be disregarded, is disturbing the normal operation, is in “poor form” etc. (Has happened at least three times at GHD.)
- Work done mainly in subcommittee meetings with no debate in main meeting and very little of the information from the subcommittees brought forward to the plenary meeting (A issue with GHD.)
- Lengthly ceremonies for recognition or other purposes during the meeting that lengthens and extends the meeting and makes it inconvenient to attend. (not a problem at GHD)
- Holding the meetings at inconvenient times for the public to attend, such as during the business day or very early in the morning (Obviously a potential concern at GHD).
- “Insider” information assumed in the meeting and in agenda information. (This is very common at GHD and was the issue with the Health Fair item. I'll go into this in more detail in a moment).
- Limited number of speakers and limited time to speak, or special sign-in rules for speakers (sign in before a certain time, etc) (not a problem at GHD.)
- Limited access to elected representatives, such as email addresses and phone numbers not posted on the web site (an issue at GHD.)
- No video recording of meetings and posting on the Government Access Channel, Internet or streaming in real time. (A reality for many city councils but not available at GHD, even though time on the Government Access Channel would likely be available for use.)

The idea is that if access is improved, then the public will at least be more likely to do their part to provide the oversight that is so sorely missing. But getting the public involved will only work if they do more than just observe or become part of the “club.” Certainly, just being there may help stop the body from getting off course, engaging in inappropriate discussions, or insider deals amongst themselves. But to be truly effective, the public must engage with the body and speak up when appropriate.

Most decisions, perhaps 95% or maybe even 99% made by these bodies are decisions that could be made correctly by any reasonable person, from any point in the political spectrum. However, the other one to five percent of those decisions are sometimes the fodder for inappropriate misdirection of funds or grants or contracts approved for friends or family. These transactions don't have to be strictly illegal to be considered a problem or inappropriate when viewed by the public. They may be simply out of step with what is desired by the community, or perhaps the body is just not paying attention to what it should be doing. The body may not even realize that deals or arrangements are a problem, particularly if they have been in place for years.

It is my hope that by encouraging more citizens to get involved in oversight can help our situation, then inappropriate decisions can be reduced. Indeed, my recent experience in applying oversight has paid off with a variety of success stories. Although I won't enumerate those stories here, I will say that we have at least determined some “red flags” that indicate possible problem areas. One red flag is a decision with a very brief explanation, without the usual information appropriate for review by the body.

The “Summer Health Saturday” event proposed by the East County Chamber of Commerce meets several “red flags” criteria for citizens oversight review. First, the proposal letter from the Chamber is quite short and does not include business points that are typically necessary for review by anyone. Also, the GHD CEO, Barry Jantz, sits on the board of the Chamber, and the applicant – the Chamber – may be relying on that relationship to gain special treatment by the GHD. The event is probably perfectly appropriate, but it is very difficult to review given the “special information” required. COPS would appreciate a standard grant application procedure including business points for use of the grant, such as budget, list of

exhibitors, etc., just the sort of information that would be required if the Chamber was approaching the GHD for the first time. This type of event can be very productive for the area but I am worried that the event is delegated to the Chamber without enough consideration of what it might be, that is, a much more productive event with a footprint that matches the large extent of the service area.

This was my intention at the recent meeting but I believe my requests were construed to mean that I was opposed to the Summer Health Saturday. Instead, I am opposed to the level of documentation provided to the public to allow the exercise of our oversight responsibilities, and I am actually worried that the event could be even more productive if business points of the event were opened to the public for discussion and involvement.

→ With that said, I will renew my request for further information about this event, such as budget, past and likely exhibitors, and any other relevant business points.

I must say at some point that the GHD is distinctive in that it has a very strong CEO who interacts at will during the meeting, and a hospital CEO who yells her report from her seat instead of addressing the board (and the audience) from the lectern and microphone. The website, which is a bit out of date in that it still lists Stieringer as the president, shows CEO Jantz on the same page as the Board of Directors instead of at least having a horizontal line and the heading "Staff". I think the attorney should also be identified in the Staff section as well.

The GHD Board, by and large, does a good job of addressing the items on the agenda and I think the people who sit on the board are intelligent and engaged. The issue items I mentioned in this letter are not atypical of many such governmental bodies and in time, it is my hope that you will embrace my agenda to make your meeting easier for the public to get involved in.

Thank you for your kind assistance.

--Ray Lutz

Coordinator, Citizens' Oversight Projects (COPs)