



SPOKANE CITY COUNCIL
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June 30, 2009

Brian Sonntag
State Auditor
Washington State Auditor's Office
Insurance Building, P. O. Box 40021
Olympia, WA 98504-0021

RE: Public Records Audit Report

Dear Mr. Sonntag:

In compliance with RCW 43.09.470, Comprehensive performance audits reporting requirements the City of Spokane respectfully submits the annual report detailing the status of the implementation of the State Auditor's recommendations as part of its participation in the Citizen's Initiative 900 Public Records Performance Audit. The State Auditor's Office analysis assisted the City and was included as part of the ongoing internal analysis to improve the public disclosure processes. The City of Spokane supports open public government and Washington State's Public Records Act and recognizes that the Public Disclosure Act is one of the primary ways the public keeps informed about government.

The State Auditor's work identified 21 best practices in 19 content areas for how the City processes public records requests. Comparative best practices of other agencies, is a tool for improvement which is embraced in this agency. The following information is provided on issues identified in the Open Public Records Audit's findings which are specific to the City of Spokane.

Finding 1

One of 10 unannounced public records requests (10 percent) conducted in the City of Spokane was considered non responsive (response or records not received by requestor). Additionally, one response (10 percent) was considered nonconforming.

Recommendations

- Evaluate processes and controls over incoming mail to ensure records requests are found and properly routed.
- Review responses and communicate with requestors to ensure the records to be provided are consistent with the request.

City Corrective Actions and Implementation Status

On May 5, 2008, the newly created Deputy Clerk position was filled. This position provided resources where there had been staffing constraints in the past and redefined the roles and responsibilities in the public records function.

Public records requests procedures have been standardized and coordinated in and between departments. The Public Records Policy revisions have been implemented and are available via the internet. June 15, 2009 is the latest revisions effective date. Additional actions to be taken by staff include:

- The development of a data base for tracking public records requests.

Finding 2

Some entities do not accommodate a variety of public records requests and therefore do not provide the public with the fullest assistance.

Recommendations

- Establish policies that are consistent with the Public Records Act, using the attorney General's model rules as a guide.
- Conduct broad staff training on the Public Records Act.
- Accommodate as many modes of requesting public records as practically possible.
- Consider receiving records requests online.

City Corrective Actions and Implementation Status

Administrative policy and procedures for public records requests have been reviewed and updated mindful of the recent developments in public records management, the Public Records Act and the Washington Attorney General's model rules for paper and electronic records.

In July of 2008 the City began the implementation of using email for Public Records requests. Although, the request form was electronically available on the website as of September 2006, it is now also accepted via email.

Agency staff whose function includes public records request processing has received additional training in both 2008 and 2009 from organizations which include but are not limited to the Washington Municipal Clerk's Association. The City Attorney's Office has provided internal training for public records to the Executive Team and Department Heads. Additional actions to be taken will include:

- Training is under development to be provided City-wide to staff on the Public Records Act.

Finding 4

Some entities provided the requested public records in a less than timely manner than their peers.

Recommendations

- Prioritize incoming records requests to identify those that require review and/or redaction verses more straight forward requests that can be filled more quickly.
- Use e-mail to respond to public records requests whenever possible.
- Explore opportunities for providing records electronically.
- Engage in ongoing communication with the requestor about priorities and timelines when a request is identified that may take some time to fill.

City Corrective Actions and Implementation Status

An Enterprise Vault was set up as an email archiving solution in the first quarter of 2008, which allows for more productive email storage and recovery. This archiving enables staff members the capability to search and locate email content and documents to meet both legal and regulatory compliance requirements.

Additionally, the Clerk's Office has a public records search tool which is used for the storage of documents filed in the City Clerk's Office and is available to the public in a searchable format on the City's website. This tool allows the public direct access to such documents as City ordinances, resolutions and contracts.

The number of documents available on the City website has increased as more public records have become available electronically. Electronic copies of public records are made available in electronic format whenever possible recognizing the opportunity to work with people who request electronic copies. A coordinated process is now in place and felt to be working effectively.

Records currently stored off-site are being indexed for more efficient retrieval. This project has been contracted to be performed and is estimated to be more than fifty percent complete. The full completion of the indexing of records stored off-site is scheduled for December 2009.

The City believes that the Public Records Act is good and positive for all governments to follow. The City agrees that improving accountability and transparency while engaging citizens leads to better government and looks forward to completing the audit reporting process.

Sincerely,



Joe Shogan
Council President

cc: Al French, Council Member
Bob Apple, Council Member
Richard Rush, Council Member
Michael Allen, Council Member
Steve Corker, Council Member
Nancy McLaughlin, Council Member
Mary Verner, Mayor
Gwen Fuller-Vernier, City Auditor
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Howard Delaney, City Attorney
Pat Dalton, Assistant City Attorney
Barb Burns, Assistant City Attorney