

REGULAR LEGISLATIVE AGENDA

HEARINGS

Washington State Auditor's Performance Audit Report on Open Public Records Practices (CPR 08-32)

The City Council held a hearing on the Washington State Auditor's Performance Audit Report on Open Public Records Practices at 30 Government Entities. City Auditor Gwen Fuller-Vernier presented opening remarks on the Audit Report on Open Public Records Practices which was conducted under Initiative 900. Initiative 900 was approved by voters in November 2005, giving the Washington State Auditor's Office the authority to conduct independent performance audits of State agencies and local governments. Ms. Fuller-Vernier introduced Justin Flaa, Senior Project Coordinator for Performance Audits from the State Auditor's Office. Mr. Flaa presented an overview of the Performance Audit Report and the City of Spokane's findings. The full report is on file in the City Clerk's Office and is available for public viewing. The report can also be accessed on the State Auditor's website at www.sao.wa.gov.

Following Mr. Flaa's presentation, public testimony was received, with two individuals speaking on the matter. The public testimony is summarized below.

Testimony of Cherie Rodgers

Former Council Member Cherie Rodgers noted open public records was one of her pride and joys during her years in office and that it was first started in 1972. She noted it was a public records initiative by the citizens in the State of Washington whose purpose was to make government at the State, County, and City levels more accountable to citizens. Ms. Rodgers commented that the Open Public Records Act in 1972 started out with 10 exemptions and that now there are 300 exemptions and that is one of the reasons why the City has an independent city auditor – trust in government and accountability. She noted that it's important that this position work closely with the State Auditor.

Ms. Rodgers commented that in the Year 2005, Tim Eyman came forward with the public records Initiative 900 and that is why the State Auditor is involved. She noted she absolutely supports this audit. She commented she saw (in the report) when the City had to pay out \$299,000 because it violated the public records act. She noted the dollar amount was actually \$400,000 and that the City could have spent the money for a better use, i.e. streets, neighborhood planning.

Ms. Rodgers stated she would like to see the City Council voluntarily tape executive sessions. She also stated she would like the City Auditor to work more closely with the State Auditor and see performance audits on such things as the AMR contract and payroll. Ms. Rodgers noted the City was looking at its whistle blower policy and wondered whatever happened with that.

Testimony of Donna McKereghan

Citizen Donna McKereghan stated she absolutely supports this audit. She noted the State Auditor's notes say that Spokane does not take email requests. She noted she has found that to be not correct and that the City's public records officer has taken several email requests from her.

Ms. McKereghan noted she is really concerned about the City's email documents. Ms. McKereghan noted it is unfortunate that although the Auditor's Office made one email request, it was not a request for an email record. She noted she feels one of the areas that the City has a gap is in the email records. She referenced her own November 16 (2007) request for emails of Council Members and the Mayor. She commented she only requested emails for 30 days and that what was sent to her was for a greater span of time and that of the thousands of emails she was sent that only 79 even applied to her request. She noted that when it is talked about how expensive this is that some of the expense is through the City's own fault.

Ms. McKereghan also commented on her request for EEO Plans. In addition, she commented on her recent May 31 request and noted she had not yet received a response. (Note: The City Clerk noted that prior to the 6:00 p.m. Legislative Session that she did e-mail Ms. McKereghan a response to her May 31 records request.)

Ms. McKereghan noted in the City's letter to the auditor's office it says this analysis will assist the City in improving performance and that all the final attributes will be considered and to the extent possible implemented as more staffing resources are allocated to positively impact how public records are processed. She stated she wants to make sure the City understands that a lot of this is not hypothetical and the City can do it if it wants to. Ms. McKereghan further commented that as she understands it, Washington is one of the very last of the 50 states to come back to doing performance audits and that all the other states have already been doing them.

Following public testimony, City Clerk Terri Pfister noted the following actions being taken by City staff:

- hired new Deputy City Clerk who will be principally assigned to public records
- updating City policy on public record requests based on Attorney General's Model Rules
- will work with Police and Municipal Court on coordination of public record requests/standardization of procedures
- will be providing training to departments
- will evaluate the use of email requests for public records
- will be developing a database for tracking public record requests
- will be increasing number of City documents on the web
- will be working with MIS on E-vault records storage

- will be indexing records stored off-site.

Subsequent to further Council comment and comment by Mr. Flaa, the City Council took the following actions:

Motion by Council Member French, seconded by Council Member Rush, to close public testimony with regard to Hearing Item H1—hearing on the Washington State Auditor’s Performance Audit Report on Open Public Records Practices at 30 Government Entities—**carried unanimously.**

Motion by Council Member French, seconded by Council Member Rush, to accept the report and the response as submitted; **carried unanimously.**