



**Snohomish County
Auditor's Office**
Performance Audit Division

PUBLIC DISCLOSURE STUDY

3/14/2005

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Snohomish County

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March 14, 2005

Aaron Reardon, Snohomish County Executive
Snohomish County Councilmembers
3000 Rockefeller Ave
Everett, Washington 98201-4046

Dear Executive Reardon and County Councilmembers:

The Performance Audit Division offers this *Public Disclosure Study* as an opportunity for Snohomish County to improve efficiency, economy and effectiveness. Public disclosure is central to the spirit of transparent and responsive government and significant amounts of money are spent related to public disclosure in Snohomish County. The primary objectives of this project were to determine:

- Public Disclosure resource use
- Quantity and quality of public disclosure requests
- Compliance with state and local laws and procedure

Our study found that the costs associated with public disclosure in Snohomish County exceed 1.4 million dollars per year. We also found that Snohomish County employees work hard to deliver high quality service to citizens in regard to public disclosure requests and make efforts to comply with state and local laws. In the following report we identify multiple opportunities for efficiency and economy in the public disclosure process.

We sincerely appreciate the time, energy and professionalism of all the staff who participated in our study.

Please contact me with any questions, 388-3006.
Sincerely,

KyMBER WalTMunson, Performance Auditor

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GAS COMPLIANCE STATEMENT

This study was performed in compliance with Government Auditing Standards 2003 (GAS) for performance audits as set forth by the Comptroller General of the United States.

INTRODUCTION

This study of public disclosure in Snohomish County was requested by the Chair of the Public Disclosure Committee¹ and approved by the Performance Audit Committee. The request was a result of concerns about the “unfunded mandate” presented by public disclosure laws and what the committee perceived to be the growing financial impacts on the County.

The following section of the Revised Code of Washington (RCW) introduces the legislature’s intent regarding public disclosure:

The people of this state do not yield their sovereignty to the agencies that serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may maintain control over the instruments that they have created. --RCW 42.17.251

Summary of Results

Snohomish County expends \$518,767 per year and 12,771 employee hours responding to formal² Public Disclosure Requests (PDRs) and \$1,468,247 per year and 48,651 employee hours responding to all formal and informal PDRs. When a requestor chooses to receive copies of some or all of the material included in their PDR these copies are reimbursed at \$.25 per page³ for regular copies. This payment covers only the cost of making the copy itself and does not reimburse the County for staff time spent on document collection and preparation.

The trend over the last three years has shown regular growth in the number of PDRs. If this trend continues, Snohomish County can expect to spend an estimated one million dollars responding to formal PDRs by 2006. There are many opportunities to act on both internal and external issues to mitigate impacts. These short- and long-term opportunities are spelled out in the section below entitled *Focus Issues*.

¹ The Public Disclosure Committee is an Executive Committee.

² “Formal” and “informal” PDRs are defined further in the section titled *Public Disclosure Review*.

³ The \$.25 per page cost is required only for Executive Branch Departments.

After reviewing documentation and interviewing employees, we determined that Snohomish County and its employees report and demonstrate a desire to serve the public, meet expectations and follow state and local laws and existing policy regarding public disclosure. They have committed time and energy to public disclosure training and processes and are significantly ahead of many jurisdictions; however, some laws, policy and procedure are not consistently followed. This may be due to the newness of the Public Disclosure Committee and many Public Disclosure Officers are just learning the process.

There are four bills in the 2005 legislature regarding public disclosure; HB 1350, SB 5735, HB 1602 and HB 1758. The passage of any of these bills would alter the scope of Public Disclosure in Snohomish County. Readers should check the status of these bills to clarify current contexts.

Objectives, Scope and Methodology

The objectives of this study were to evaluate formal public disclosure between 2001 and 2004 in regard to resource use, quantity/quality of PDRs and compliance with legal mandates. Additionally, we identified opportunities for legislative action. To gather this information we used the following methodology:

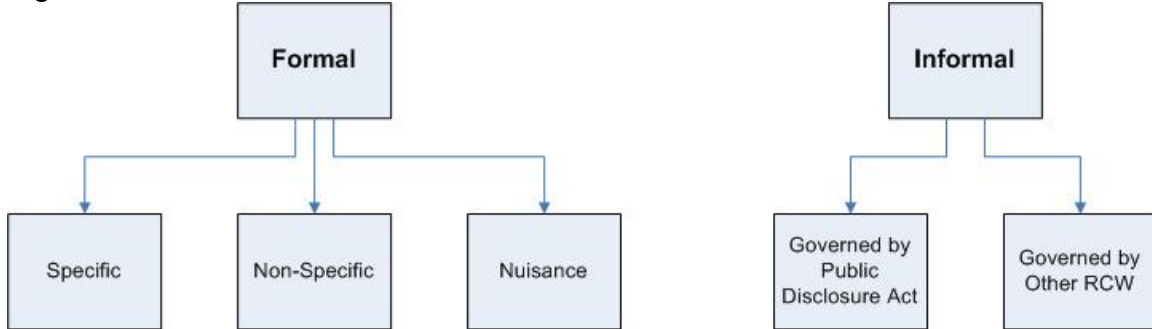
- Survey of Public Disclosure Officers (PDOs) in each department
- Interviews with PDOs from departments with high numbers of PDRs
- Review of Snohomish County Executive Branch public disclosure policy and procedure
- Data analysis (e.g. costing, forecasting etc.)
- Review of state and local regulations
- Review of other local jurisdictions' approaches to PDRs

PUBLIC DISCLOSURE REVIEW

Quality, Quantity and Resource Use for Public Disclosure

PDRs fall into two categories: formal and informal. Formal requests can be grouped into three categories: specific, nonspecific and nuisance. Informal requests can be grouped into two categories: those governed by the Public Disclosure Act and those governed by other RCWs. The following analyses focus on formal PDRs as they were the initial target of this study. Informal PDRs are included for information and comparison. Figure 1 illustrates the different types of PDRs.

Figure 1



Formal Request: Specific

Specific requests are submitted formally, using public disclosure forms or similar means, and result in a limited number of pages of information that can be collected and prepared in two hours or less. These requests are generally focused to a single identifiable document or process. For example:

- An incident report at the jail
- A site map of a proposed development

Formal Request: Nonspecific

Interviewed staff reported that they perceived some PDRs as nonspecific. For example:

- Every collision report within a 2 year period
- All DUI arrests for Officer X
- All documents that include the requestor’s name over a 3 year period
- All PDRs countywide for a two year period

Staff believed that nonspecific requests occur most often because the requestor doesn’t know what they want or how to best ask for it.

The decision in *Hangartner v. City of Seattle* determined that the request for “all books, records, (and) documents of every kind” was too broad. There are four bills in the 2005 legislature regarding public disclosure: HB 1350, SB 5735, HB 1602, and HB 1758. These bills would increase local governments’ responsibility to provide information.

A sub-category of the nonspecific request is the “pre-discovery” request. At times, when a party is considering or has initiated a lawsuit against the County the party or attorney will seek records related to the case through PDRs. This is currently sanctioned by the courts in *O’Connor v. DSHS* where the Court states that public records from a public agency are not exempt from disclosure even when they are available under discovery rules during a legal dispute.

A second sub-category of the nonspecific request is the “multi-departmental” request. These requests require records and collaboration from more than one department or office.

Formal Request: Nuisance

Interviewed staff reported that the County receives requests each year in which they perceive the requestor to have the primary purpose of acting as a “nuisance” to the County. These requests are much less frequent than other requests, but the impact on resources is significant. One example of this is a requestor who has made 266 separate requests for information within a few months; many of these requests are quite nonspecific in themselves.

Informal Request

Many departments and offices share information with the public as a matter of course, informal requests. For example, Public Works provides the public with information regarding their projects as they come to the counter. Redaction, the removal of non-public information from documents, is generally not needed and the information can be provided while the requestor waits. Specific records or charges of the Auditor, Assessor, Clerk, Medical Examiner and Treasurer are governed by RCWs other than the Public Disclosure Act. For quantification purposes, all informal requests were combined.

We estimated the cost of responding to formal PDRs in 2004 to be **\$548, 514**.⁴ Snohomish County employees spent an estimated **12,771** hours of work time responding to PDRs in 2004. When all formal and informal PDRs are included in the same time period, costs are estimated to be **\$1,468,247** and hours are estimated to be **48,651**.

Figure 2 **2004 PDR Cost and Hours**

	Formal Public Disclosure Response⁵	Informal Public Disclosure Responses⁶	All Formal and Informal Public Disclosure Responses
Cost	\$518,767	\$949,480	\$1,468,247
Hours Dedicated	12,771	35,880	48,651

⁴ We compiled this data from department/office responses to surveys and interviews. We obtained salary information and included benefits and overhead at 50% of salary, per the Finance Department. The Sheriff’s Office was included in formal requests because their PDRs are qualitatively similar to formal PDRs received by most departments/offices.

⁵ Appendix A

⁶ Appendix B

The Snohomish County Executive Branch completed a study which calculated the cost of providing document copies at \$.25 per page. Current state law does not allow the County to be reimbursed for staff time spent coordinating, locating or preparing documents for review. We did not ascertain how much money was collected by the County for copies provided during 2004.⁷

Figure 3

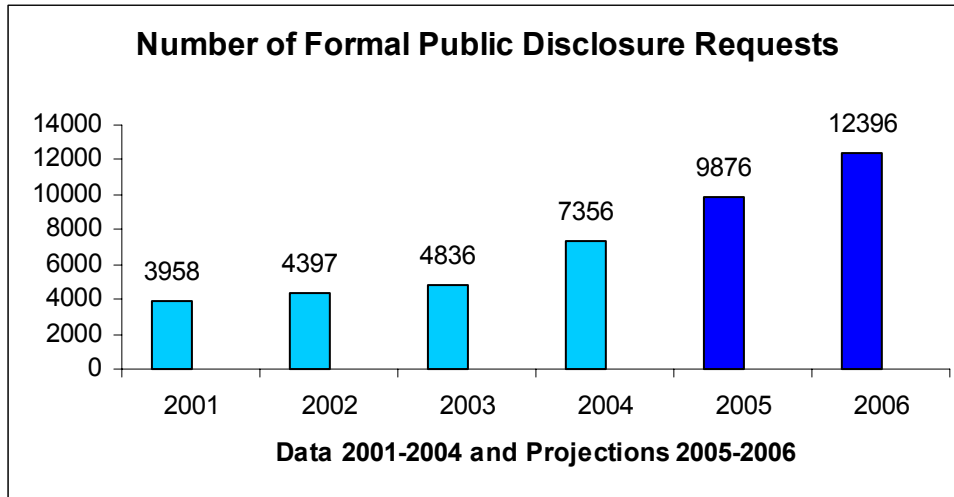


Figure 3 shows the reported quantity of formal PDRs received by Snohomish County from 2001 through 2004. Projections for 2005 and 2006 based on the growth trend from 2003 to 2004.

Figure 4

Years	% Change
2001-2002	11.09%
2002-2003	9.98%
2003-2004	52.11%

Figure 4 shows the percentage increase in the number of formal requests each year since 2001. The largest increase from our available data shows a greater than 50% increase in PDRs from 2003 to 2004. Employees in some departments/offices reported that for the first quarter of 2005 they have received more PDRs than they received during all of last year.⁸

⁷ This income is included in "miscellaneous income" for departments and is not material. For example, if we assumed that for each PDR departments/offices collected \$.25 per page for 10 pages (it is unlikely that this much is collected per PDR) then the total collected in 2004 would amount to \$18,390.

⁸ This is due in part to research into a contested gubernatorial election in Washington and an unusually large series of requests that the County has received from one requestor.

Figure 5

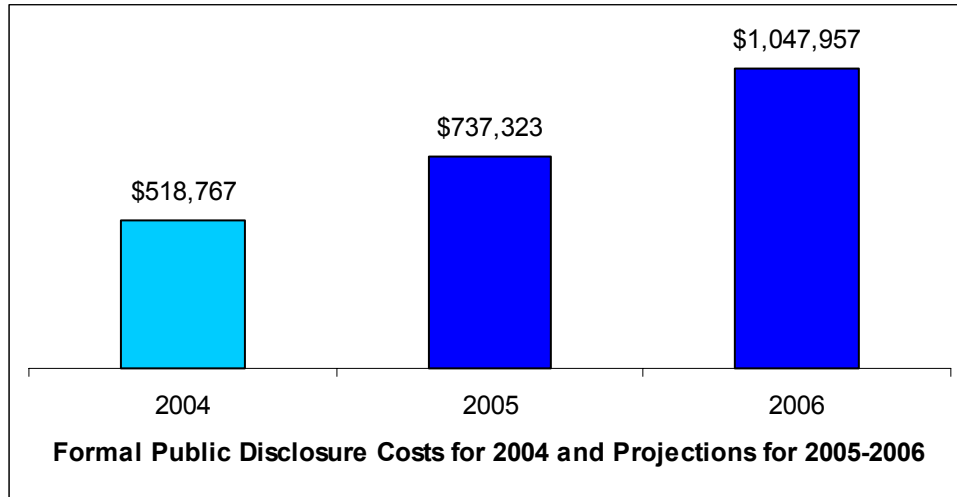


Figure 5 shows the costs to the County in responding to formal PDRs for 2004. Given trends for 2003 to 2004, the costs for public disclosure were calculated for 2005 and 2006.

Compliance with Laws and Regulations

Employees surveyed and interviewed for this study stated a desire to provide the public with information. Most employees were at least partially aware of the State and local laws and Executive procedure pertaining to public disclosure, however, some employees who did not fully understand these regulations or put them into practice consistently. We address these gaps and recommendations for improving compliance in the next section.

FOCUS ISSUES AND RECOMMENDATIONS

General Discussion

Consolidation

One issue that came up frequently in surveys and interviews was consolidation or partial consolidation of the PDO function. The potential benefits include:

- Improved PDR response consistency
- Identification of a process owner
- Decreased Civil Prosecuting Attorney time
- Building of public disclosure process expertise
- Improved data collection

Many staff who suggested consolidation perceived that it may take pressure off of individual PDOs, however, decreased time spent by individual department/office PDOs and staff could be minimal due to the need for localized staff to continue to identify and gather the documentation as well as answering questions requiring subject matter.

The costs of consolidation include:

- Salary/benefits/overhead of a person or persons to complete the duties
- Loss of content expertise

Of the other jurisdictions surveyed, only smaller local governments such as the City of Bellevue and the City of Kent utilize this process. King, Pierce and Spokane Counties utilize PDOs in each department. Because many of the benefits of consolidation can be captured in alternate ways (e.g. training and coordination) we are not recommending this process currently, however, we would recommend reviewing this decision after two years of more accurate data collection (see Recommendation 7) and refinements in other areas to determine if it could be cost effective.

Technology

The use of technology to systematize and economize access to and presentation of records for public disclosure are planned for implementation over the next few years. An Electronic Document Management System and Electronic Records Management System could be used for document management and a Contact Management System could be used for customer interaction management. County implementation and use of these systems to manage PDRs could facilitate the following improvements:

- Time savings in location of records
- Time savings in transmittal of records between employees for review
- Time savings in redaction of records
- Decrease physical resource use (space, paper and copying)
- Facilitate customer viewing of records
- Lead to more consistent and accurate public disclosure data

Focus Issues and Recommendations

Focus Issues are areas in which we determined that there is an opportunity for Snohomish County to act. These actions could improve effectiveness, economy and efficiency in the public disclosure process.

Focus Issue 1

Legislative changes may affect the quality of requests that enter the system.

Of primary concern to the County is the cost of formal PDRs estimated in this report for 2004 to be \$518,767 and 12,771 hours of employee time. There are two approaches to address this issue:

1. Change the quantity or quality of incoming requests
2. Improve County response efficiencies

We recommend that both issues be engaged simultaneously in order to effectively reduce costs to the County. Many of the recommendations in this section target the latter approach, so legislative opportunities are addressed in our first recommendation.

Recommendation 1

Parties to take action:

Snohomish County Council
Prosecuting Attorney
Executive

There are many opportunities to clarify, modify or add to the current RCWs that govern public disclosure. We recommend that the Executive and Council evaluate these opportunities and begin to draft and/or support legislation in the next session. We did not complete individual analyses on these items, an overview of the issues can be found in Appendix C.

- Develop a viable process to seek relief from nuisance requests in the courts.
- Allow for a non-refundable deposit for copy requests in some circumstances.
- Allow counties to charge for staff time searching and preparation of documents.
- In ongoing litigation, assure that the judicial process is used in lieu of public disclosure processes.
- Clarify:
 - The definition of “draft” as used in RCW 42.17.310(i)⁹
 - The scope of an “index” as stated in RCW 42.17.260
- Add the following exemptions:

⁹ Ordinance 2.51.120 was adopted by Snohomish County Council on 1-31-05 exempting the County from maintaining indexes.

- Protect intellectual property of non-employees
- Strengthen sanctions for violation of non-commercial use of information gathered through PDRs
- Protect addresses of all citizens in some cases, not just employees
- Protect employee photos from disclosure
- Protect phone and email requests and other sensitive information for employees who are DV victims

Focus Issue 2

Snohomish County Code and Snohomish County Executive Branch public disclosure procedure do not address all necessary issues.

Standard business practices require clear and thorough policy and procedure to act as a “control” for appropriate action by employees. Unclear policy and procedure can lead to inconsistent provision of service and actions that do not meet regulations. This results in increased liability exposure for the County.

Recommendation 2

Parties to take action:

Snohomish County Council

Executive

Public Disclosure Committee Chair

Snohomish County Code should be reviewed to address the following issues.

Executive policy should support these procedures.

- Require attendance at Public Disclosure Committee trainings and activities in order to continue to build skills and maintain consistency. It should be noted that attendance at committee meetings is currently high and that PDO commitment to the public disclosure process is highly regarded.
- Public disclosure forms should be consistently used for formal PDRs. Snohomish County Code (SCC) 2.51.050 states that, “All requests for public records shall be made by completing a form that is substantially similar to that provided by the Executive.” Executive Procedure #3 states that forms, “should be used whenever possible.” Currently, staff do not consistently use these forms.
- Describe which PDRs should be referred to the Prosecuting Attorney and when.
- Calculate, justify and post the fees to be charged for non-standard items such as color copies, copies larger than 8.5x11, CDs, tapes, DVDs, maps, and photos.

- Require that mailing costs be charged.
- Require that the owner of proprietary information be notified before the information is released by the County to allow them time to take the issue to court if they wish.
- Clarify policy regarding electronic records and the provision of records to requestors in electronic formats.
- Determine if it is allowable for requestors to bring their own duplication equipment onto County premises.
- RCW 42.17.290 requires that if a document has been requested but is scheduled for destruction it must be held and may not be destroyed until the issue has been resolved. A policy and procedure should be developed to meet this mandate.

Any changes to policy, procedure and County Code should be followed by ongoing training for PDOs.

Focus Issue 3

Nonspecific PDRs consume significant County resources.

Ideally, public and county interests would be met by responding to the need of the requestor in the most efficient manner. Nonspecific requests may be caused by confusion on the part of the requestor about what information they want and how to ask for it. Nonspecific requests are a primary contributor to the 12,771 hours and \$548, 514 in staff time spent on collecting and preparing documents in 2004.

Recommendation 3

Parties to take action:

Public Disclosure Committee Chair

All PDOs

As some departments are currently doing, staff should assist requestors in completing the public disclosure forms in person or by phone or email contact. Staff can determine the specific question and assist requestors in targeting the documents that will most efficiently and pointedly respond to their questions. Narrowing of requests should be put in writing by the requestor. During this process, PDOs should never refuse a request or question the requestor's need for or motivations regarding requested information. Further training is needed to avoid increasing liability exposure in this process.

Focus Issue 4

In 2004, an estimated 370 PDRs of varying sizes were collected and prepared by Snohomish County employees and then were not reviewed or copies paid for by the requestor.

Ideally, if County employees use resources to collect and prepare documents that time will be of public value. The requestor may be surprised by the volume or cost of the records and choose not to follow through. This results in costs for employee time and the copies themselves. One department noted that one un-reviewed request consisted of a file cabinet full of documents prepared for the requestor.

Recommendation 4

Parties to take action:

Public Disclosure Committee Chair

All PDOs

As many departments are already doing, PDOs should make personal, phone or email contact with requestors prior to responding to requests to estimate for the requestor the volume of the documents requested and the cost for duplication of those records. SCC 2.51.100 allows for advance charging for records. In large volume requests the PDO should require, at minimum, a deposit for records copied. PDOs should also inform the requestor that records will be made available for inspection at no cost.

Focus Issue 5

Multiple department/office requests are not always handled in an efficient, accurate and effective manner.

Multi-department/office requests should be handled in an efficient, accurate and effective manner. There is currently no “process owner” for these types of requests. There is often confusion, inefficiency and error.

Recommendation 5

Parties to take action:

Public Disclosure Committee Chair

All PDOs

As sometimes occurs, all formal PDRs other than “specific” requests should be announced in a group email to the PDOs of each department/office. If the same request has gone to multiple parties or if responsive documents reside in two or more departments/offices a “lead” PDO should be identified to coordinate all communication, correspondence, timeliness and documentation for the request.

Focus Issue 6

Records in Snohomish County in many departments are not maintained in an easily retrievable format.

The Washington State Archives and the National Archives and Records Administration along with the Municipal Research and Services Center of Washington recommend that records should be retained appropriately, accessible and thorough. Snohomish County has not developed policy and procedure or an overall records strategy. The result of this is longer document gathering times and lack of confidence that all records responsive to a request are actually produced to the requestor.

Recommendation 6

Parties to take action:

Snohomish County Council

Executive

Department of Information Services

We recommend that Snohomish County Council and Executive focus on development of a comprehensive records management system. Governing code and policy/procedure should be developed and work should begin including all departments to train staff and pull records into a cohesive system.

Focus Issue 7

Fully accurate data for time spent on public disclosure in Snohomish County is not readily available.

When detailed records are kept, data driven decisions can be made. There have not yet been coordinated efforts to collect accurate time and cost data.

Recommendation 7

Parties to take action:

Public Disclosure Committee Chair

All PDOs

Two PDOs, the Prosecuting Attorney's Criminal Division and Public Works have been keeping detailed time logs¹⁰. Many other PDOs have been keeping good records that do not include time calculations. If PDOs collected this data carefully for two years the County could make some informed decisions regarding the structure of the public disclosure system and budgeting/planning for these costs.

¹⁰ See sample time tracking sheet in Appendix D.

APPENDICES

Appendix A: Time and Cost Calculations for Formal PDRs¹¹

Department	Est. % PDO FTE spent on PD for 2004	Cost with Salary, Benefits, and Overhead (50%)	Est. % FTE of other staff spent on PD for 2004	Cost with Benefits and Overhead (50%)	Est. Total Cost
Assessor	1.25%	\$1,080.90	Unknown		\$1,080.90
Airport	1.25%	\$1,453.47	0.00%		\$1,453.47
Auditor	1.44%	\$1,557.30	Unknown		\$1,557.30
Clerk	0.10%	\$110.67	Unknown		\$110.67
Corrections	2.50%	\$3,445.35	50.00%	\$49,980.24	\$53,425.59
County Council	10.00%	\$967.63	4.00%	\$3,797.86	\$4,765.49
Executive	28.51%	\$21,274.15	0.00%	\$0.00	\$21,274.15
Facilities Mgmt	1.25%	\$1,602.04	0.63%	\$393.84	\$1,995.89
Finance	0.10%	\$168.89	0.00%	\$0.00	\$168.89
Hearing Examiner	0.00%	\$0.00	0.00%	\$0.00	\$0.00
Human Resources	1.25%	\$834.71	1.25%	\$594.70	\$1,429.41
Human Services	0.00%	\$0.00	0.38%	\$305.33	\$305.33
Information Services	0.34%	\$336.93	1.88%	\$3,720.74	\$4,057.67
Medical Examiner	3.13%	\$3,052.28	6.88%	\$4,226.84	\$7,279.12
Parks and Recreation	0.38%	\$287.00	0.38%	\$202.50	\$489.50
Planning & Dev Services	25.00%	\$31,994.19	10.00%	\$6,683.35	\$38,677.54
Prosecutor, Civil	21.30%	\$36,875.00	2.12%	\$1,701.98	\$38,576.98
Family Support Div	8.75%	\$6,529.34	1.56%	\$1,165.95	\$7,695.29
Criminal	30.00%	\$50,674.41	Unknown		\$50,674.41
Public Defense	0.05%	\$35.88	0.00%	\$0.00	\$35.88
Public Works	13.75%	\$10,260.38	4.86%	\$9,228.33	\$19,488.72
Sheriff	3.13%	\$4,640.96	375.00%	\$258,035.63	\$262,676.58
Treasurer	0.77%	\$550.20	Unknown		\$550.20
District Court	0.29%	\$407.48	Unknown		\$407.48
Superior Court	0.24%	\$308.09	Unknown		\$308.09
Board of Equalization	0.14%	\$141.08	Unknown		\$141.08
Boundary Review Board	0.14%	\$141.08	Unknown		\$141.08
TOTALS	155.05%	\$178,729.41	458.93%	\$340,037.29	\$518,766.71
 Hours Dedicated to PDR	 3225.08		 9545.7		 12,770.78

¹¹ We believe that information reported here is a good general representation of actual costs. In many cases we believe that it is also likely that PDOs either over- or under- estimated time spent.

Appendix B:
Time and Cost Calculations for Informal PDRs

OTC Requests	FTEs	Yearly Cost (average salaries + benefits and overhead)
Planning	1.00	\$55,227.60
Public Works	3.00	\$204,444.00
Auditor-Records	3.00	\$160,272.00
Assessor	3.25	\$158,622.75
Clerk	4.00	\$220,910.40
Treasurer	3.00	\$150,003.36
	17.3	\$949,480.11

Appendix C:
Legislative Option Overview

Option:	Seek Relief in the Courts	Non-Refundable Deposit	Allow Charging for all Staff Time
Potential Savings	Potential for significant savings by reducing or eliminating many "nuisance requests"	This option may encourage requestors to limit PDR targets but a deposit could not be collected unless copies were requested.	Significant savings could be realized.
Politically Viable	There could be opposition to this from some citizen groups including media.	May be viable	We would anticipate significant opposition.

Option:	Judicial Process in Ongoing Litigation	Add Exemptions	Consolidate
Potential Savings	This option could decrease costs.	This option would likely add cost due to need for training and additional time spent in redaction.	This option would improve compliance with laws by making them clearer. Savings would be minimal.
Politically Viable	We would anticipate opposition.	We would anticipate opposition to some of the exemptions listed.	We would not anticipate significant opposition.

Appendix D:
Sample Time Tracking Spreadsheet (PA Criminal)

DATE	Requestor Name	Redaction Time	Copy Time	Phone calls	E-Mails	Letters	PDO File Review	Client File Review	Misc.	Comments	Total Time
1/24/2004	x				0:02					05F00xxx	0:02
12/8/2004	x	31:00	4:45	1:30	0:10	0:15	3:17			Copy time includes burning 11 CD's.	40:57
1/1/2005	x			0:10	0:03					Request for Stats we don't keep	0:13
1/7/2005	x	1:30	0:30	0:05	0:02	0:08	0:47			01F02xxx	3:02
1/10/2005	x					0:03				96F0xxx	0:03
1/10/2005	x					0:02				No File in our office	0:02
1/11/2005	x			0:07		0:03					0:10
											0:00
											0:00
										CASE	
										SUBTOTAL	44:29
										TASK	
	Per Task-	32:30	5:15	1:52	0:17	0:31	4:04	0:00	0:00	SUBTOTAL	44:29

RESPONSES TO REPORT

Response from Executive Office Executive Director, Thomas Fitzpatrick

March 10, 2005

I have reviewed the draft performance audit relating to public disclosure. This report confirms that responding to public disclosure requests requires a significant, and ever increasing, commitment of resources by Snohomish County. The report contains some recommendations to improve efficiency and responsiveness which the Executive will endeavor to implement in conjunction with the other entities of County government listed in the report. However, as your report notes, some of the recommendations would require legislative changes in state law which over which local government has no control. Thank you for your work. March 10, 2005

Thomas M. Fitzpatrick
Executive Director
Snohomish County Executive Office
3000 Rockefeller Ave., M/S 407
Everett WA 98201
425-388-3123
425-388-3434 fax

Response from Councilmember and Council Operations and Performance Audit Committee Chair, Dave Gossett

February 25, 2005

I want to thank you for the opportunity to review the Draft Audit and discuss it in Operations and Performance Auditing Committee on Monday. I do have a few comments.

- 1) The proposed legislative agenda is ambitious (Recommendation 1). I understand the rationale behind the various proposals but believe many will not find support in the legislature. Some also will need additional definition: for example, how is a "nuisance request" defined. I also believe there is one other area that should be added and that might have a higher degree of success in the legislature. We could propose a non-refundable deposit for requests where they are of a large size or where previous requests from this individual have never been picked up and paid for. I do not support such a deposit in all cases but only in the examples mentioned above.
- 2) I have some reservations about requiring attendance at all training sessions (Recommendation 2). There is a vast difference between the level of skill and it would not be a productive use of time for employees who are well aware of the law to sit through basic training sessions. Making sure all employees had the proper skills might be a more productive way to get to the same end.

- 3) Just a clarification re: the second bullet in Recommendation 2. For formal requests we should always and consistently use the public disclosure forms. Many of the requests are informal in nature and I do not believe the forms should be used in those instances.
- 4) I strongly agree that when a request goes across department lines a single person should be identified as the “lead” for the request (Recommendation 5).
- 5) Recommendation 6 raises concerns for me, although it may be a misinterpretation on my part. By way of explanation let me explain the way documents are kept in the council. The official records of the council—minutes, ordinance, motions, and the accompanying staff reports, exhibits, etc.—are all part of a comprehensive records management system. When a public information request is made the Clerk of the Council reviews all of these records. However, that request will also cover papers in my files, in my aide’s files, in the legislative analyst’s files, etc. There is no comprehensive system for those files and I do not believe there can or should be. In my case, both as an analyst and a councilmember, these files consist of notes I have taken at meetings, briefing papers I have marked up, newspaper articles I have saved, papers from workshops (not county sponsored) I have attended, materials from meetings related to the county but which are not county meetings (for example Community Transit or the Health District), etc. Often there are documents relating to projects I am working on but am not ready to present to others. These documents seldom belong in the official record (and if they do a copy is already there). They are my materials that need to be organized in a way I can easily access them and that should not be open to casual inspection by others. If your recommendation covers these kinds of documents I do not believe it will work as a practical matter.

Overall, I would like to compliment you on the quality of the audit report. The amount of money spent on public records requests was certainly an eye-opener.

Dave Gossett
Councilmember, District 4

Response from Public Disclosure Committee Chair and Finance Director, Roger Neumaier

February 24, 2005

KyMBER Waltmunson
Snohomish County Performance Auditor

I am responding to the draft Public Disclosure Study (dated 2/23/05) in the context of my role as chair of the Public Disclosure Committee. The draft study presents the best summary that I have seen of current public disclosure related challenges facing the County and its public disclosure officers. The estimates of cost appear reasonable and I can confirm your account of growing public disclosure workloads over the past few

years. Over this period, the committee has worked to assure that we are meeting legal requirements and to achieve consistency and efficiency in our response to disclosure requests. Your suggestions for improvements in our processes and procedures are duly noted and will be brought to the Public Disclosure Committee for discussion with the intent of inclusion in our protocols.

Thank you again for your thorough analysis and timely report.

Roger Neumaier, CPA
Snohomish County Finance Director

**Response from Information Services and
Administration Manager, Val Wood**

Friday, February 25, 2005

KyMBER,

I have also reviewed the draft Public Disclosure Study (dated 02/23/05) and concur with Roger's comments. This is an excellent representation of the workload to our agency for Public Disclosure.

In addition to working with Snohomish County departments on Public Disclosure, I also attend regional meetings with other governmental records staff who also deal with this law. From the discussions at our recent meeting, it is apparent that we are ahead of many other organizations with our public disclosure County Code, countywide Public Disclosure Committee and now this report. Thanks for taking the time to gather and report the information from so many of us in the departments!

Please let me know if I can be of further assistance.

Val Wood
Information Services & Administration Manager
Department of Information Services