

**PROPOSED  
Submitted to  
Council  
May 13, 2009**



## **Salt Lake City's Open Government Initiative**

Government functions best when it is open, inclusive, responsive and accountable for its actions. Communities are strong when residents understand and participate in the civic process, have access to good, clear information, and are able to place confidence in their public officials. Openness in government is the basis for accountability, improved decision-making, public trust, and informed participation.

The principle of open, transparent government reaches virtually every aspect of Salt Lake City's operations — everything from the adoption of an ordinance to the posting of an annual budget or the way the City responds to a customer's inquiry about a water bill.

The purpose of this initiative is to provide a centralized focus for the City's ongoing efforts to provide greater transparency, openness and collaboration. The City believes this project will benefit the public by developing an overall City policy on openness while identifying additional areas where greater transparency, openness and collaboration can lead to more effective government.

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### ***Proposed General Work Plan***

The proposed General Work Plan contemplates coordination between two spheres working contemporaneously – the Open Government Steering Committee and the individual City Departments. The Open Government Steering Committee will operate at a general level, surveying best practices and developing guidelines for each of the topics in the general work plan. The individual departments will apply the City's Policy on Open Government adopted by the Mayor and City Council and the Guidelines developed by the Steering Committee to their specific departmental functions as appropriate.

Guidelines will be revised based on departmental experience. The Steering Committee and individual departments may also work together on pilot projects to test particular approaches for broader application.

The numbered paragraphs are in rough order of priority of uncompleted work. The paragraphs relating to work already completed or significantly so (e.g. Fraud Prevention) are listed toward the end.

- (1) **Transparency of the Open Government Project.** There is no better place to start with more “openness” in City government than with this project itself. This proposed scope of work was distributed for public comment at the outset to ensure public participation in determining what the “scope of work” of the project should be. Public input will be sought throughout the project.
- (2) **City Policy on Open Government.** A variety of state and city laws address open government in particular contexts, but there is no overarching statement of City policy on open government. Adoption of a City Policy on Open Government will not only provide guidance to City employees on how to approach particular situations, but will stand as a commitment to the residents of Salt Lake City.
- (2a) **Employee Engagement.** In order for the open government initiative to succeed, the City’s employees must understand the value of open government and be committed to providing more open government. This project will consider the best ways to achieve employee engagement.
- (2b) **Internal Transparency.** While our focus has been on providing greater transparency to the public, we must not lose sight of the benefits of greater transparency in the internal workings of City government. This project will consider ways to make the operation of City government more effective through increased internal transparency.
- (2c) **Baseline Assessment and Department Specific Initiatives.** Because every department is different, as are the various functions within a department, department specific approaches to greater transparency, openness and collaboration are likely to be more effective. In order for the City to identify the most beneficial areas to target and to measure progress, it is necessary to conduct a baseline inventory of current practices. In order to pursue both these points, on April 13, 2009, Mayor Becker requested the Chief of Staff and the Department Directors to submit to him by July 10, 2009 a written assessment of : (1) whether their services are accurately and completely described on slcgov.com; (2) whether there are categories of documents not currently available on slcgov.com that would help the public better understand the actions taken by their departments; and (3) whether there are

additional ways their departments could obtain public input that would assist their departments in serving the public more effectively.

- (25) **Best Practices and Guidelines.** Other municipalities around the country have introduced open government initiatives. The Obama Administration is also undertaking a major open government initiative. Much is being written about transparency and e-government in academic circles. We will continue to research best practices and academic literature.

Based on this research and the City's own experience, the Steering Committee will develop guidelines for the use of the individual departments in developing the open government initiatives appropriate for their activities.

- (3) **Documentation and Records Management.** Transparency is not possible without appropriate, easy-to-understand documentation of City actions. Guidelines will be developed on the types of City actions that need to be "documented" that are not being documented today and the types of information that will be included. Good documentation provides accountability and clarity as well as the basis for the actions that have been taken.

A specific issue that will be addressed as part of Records Management will be the use by City officials and employees of private e-mail accounts and new social networking technologies to conduct City business. Guidelines will be developed to assure that the City has copies of all records constituting City business.

- (4) **Proactive Provision of Policy Information.** The City currently responds to document information requests under the State Government Records Access and Management Act (GRAMA). The obligation to provide access to City documents under GRAMA is triggered only by a citizen request. While GRAMA ensures "the public's right of access to information concerning the conduct of the public's business," it does not create any affirmative obligation to provide documents independent of a request. Moreover, GRAMA only applies to existing documents. It does not provide a right to information that has not been embodied in a "document." Guidelines will be developed encouraging such proactive provision of information to the public.

- (5) **Proactive Provision of Process Information.** Residents and community councils are interested in giving input, making recommendations or giving feedback that matters to them, to their neighborhoods or to the city at large, but are often confused about the process of how to best communicate the information, where it should be given, or how it will be utilized. There seems to be some frustration in the community about how things get done at

City Hall. For example, a recurring source of community frustration is a lack of clear information about how land use decisions are made administratively and how to appeal a land use decision once it has been made. A list of City processes warranting public explanation will be developed and appropriate explanations placed on the City website.

- (6) **Integrity of Process.** Open Government does not exist if the process that is actually followed is different from the process that is publicly documented. The overall Policy will address the importance of following publicly stated processes.
- (7) **Predictability and Consistency.** Predictability and consistency are critical elements of effective government. Increased transparency should not only provide greater predictability and consistency but will also, through public documentation, provide the means to assess how consistent and predictable Salt Lake City government is.
- (8) **Identification of All Key Interests.** While many actions taken by the City require public notice, public notice may not always reach all affected or interested residents. The City Policy on Open Government will carefully address identification and advance notification of interest groups and methods that allow healthy dialogue of varied interests in a collaborative process so that varied impacts, opinions and options can be considered.
- (9) **Available Media.** The City has available to it a variety of media to provide information to the public. The Open Government project will assess whether the City is using media to the fullest extent.
- (9a) **Websites.** Greater use of the slcgov.com website will be based on two principles — information that is “user useful” as well as “user friendly.” “Searchability” and “sortability” are also key functions for effective transparency. Redesign of slcgov.com to make it more “user friendly” will be pursued, consistent with budget limitations.

A number of City departments and divisions have their own websites. An inventory of all City websites will be compiled and this project will assess whether adequate “linkage” among the various websites is being provided. Guidelines will be developed on the most effective way to use slcgov.com to its full capability for providing information, advance notice, training , receiving input, etc.

- (9b) **Non-Electronic Media.** Some citizens do not have access to or do not feel comfortable with electronic media. Therefore the City will consider how to use traditional means of communication such as the Salt Lake City Public Library system, to assure that the benefits of increased openness are realized by all citizens, not just those with electronic access.

**(9c) Channel 17.** The City is increasingly making use of Channel 17 to cover City Council and Planning Commission meetings and to provide general information to the public. Extending coverage to additional public bodies will be considered. Guidelines will be developed on the most effective way to use Channel 17 to its full capability for providing information, advance notice, training, etc. Public input on how to use Channel 17 more effectively will be sought through the community councils and other groups.

**(9d) ACCELA.** The new software being introduced by the Community and Economic Development Department has a “public participation and access” module. Recommendations will be developed that enhance its use. The City will also review the alternate tracks available for computer literate and non-computer literate residents.

**(9e)**

**(9f) Newsletters and other media.** An inventory of all such City communications will be compiled and an assessment made of whether there are any gaps or confusing duplication.

**(10) Public Participation – Information Gathering/Public Input.** One of the most effective ways to provide transparency is through citizen participation and inclusion in government. The City already provides for citizen participation in a variety of contexts. Citizen advisory boards exist for a wide range of City activities—everything from the airport to sister city exchanges. Community Councils play a key role in the land-use planning process. This project will look at how effectively the City has provided for citizen participation as well as the method used and the weight given to citizen input that is received.

This project will also consider how the City can more effectively obtain valuable public input at critical stages in the decision-making process.

Timing of the current formal process will also be examined. Community concern has been expressed about the lack of opportunity to provide public input at key stages, the amount of time given for public comment, how public written material is incorporated for consideration, and the weight given to public input.

Will consider methods, such as those developed by the International Association for Public Participation, for individualizing the public process to meet the needs of the particular issue.

**(11) Additional Forms of Public Notice.** Under current law, public notice consists of placement on the state website (effective October 2008),

newspaper publication and posting at the City & County Building. State law encourages the City to consider additional forms of electronic notice. State and City law determine who must be given individual (usually through the mail) notice. The project will consider additional ways to give notice and/or broader individual notice to the many citizens in the city, including renters as well as homeowners.

- (12) **Feedback to Citizens.** Feedback to residents on how their input did (or did not) affect a public decision can be important to the public. The project will consider how such feedback can be provided effectively.
- (13) **Considerations Specific to the Executive Branch.** The operations of the executive branch are rarely if ever subject to the Open Meetings Act. The project will consider whether there are ways to introduce greater transparency into the deliberations of the executive branch and for direct communication with citizens.
- (14) **Administrative Rule Making.** The notice provisions in the Open Meetings Act provide that the legislative process followed by the City Council in adopting an ordinance will be known to the public. However, the Open Meetings Act does not apply to administrative rule making by the executive branch. Current City policy does provide that draft administrative rules will be circulated “to a reasonable audience of affected customers for comment during the development process,” but more specific guidance is necessary.
- (15) **Considerations Specific to the City Council.** The City Council and Council staff have developed a number of communication outreach initiatives, which include making the language of public hearing notices more understandable to the public. Council staff also has been taping announcements of upcoming public hearings to air on SLCTV and the City’s website. The websites for the individual Council members are being enhanced to provide more information for constituents.
- (16) **Conflict of Interest and Campaign Finance.** The City’s current conflict of interest chapter was enacted in 1998 and has been amended several times since then. The basic model is “disclose” and “recuse.” The project will consider whether the conflict of interest processes are sufficiently open.

Similarly, the project will consider whether the various campaign financing disclosures filed with the City are sufficiently accessible to the public.

- (17) **Financial Transparency.** The City will build on the work done in the Spring of 2009 to make the budget process more transparent. This project will also follow the work of the Utah Transparency Advisory Board, which

advises the State Division of Finance on what public financial information must be made available on the Internet. The Salt Lake City Council and Administration already make available to the public a wide range of budget information including City contracts. The project will look at how this information could be more easily accessible. We will also consider making more information available on City contracts.

- (18) **Handling Mistakes.** Mistakes are a practical reality in an organization handling large numbers of broad and complex decisions. Sometimes mistakes are discovered in mid-stream, but sometimes they are not discovered until years after the original decision was made and corrective action is problematic. Guidelines will be developed for handling and exposing mistakes.
- (19) **“Understandability” of City Communications and City Code Provisions.** Many parts of the City Code are not readily understandable to the average resident or business person, preventing proper adherence to the Code and precluding the notion of transparent government. A number of sections of the City Code evaluated with reading grade level software tested out at college graduate level and higher.

The same problem is present in many of the City’s everyday written communications with the public. Guidelines for drafting easily understood documents and ordinances with clear intent statements will be a part of the City Open Government Policy.

We will also consider how to address the needs of citizens who do not speak English

- (20) **Defining the Harm from Disclosure.** Both GRAMA and the Open Meetings Act recognize that in certain specific instances the public interest may actually be harmed by disclosure. This project will develop guidelines for assessing the harm to the City that could result from disclosure.
- (21) **“Free Thinking Zone.”** Government entities, like other organizations, function most effectively when creative “outside-the-box” thinking is encouraged and supported. Unorthodox, controversial brainstorming may be discouraged if the proponent is concerned the idea will be subject to public scrutiny. A governmental entity’s need for a “free thinking zone” is reflected in various exceptions in the Open Meetings Act and GRAMA. At the same time, there may be a significant interest in knowing what alternatives were considered, but not pursued. This project will consider how to strike the balance between openness and the need for a free thinking zone in order to best promote the public interest.

- (22) **Employee Privacy.** GRAMA recognizes the importance of employee privacy by providing exemptions from disclosure in specific circumstances. Similarly, the Open Meeting law permits a closed meeting to discuss the performance of an individual employee. At the same time, the performance of a city employee necessarily has some public interest implications. The project will develop guidelines to facilitate a fair balance between the public interest in employee performance and the personal privacy of employees.
- (23) **Security Measures.** The Utah Code provides that a municipality's records "regarding security measures designed for the protection of persons or property, public or private" are not subject to GRAMA. Similarly, federal laws prohibit disclosure of security information relating to facilities such as airports and the public water supply system. This project will recognize the legitimate public interest in the protection of security information.
- (24) **Legal Advice of the City Attorney's Office.** Legal advice is protected from disclosure by the attorney-client privilege, but as the "client," the City is always free to waive that privilege. The City may decide the public interest in some subject matter outweighs the need for confidentiality in the communications between City officials and their lawyers.
- (25)
- (26) **Citizens' Advisory Committee on Transparency.** The project will consider whether a citizens' committee should be appointed to advise the City on transparency issues in the future.
- (27) **The Cost of Transparency.** Transparency does not come free. For example, the cost of making city documents more accessible undoubtedly will be significant, particularly when scanning older documents. The cost of redesigning slcgov.com to make it more "user-friendly" could also be significant. The financial realities imposed on the City's budget by current economic conditions will need to be considered as part of this project.
- (28) **City Government 101.** Providing increased access to information and city government processes is important, but information and participation are insufficient by themselves if citizens do not have the opportunity to understand how city government works. The open government project will consider ways to better inform the citizenry on how City government works.
- (29) **Fraud Prevention and Detection.** Large organizations should have a fraud policy to guard against violation of the public trust. In order to promote consistent development of controls that will aid in the detection and prevention of fraud and abuse of public resources, Mayor Ralph Becker signed City Policy 3.02.12 FRAUD PREVENTION AND DETECTION December 17, 2008, which went into effect January 6, 2009.

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More openness can have a transformational impact on how government serves those who live, work and invest in Salt Lake City. Clear procedures and accessible, easy-to-understand records and information will promote the accountability of our public servants as they make decisions and conduct the public's business and will invite the participation of residents to collaborate in the strengthening and governance of our Capital City.