TRANSPARENCY 101

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First things first

Download the conference app!

- Search “CrowdCompass Directory” in the App Store or Google Play Store
- Search “ULCT” and download the event
- That’s it, you’re done!

- There will literally be a quiz on this

Transparency 101

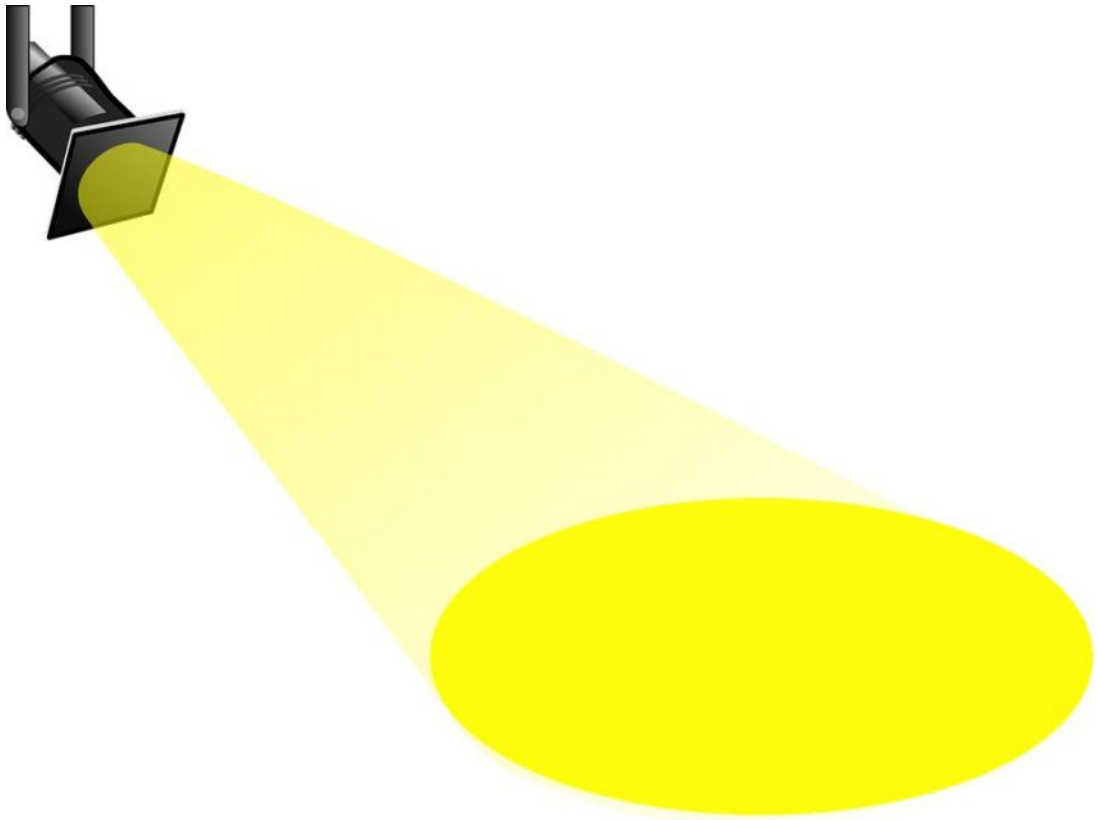
- Transparency as a concept
- Where does transparency begin?
- Where does it go from there?
- Where does it end?!

- Open & Public Meetings Act
- GRAMA
- Transparency in Government Act

- Office of the State Auditor
- Technology & Transparency
- The ULCT "survivor story"
- Your stories:
  - GRAMA request nightmares
  - Transparency failures & successes
  - Local innovation

Transparency as a concept

- “Light is the best disinfectant”
- More than just “we’ve got nothing to hide”
  - Encourages citizens to be more engaged
  - Enables them to provide input
- Expectation of democracy
- Increased expectation in a technological age
- Trust & Participation



Question #1

What law initiated the first modern transparency requirements in the state of Utah?

- Open & Public Meetings Act
- GRAMA
- GRAMPA
- Transparency in Government Act

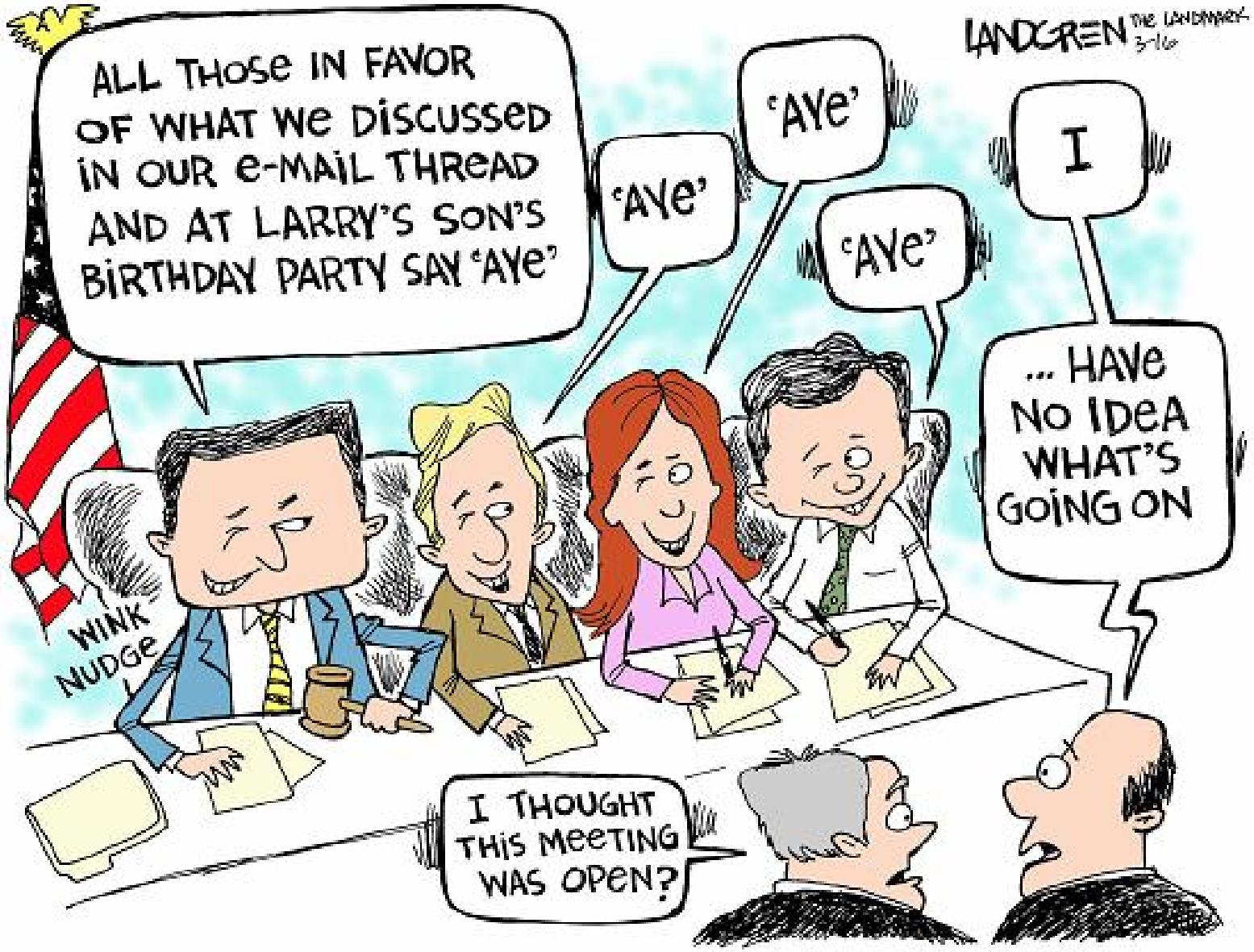
View Results!

Where does transparency begin?

- Open and public meetings
- Notice requirements
- Hearing requirements
- Recording requirements

Open & Public Meetings Act

- Title 52 Chapter 4 of the Utah Code
- Defines a meeting as being a convening of a public body when a quorum is present
- Meetings include workshops, executive sessions and it does not matter if the meeting is held in person or by means of electronic communications
- Reasons for closing a public meeting are very narrow
  - discussion of the character, professional competence, or physical or mental health of an individual
  - strategy sessions to discuss collective bargaining
  - strategy sessions to discuss pending or reasonably imminent litigation
  - strategy sessions to discuss the purchase, exchange, or lease of real property
  - discussion regarding deployment of security personnel, devices, or systems
  - investigative proceedings regarding allegations of criminal misconduct


LANDGREN THE LANDMARK 3-16
ALL THOSE IN FAVOR OF WHAT WE DISCUSSED IN OUR E-MAIL THREAD AND AT LARRY'S SON'S BIRTHDAY PARTY SAY 'AYE'
'AYE'
'AYE'
'AYE'
I
... HAVE NO IDEA WHAT'S GOING ON
WINK NUDGE
I THOUGHT THIS MEETING WAS OPEN?

Open & Public Meetings Act

- Requirements for public notice
  - 24 hours in advance
  - Published to public notice website
- An audio recording must be made and minutes must be kept
  - These must also be published to the public notice website
- David Church knows all!

Where does transparency go from there? GRAMA

Question #2

How long does a city have to fulfill a GRAMA request for a document the city failed to produce (but was required by law to do so)?

- 30 days
- 10 days
- 5 days (if it is an expedited request)
- None, you don't have to

View Results!

Government Records Access & Management Act

- Title 63G Chapter 2 of the Utah Code
- GRAMA defines what a record is and establishes the criteria for accessing government records
- Public record means a record that is not private, controlled, or protected and is prepared, owned, received or retained by the governmental entity
- Specific records are deemed private, controlled, or protected
- All based on balancing tests between public interest v. personal privacy or v. significant government interest
  - Federal regulations (HIPAA, FERPA, etc.)

Government Records Access & Management Act

- Response time
  - 10 business days
  - 5 business days if expedited response is requested
  - More time for extraordinary circumstances
- Retention schedules
  - Allowed to set own retention schedules for how long to keep most records
  - Without your own retention schedule, you default to the State Records Committee schedule
- Fee schedules
  - Set process for copies, hard drives, etc.
  - Allowed to charge for the time of the lowest paid employee that is capable of fulfilling the request
  - Fee waivers can be requested

And where does transparency go from there?

- Actively publishing financial information
- Utah Public Finance Website

Question #3

Entities with a budget less than _____ do not have to upload to Utah Public Finance Website?

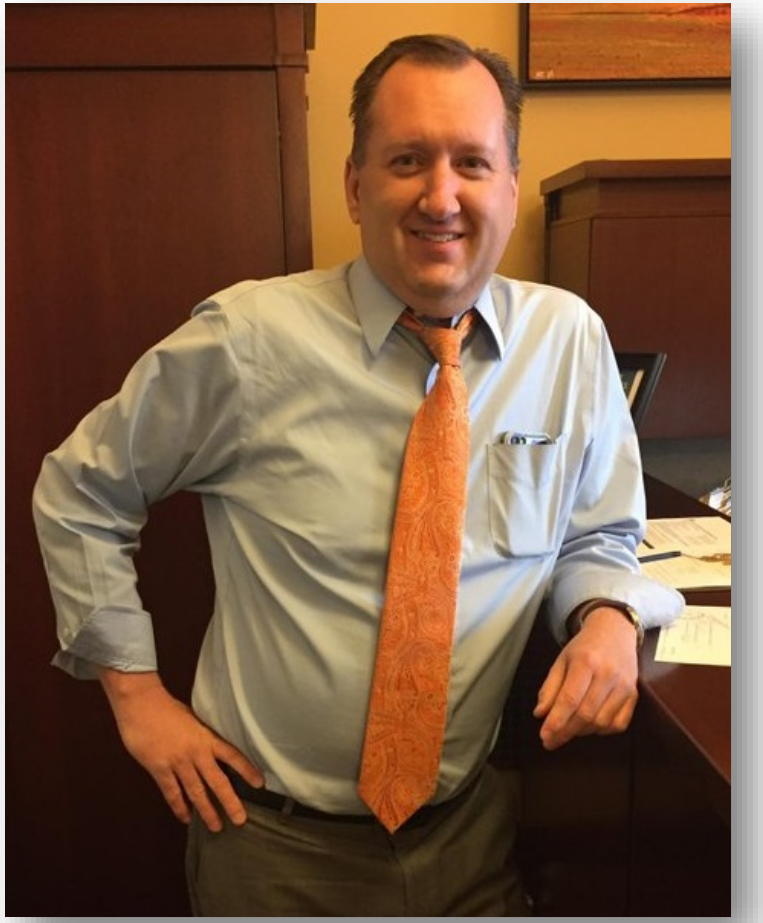
- $1,000,000
- $500,000
- $250,000
- All entities must upload regardless of size

View Results!

Transparency in Government Act

- Title 63A Chapter 3
- Creates Utah Transparency Advisory Board & Utah Public Finance Website
- Participating entities must upload transactional financial data for public viewing
- As of 2016 all local governments **regardless of budget size** must participate
- Darrell Swensen, Transparency Coordinator at the Utah State Division of Finance is your go-to-guy!

Office of the State Auditor



- Enforcement
- Must submit yearly audited financial statements, official budget, etc.
- Able to withhold state distributed funds, freeze accounts, audit, and recommend charges
- But don’t be scared!
- Training
- Local entity input
- Partnership

Technology & Transparency

- 128 GB flash drive v. 132 MB worth of floppy disks
- Moore's Law
- It just keeps getting better and better
- Public expectation

Where does transparency end?!

- It never ends!
- Increased capabilities inevitably lead to increase expectations and requirements
- Local innovation
  - Streaming public meetings
  - Active posting of public documents
  - Other ideas/practices?
- Don’t ignore your residents!

ULCT's "Survivor Story"

- Open and Public Meetings Act
  - Public Notice
  - Budget Hearings
  - Audio Recording
- Public Finance Website
  - Interlocal entities included starting FY 2013
- GRAMA
  - Compliant, just never really got any until we were in the news

ULCT's "Survivor Story"

- Updated policies
  - Clear delineation of who does what
- Worked with state agencies to get up to date
  - State Auditor
  - Division of Finance
- Change of culture with an emphasis on transparency and accountability

Your stories

- GRAMA request nightmares
- Transparency failures & successes
- Local innovation
- Others

Questions?

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