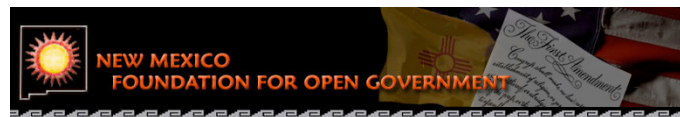


Report on Transparency in Santa Fe County Government

*Submitted by the Santa Fe County
Transparency Advisory Committee*



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June 2009

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PREFACE

“I mean it. Turn your records over . . . for too long a time now, there’s been too much secrecy . . .”

President Barack Obama, January 21, 2009, the day following his inauguration

We must make “certain that government will belong to the people, not the people to the government . . .”

Bernard Baruch (speech on presenting his papers to Princeton University, May 11, 1964)

“The people’s government, made for the people, made by the people, and answerable to the people.”

Daniel Webster (second speech on Foote’s Resolution, January 26, 1830)

“Information is the currency of democracy.”

Thomas Jefferson

“Secrecy and a free, democratic government don’t mix.”

Harry S. Truman

I. INTRODUCTION

In March 2008, Santa Fe County government initiated a transparency improvement program. As part of it, the Santa Fe County Manager, Roman Abeyta, and Stephen Ulibarri, County Public Information Officer (PIO), invited the League of Women Voters of Santa Fe County to create a committee to conduct transparency audits of the County and make recommendations based on the audits. The League commends the County for taking this unusual initiative.

The League invited the New Mexico Foundation for Open Government and the Northern Chapter of the American Civil Liberties Union of New Mexico to join the committee. The committee conducted background research on transparency in local governments, drew up a project plan, discussed guiding principles, adopted a working definition of transparency, and designed and conducted the audits. We then conducted interviews with selected County administrators to determine their understanding of transparency and its application to them in their job functions, and we surveyed members of the general public about their experiences with County transparency to enhance our ability to provide relevant findings and recommendations.

Our scope included only the County departments and offices under the purview of the Board of County Commissioners (BCC); we did not include the offices of separately-elected officials, although we requested a few records from the offices of the County Clerk and the County Treasurer.

II. TRANSPARENCY PRINCIPLES

Two New Mexico statutes, the Open Meetings Act (OMA) and the Inspection of Public Records Act (IPRA), constitute the legal bedrock of local government transparency. These laws state that public information belongs to the people, not to its elected or appointed representatives who merely act as its custodians under state law. Government legitimately serves as the repository of public information, not as its censor. Based on the belief that these state statutes constitute a threshold of transparency and are not intended to be its ceiling, the committee adopted the following guiding principles:

1. Although these state laws make it clear that certain public documents may be exempt from public review or copying and provide that certain portions of public meetings may be held in executive session, neither of these statutes mandates non-disclosure or secrecy; rather, each only permits non-disclosure and secrecy in specific circumstances. Decisions about disclosure in each instance should measure the need to protect confidential information against the public's interest and inherent right to know. (Certain federal laws, e.g., the Health Insurance Portability and Accountability Act [HIPAA] and other federal or state statutes may mandate confidentiality in specific instances.)
2. Information is useful only if provided in a timely manner. Statutory deadlines provide a maximum time for processing information requests and do not constitute recommended periods of delay.
3. Total transparency should be the ultimate goal, whether the news is good or bad; the goal should not be to control or to filter the information nor to disclose only the minimum required.

III. WORKING DEFINITION OF TRANSPARENCY

Transparency in government can mean several different things.

First, it means keeping the general public informed of the actions taken or being considered by deliberative bodies (boards, councils, commissions, committees, and so on.). This can be done through public meetings, newspaper stories and ads, written agendas and minutes, radio and television stories and announcements, and postings in public places and on the Internet.

Second, it means prompt and open responses to information requests from members of the general public and the news media so that the public can understand, implement, and comment on the actions of the governing bodies.

Third, it means receiving comments, complaints, and corrections from that public and responding to them in a positive and helpful manner whenever possible.

Lastly, the public deserves to know that decisions are not being made behind closed doors or without public input except under appropriate circumstances as set out by law.

IV. FINDINGS AND RECOMMENDATIONS

Our findings are based on information and data from our public records and open meetings audits, interviews with County staff and members of the local media, and surveys distributed to the general public. The committee is aware that some of the following recommendations may not be applicable to all current divisions and departments of the County or to all County deliberative bodies. Furthermore, it realizes that the County may already be in the process of implementing some of the recommendations.

Compliance with the New Mexico Open Meetings Act (OMA)

FINDING 1.

The New Mexico Open Meetings Act (OMA) covers all public bodies, defined as “the executive, legislative and judicial branches of state and local governments and all advisory boards, commissions, committees, agencies or entities created by the constitution or any branch of government that receives any public funding, including political subdivisions.” The OMA requires counties to adopt a resolution each year specifying the obligation of the Board of County Commissioners (BCC) for meeting notices and other aspects of transparency regarding its meetings. County Resolution No. 2009-01 is the current version of this resolution adopted by Santa Fe County. Section 8 of this resolution extends these requirements to other bodies, as well: “This Resolution shall apply to each meeting of a Board or Committee whose members are appointed by the Board or which is acting under the authority of the Board of County Commissioners (hereinafter referred to as a ‘Committee’), except the Extraterritorial Land Use Authority and the Extraterritorial Land Use Commission.”

However, because of the wording of other sections of the Resolution, and the fact that some of these sections apply only to specific functions of the BCC, it is clearly impossible for all sections of the resolution to apply to all of the advisory boards and committees established by the BCC (“County Committees”). Therefore, it is unclear which parts of the resolution apply to the BCC only and which apply to all County Committees.

Recommendation 1a. The BCC needs to revise Section 8 of County Resolution 2009-01 to make clear which of the provisions of the Resolution are intended to be applicable to other County Committees.

Recommendation 1b. Members of all County Committees (other than the BCC) need to be informed and educated as to the necessity of their compliance with the relevant sections of the revised Resolution.

FINDING 2.

One requirement of Resolution No. 2009-01 that clearly applies to all County Committees is to publish advance notice of public meetings. This is not being implemented consistently. During the course of this project, at least one public meeting had to be cancelled due to lack of advance notice; in addition, several months' worth of decisions by the County Development Review Committee (CDRC) had to be readopted at a subsequent meeting due to lack of proper advance notice of the original meetings in which the decisions were adopted. Notices of some meetings appear in the legal classified section of *The Santa Fe New Mexican*, but others do not, and there is no consistency in the timing of these notices.

Agendas, minutes and other meeting-related documentation of BCC meetings are generally available in a timely manner and easy to find on the County's website, but such documentation for other County Committees' meetings is not consistently available or easily accessed. To access some of the documents, one needs *WinZip*, software that saves transmission time and disk space, which not everyone has or wants to use. Responsibility for such notices and documentation is distributed among the staff members assigned to the various County Committees; it is unclear how training on the requirements of the OMA and County Resolution No. 2009-01 is provided, if at all, to these responsible parties.

Recommendation 2a. The County needs to adopt a systematic approach to providing meeting dates, times and locations as well as agendas and minutes, in accordance with the OMA and County Resolution No. 2009-01 and its annual readoption. This applies both to postings on the website and to publication in other places, as required by law or desired by the public. Each County Committee should have a county employee specifically assigned to ensure compliance with the OMA; mandatory training for employees responsible for compliance with the OMA should be conducted and updated regularly.

Recommendation 2b. Preliminary agendas and meeting information for all County Committees should be posted on the website in an easily accessible format at least five business days prior to the scheduled meeting. If minutes have been prepared, even if only in draft form subject to final approval by the County Committee at its next meeting, they should be posted on the website within 21 days following each meeting.

Recommendation 2c. County Committees whose actions directly affect large numbers of County residents, such as those dealing with land use, water and similar issues, should distribute announcements of their meetings early and widely, including the topics to be discussed. These efforts should be far in excess of any statutory minimum requirements.

FINDING 3.

The meetings of County Committees that we audited were conducted in a way that complied with the OMA. With few exceptions, County Committees followed proper procedures for establishing a quorum, ensuring that a quorum was present for all votes, and going into closed session with the proper motions and roll-call votes. However, written materials were not always available for members of the public. Please see Exhibit D for a summary of our audit results.

Recommendation 3. County Committees should provide at least a few copies of meeting agendas, minutes, and other key documents for members of the public at all meetings, especially if they were not posted on the website or were posted late.

FINDING 4.

Sound quality at BCC meetings is generally bad, both in chambers and on broadcasts available over local public access television. We were informed that BCC meetings will be available over the Internet soon, for both live and archival screening. Podcasts are also planned.

Recommendation 4. The County should look into improving the quality of the sound system in chambers. In addition, members of the BCC need to remember to speak into their microphones and to turn them on and off appropriately. The County should consider making broadcasts, podcasts, or recordings of the meetings of other County Committees available at the website.

Compliance with the New Mexico Inspection of Public Records Act (IPRA)

FINDING 5.

Responses by County department personnel to requests for public records made during our audits showed compliance with the New Mexico Inspection of Public Records Act (IPRA). In general, few problems were noted, the turnaround time was the same-day or within a few days for more than half of the requests, and only one step was required for most requests. Auditors who asked to examine public records without copying them were accommodated. However, there were some notable exceptions, cases in which too many steps and too much time were required, despite the fact that we directed the auditors to the apparently appropriate source from the start. Please refer to Exhibit D for a summary of our results.

In terms of confidential documents, supervisors and employees who were interviewed reported that they regularly release records with confidential sections redacted, rather than withholding the entire record. (Note that we requested no records with confidential material.)

Despite the results of our formal audits, our public surveys and interviews indicate a more varied response when members of the media and the general public have requested public documents from the County. Their stories include missed deadlines, failures to respond altogether, and responses indicating that records do not exist when the requesters have had reasonable expectations that they do.

There was also confusion about what constitutes a public record under the IPRA. The law does not require that governing bodies create documents not already in existence in response to a request under IPRA, even if the raw data already exist. In other words, as the committee concluded, a record that does not exist is not a public record. Some interviewees and survey respondents have indicated they would be happy to have the raw data in order to analyze it themselves to produce the kind of report they seek. However, in many cases they have simply been turned down because there is no existing report containing the specific data in the specific format they requested. They interpret such refusals as evidence of deliberate opacity.

Although many County offices from which records are requested are open during the noon hour, the County Attorney's Office is not, even though the official custodian for most County records works in that office. This poses an inconvenience for requesters who work during regular office hours.

Recommendation 5a. The County needs to make easily available, in understandable language, information on how to seek answers to questions concerning the County and how to obtain copies of County documents. This information needs to state clearly what constitutes a public record and what types of public information may fall outside the purview of the IPRA.

Recommendation 5b. Mandatory training for employees responsible for compliance with the IPRA should be conducted and updated regularly.

Recommendation 5c. The goal should be to provide requested information as quickly as possible, rather than to rely upon the statutory grace period as the guiding time period for compliance.

Recommendation 5d. The County should consider developing a policy regarding the promulgation of information such as spreadsheet data, calculations that can easily be performed on such data, and similar information that exists within County records but which may not yet have been compiled in a formal County report. Such a policy might help to provide needed information to the public and also to promote a general atmosphere of dialog and transparency.

Recommendation 5e. The County Attorney's Office should remain open during the noon hour or provide a way for requesters to come in by appointment when regular office hours are not a workable option.

FINDING 6.

During the course of our project, the County had no standardized set of fees for copies of public records; charges per page varied from office to office, although none exceeded the State's limit of \$1 per page. Fees were posted in some offices but not in others. The County has recently proposed an ordinance establishing fees for hard copies of Geographic Information Systems (GIS) information (maps) and databases. We understand it is also studying the cost of providing other frequently-requested material to the public, with a goal of publishing a standardized set of fees for these as well.

Recommendation 6. The County needs to publish a standardized fee schedule for routine copying of requested public documents. Copies should be prepared in the most economical fashion and the per-page charge should reflect those economies, in accordance with the OMA §14-2-9. This law allows reasonable fees, not to exceed \$1 per page for pages 11 inches by 17 inches or smaller, and specifies other limits on what may be charged for copying. *The Attorney General's Guidelines and Checklist* provide further details regarding what may constitute reasonable fees.

General Implementation of Transparency

FINDING 7.

All County department and division heads interviewed for this project were accommodating, open, and helpful. Nevertheless, not all had the same awareness of the County Manager's promotion of transparency. Senior staff members all talked about the emphasis on transparency or openness that occurs in staff meetings, but administrators further down the chain of command were not necessarily aware of any policy regarding transparency. No written policy specific to transparency was available. No manager reported budgeting specifically for transparency-related functions, or using transparency as a justification for embedded expenses.

Although several county employees are sent to the Attorney General's training on the IPRA every year, not all employees who fulfill records requests attend this training. We could discover no provision for training on the OMA or County Resolution No. 2009-01 for those employees responsible for posting meeting notices, agendas, and other documents in timely fashion for compliance with these essential laws.

Recommendation 7. The County should consider developing a written policy on transparency for all County employees, and including it in the administrative manual and new employee orientation. This might include a brief review of State laws and County resolutions concerning transparency, as well as policy and procedures for complying with them. Transparency could be included as a core value in the county's "core values of customer service."

Mandatory training for employees responsible for compliance with the OMA and IPRA should be conducted and updated regularly. In some cases, specifically budgeting for transparency-related expenses might be helpful. The County might consider making the policy available to the public as well.

FINDING 8.

The County has begun its second year of trying to improve its transparency. To this end, the Public Information Officer (PIO) and County Manager agree on a list of initiatives each year, based apparently on their assessment of what is needed. For direct input from the public, the County has approved a contract with the Bureau of Business and Economic Research (BBER) to survey county residents regarding their needs for services from county government. However, because of the economic downturn no funds have been allocated to this survey.

The PIO is also responsible for evaluating the effectiveness of transparency initiatives. Currently, this evaluation seems to consist of a check-off list of which projects have been implemented, but with no evaluation of how effective these initiatives are, in the short or long term.

Recommendation 8a. The County needs to either fund the already approved BBER survey or find another way to discover the needs and priorities of County residents with respect to transparency issues.

Recommendation 8b. The County should develop criteria for assessing the effectiveness of its transparency initiatives and periodically evaluate their usefulness.

FINDING 9.

The Department of Corrections has a somewhat different view of transparency than other departments. Staff members feel they must weigh transparency issues against the safety of their charges and employees; in some circumstances, this results in conflicting demands. Anecdotal information indicates that access to this department can be difficult. For the committee, reaching the department head for an interview proved a time-consuming task requiring many telephone calls.

Recommendation 9. The committee has no specific recommendations with respect to the Department of Corrections, but believes the governing body should be aware of how transparency is currently being managed in this department.

FINDING 10.

No accurate organization chart for the departments and other offices reporting to the County Manager currently exists. The committee found two different organization charts, one at the County's website and one in the current budget; neither reflects current lines of authority according to information we received in our interviews of County staff. In addition, the job description for the PIO shows that he reports directly to the County Manager; this was changed last fall when his position was transferred to the Administrative Services Department.

Recommendation 10. The County should publish a current organization chart as soon as possible, and keep it updated as changes occur. Organization charts and job descriptions serve as important controls in any organization, defining not only authority but accountability, an essential concern of transparency. Without up-to-date tools such as these, both employees and members of the public may find it difficult to understand where to go for information and to whom to complain or protest when their needs are not met. In this regard, the committee is puzzled by the transfer of the PIO to Administrative Services. Members of the public who are not pleased with his performance should be able to take their concerns directly to the County Manager, who should have direct authority over this key position.

FINDING 11.

Directions for finding one's way around and getting to the office or individual one wishes to see are lacking in County buildings. There is no directory in the County Administration Building, and its bulletin boards contain out-of-date and conflicting information. There are a number of bulletin boards but no way for the public to discern which might contain information relevant to a particular inquiry. Not all County offices list their physical addresses on the website.

Recommendation 11a. The County should install a prominently located building directory in the County Administration Building. This would be helpful to visitors seeking a specific office or individual. The directory should include the location of offices found at other sites, as many people come to the County Administration Building only to find that the office or person they seek has moved.

Recommendation 11b. The County should redesign and reorganize the bulletin boards now located in the County Administration Building to make them useful to members of the public.

Recommendation 11c. All County offices should list their physical addresses on the website.

FINDING 12.

An up-to-date list of current County Committees does not exist. The County has directed a contractual employee to establish such a list, citing each body's legal authority, scope, responsibilities, budget, and other relevant details.

Recommendation 12. The information maintained with the list of County committees should include the County department and staff position responsible for providing required public notice of their meetings.

Media Relations

FINDING 13.

Both the local news media and the PIO believe that their relationship is, at best, only satisfactory. Members of the news media reported to us that the PIO is less accessible and responsive to requests for information than County Commissioners and department heads. Members of the media also reported a belief that the City of Santa Fe is more transparent in its operations than the County, an opinion echoed by the general public. (However, it should be noted that the committee has not reviewed the transparency of the city.)

Recommendation 13. The PIO should be more accessible and responsive to the media and the general public. A PIO is a facilitator and is responsible for communicating with the media and the public on behalf of the organization. The better he or she is at facilitating the dissemination of information to the news media and the public, the greater the value to the organization. Because of accountability considerations mentioned above, as well as the transparency initiatives developed by the County Manager and the PIO, the committee recommends that the County consider placing this position directly under the County Manager.

FINDING 14.

Anecdotal information from our public surveys and interviews indicates many County residents find the County is quick to publicize favorable news but acts more slowly when news is not favorable.

Recommendation 14. There should be timely publication of all County newsworthy events, not just the good news, but the bad news as well.

County Website: www.santafecounty.org

FINDING 15.

Reliable data on the percentage of households in Santa Fe County with Internet access are not available. The committee sought such data both outside and inside the County with no success. This finding means that information listed only on the website is not available to an unknown but possibly significant portion of the public.

Recommendation 15. The County's website should be only one of several methods for informing the public. Complementary alternatives to the Internet such as newspapers, postings in public buildings, libraries, malls, and other gathering places, local channel 28, and occasional town halls by individual commissioners within their respective districts are needed to supplement the Internet as the primary tool for providing information to the public.

FINDING 16.

Our surveys and interviews indicate that many users, including County employees, find that the County's website lacks essential information, a sense of organization, uniformity in approach, and an overall user-friendly format.

Recommendation 16. The County website needs to be redesigned to be more user-friendly. Please refer to Exhibit E for some specific recommendations. In compliance with County Resolution No. 2009-01 §8, the County website must include a complete posting of all County Committees' meeting dates, times, and locations, and a link to agendas and the minutes of such meetings when they become available. The League is willing to provide some technical assistance to the County in this endeavor.

FINDING 17.

USA Today has reported that twelve states post all their state spending, six post the checkbooks of selected departments, and seven have passed laws ordering the creation of online spending websites, according to Sandra Fabry, executive director of the Center for Fiscal Accountability, based in Washington, D.C. (February 23, 2009, page 3A). Although the County provides its current budget online, no such financial records are posted.

Recommendation 17. The County should post searchable financial records on its website. Posting all monthly finance reports currently provided to the BCC, including the monthly disbursements and accounts receivable collected, could be a major step in this direction. Although they may require further research and interpretation, financial documents provide transparency in one of the areas most vulnerable to manipulation by those who would manipulate local governance unfairly to their own advantage.

V. CONCLUSION

In its background research, the committee found much information about how transparency can strengthen democracy by enhancing the quality and frequency of public participation, increasing the sense of civic responsibility in the public, and increasing the accountability of representatives. For example, the United Nations has found a growing disillusionment with the benefits of electoral democracy worldwide, and attributes it in part to the increasing expectations of citizens as they become more aware of their rights. Internationally, as well as in this county, we found growing calls for mechanisms of “direct democracy” (direct involvement of the people with their government) to strengthen “representative democracy” (indirect participation by the people through their elected representatives). Easy, timely access to public records and information about open meetings can facilitate public participation in governance and wider acceptance of its outcomes. Santa Fe County’s recent experiences in developing an Oil and Gas Drilling Ordinance stand as vivid testimony to this observation.

Transparency is an essential element in local governance, particularly in preventing unethical practices; corruption grows in the dark. Support must come from a high-level person in the local government, such as the County Manager in this case, who embarked upon the County’s first transparency initiatives and invited the League to lead this project.

Elected officials must also set the tone for transparent governance by observing the spirit as well as the letter of the law. While the major tools for access to information and public participation are open meetings and inspection of public records laws, the committee also considers codes of ethics, conflict of interest laws, and ethical campaign practices, including campaign finance disclosure, to be essential for transparent governance. Our project’s scope did not include these last factors, but the committee believes that ongoing oversight committees can be helpful in ensuring that such codes and laws are observed, and urges the governing body to use this approach to ensure open and ethical governance.

VI. ACKNOWLEDGEMENTS

The Committee wishes to thank the following individuals who gave generously of their time and expertise to be interviewed for this project: Roman Abeyta (County Manager), Mary-Charlotte Domandi (Radio Café host, KSFR) Bill Dupuy (News Director, Northern New Mexico Radio Foundation, KSFR), the late Peter C. Garcia, Jr. (County Director of Administrative Services Department), Julia Goldberg (Editor, *Santa Fe Reporter*), Robin Gurulé (Office Administrator, County Attorney's Office), Kiera Hay (Staff Writer, *Journal Santa Fe*), Phaedra Haywood (Reporter, *The Santa Fe New Mexican*), Jack Kolkmeier (County Director of Planning and Development), Steve Kopelman, (Risk Manager, New Mexico Association of Counties), James Luján (County Department Head of Growth Management), Robert Martinez (County Director of Roads, Public Works Division), Teresa C. Martinez (County Director of Finance), Mark Oswald (North Editor, *Journal Santa Fe*), Sam Page (County Director of Information Technology), Karen Peterson (Opinion Page Editor, *Journal Santa Fe*), Stephen C. Ross (County Attorney), Bernadette Salazar (County Human Resources Director), Douglas Sayre (County Manager of Public Works Department Water/Waste Water Operations), Steve Shepherd (County Director of Health and Human Services), and Stephen Ulibarrí (County Public Information Officer).

The committee wishes to thank our public records auditors: R. Thomas Berner, Elaine Carson, Adelaide Collins, Rebecca Frenkel, Ava Fullerton, Jane Hanna, Steve Marvin, Donna Reynolds, and Eileen Souder.

We also thank the many anonymous County residents who responded to our survey questionnaire about their experiences in dealing with the County.

Finally, we thank two members of the League of Women Voters, Molly Seibel, who contributed Exhibit E, and Jane Robinson, who formatted this report.

This project was supported by technical and financial assistance from the League of Women Voters Education Fund.

An electronic copy of this report may be downloaded from www.lwvsfc.org.

VII. METHODOLOGY

In response to the County's invitation, in May 2008, the League of Women Voters of Santa Fe County formed a Transparency Advisory Committee consisting of Jody Larson as Chair (former League president and State of New Mexico retiree), Dani Frye (former City Manager of the City of Gallup, NM, retired school teacher and former League president), Rebecca Frenkel (former League president), Karen Heldmeyer (former Santa Fe City Councilor), Stanley Rosebud Rosen (former League director), Frank Susman (attorney, President of the Northern Chapter of the American Civil Liberties Union of New Mexico and Chair of the Santa Fe County Department of Corrections Advisory Committee), Neva Van Peski (economist and former member of the Santa Fe Extraterritorial Zoning Commission and of the Santa Fe Metropolitan Water Board) and William Winter (attorney and board member of the New Mexico Foundation for Open Government).

Our committee used six primary methodologies in this project:

1. We reviewed transparency articles, reports, and auditing materials from the League of Women Voters (national and local offices), from news media organizations, and from a variety of other sources (see Bibliography).
2. We conducted confidential interviews with local news media personnel, who on a continuing basis seek information from the County, its employees, and Committees.
3. We conducted structured confidential interviews with selected County officials, department and division heads, and others whose functions include addressing statutory transparency requirements.
4. We audited open meetings of the BCC and a variety of County Committees, using a checklist we designed. We compiled and evaluated the resulting information. A copy of the checklist is included as Exhibit A. Summary data are included in Exhibit C.
5. We audited compliance with the IPRA by targeting certain public records from a variety of County offices, and training volunteers to request them and report back using a checklist we designed. We then compiled and evaluated the resulting information. A copy of this checklist is included as Exhibit B. Summary data are included in Exhibit C.
6. We surveyed a broad range of individuals involved with public interest issues by distributing, to them, a questionnaire seeking their personal experiences with the issue of transparency in their interactions with the County. A copy of this questionnaire is included as Exhibit D. as are the summary data.

VIII. BIBLIOGRAPHY

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IX. EXHIBITS

EXHIBIT A: OPEN MEETINGS COMPLIANCE CHECKLIST.....PAGE 17

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EXHIBIT A

LWVSFC TRANSPARENCY PROJECT

Open Meetings Compliance Checklist

Name of Public Body: _____ Date of Meeting: _____

Meeting Start Time: *as scheduled* _____ *actual* _____

Required quorum: _____

Pre-Meeting Information

1a. Was reasonable advance notice of the meeting provided to the public

- on County website three days prior to the meeting
- newspaper(s): _____ Date: _____
- public building: _____ Date: _____
- Other: _____ Date: _____
- Don't know/didn't check

1b. Did the meeting notice give the accurate date, time, and location of the meeting?

- Yes No N/A

1c. Did the notice include

- the agenda information on how/where to get the agenda

2a. Was the meeting agenda available [check as many as apply]

- from County website at meeting elsewhere: _____

Please include a copy of the agenda with this report.

3. Were copies of other relevant information available at the meeting?

- Previous meeting's minutes
- Handouts for this meeting
- Other: _____

Open Portion of the Meeting

4a. Number of members present for roll call: _____ in person _____ by telephone

4b. Was a quorum present for all votes taken? Yes No

4c. If no, how many votes were taken with less than a quorum present? _____

5a. Did the agenda clearly describe a list of the specific items the public body discussed or transacted at the meeting? Yes No

5b. If no, please list

agenda items inaccurately described

non-agenda items discussed or transacted

6. Was the public attending the meeting able to hear all members during the meeting?

Yes No

7. If a member of the body attended by telephone:

a. Was each member attending by telephone identified when speaking?

Yes No

b. Were all participants able to hear each other at the same time?

Yes No

c. Was the public attending the meeting able to hear the member(s) on the telephone?

Yes No

The Transparency Committee of the League of Women Voters thanks you for your participation and cooperation in its transparency audit of Santa Fe County Government. Please return this Compliance Checklist and the meeting agenda by mail, e-mail, or in person to

Jody Larson
107 Tierra Rica Drive
Santa Fe, NM 87505
dtlars@aol.com

Your personal participation in and responses to this Checklist will be confidential and used only for generalized and statistical reporting. Any additional comments you are willing to share concerning your participation in this project will be most welcome.

Open Meetings Compliance Checklist: Closed Portion of the Meeting, If Any

Name of Public Body: _____ **Date of Meeting:** _____

1. If a portion of the meeting was closed to the public (held in executive session):
 - a. Was a motion made and passed stating the specific provision of state law authorizing the closed portion and a reasonably specific description of the subject to be discussed in a closed session? Yes No
 - b. If yes, what statutory provision was cited? _____
 - c. Was a public roll call vote taken on the motion to close the meeting?
 Yes No
 - d. Was the vote of each member of the body to close the meeting recorded in the minutes? Yes No Don't know
 - e. Did the body take action in the open portion of the meeting on any item discussed in the closed portion? Yes No
 - f. Following the closed portion of the meeting, did the body make a statement affirming that the matters discussed in the closed portion were limited to those matters stated in the motion to go into the closed portion?
 Yes No

The Transparency Committee of the League of Women Voters thanks you for your participation and cooperation in its transparency audit of Santa Fe County Government. Please return this page with the Compliance Checklist and the agenda by mail, e-mail, or in person to

Jody Larson
107 Tierra Rica Drive
Santa Fe, NM 87505
dtlars@aol.com

Your personal participation in and responses to this Checklist will be confidential and used only for generalized and statistical reporting. Any additional comments you may have and are willing to share concerning your participation in this project will be most welcome.

EXHIBIT B

LWVSFC TRANSPARENCY PROJECT

Request for Public Records Report Form

From what Department or Division _____ Date: _____

Location/Address _____

Name of person handling request _____

(if possible, not required)

Was request made in person, by phone or online? _____

Title of record requested _____

Response of County employee(s): _____

How long did it take to get the record: _____

How many steps did it take (people to talk to/places to go or call) _____

In what form was the record received: _____

Did you have problems obtaining the record: _____

Comments: _____

Your name: _____ Phone: _____ E-mail _____

Note: Do not fill out this form in front in the presence of the County person who is filling your request. When making the request do not act confrontational or “pushy.” Do not identify yourself as from the League. It is not necessary to give your name, but do so if asked. If you are asked “why” you want this record, you can answer that it is for a personal project, or “just curious,” or whatever. You do not need to give a reason for making a request. The purpose of this audit simply to record the responses.

Please return this form to your Resource Person (see signup sheet for your record/category). If you send it electronically, please send a copy to Jody Larson, dtlars@aol.com. Please call your resource person any time with questions or problems, or call Jody at 982-0776. Many thanks for your contribution to our project!

EXHIBIT C

PUBLIC RECORDS AND OPEN MEETINGS AUDIT SUMMARY DATA

Inspection of Public Records Audit Summary Data

(Total number of requests made was 21)

How requests were made			How long to get data			Number of steps required			Format of data requested		
Method	#	%	Elapsed time	#	%	No. steps	#	%	Format	#	%
In person	8	33	Same day	11	52	One	12	57	View/notes	1	5
Telephone	6	25	1-3 days	2	10	2 or 3	5	24	View/copy	1	5
Online	9	38	4-7 days	1	5	>3	4	19	Hard copy	6	27
Letter	1	4	8-15 days	3	14	Total	21	100	Electronic	9	41
Total	24	100	>15 days	4	19				Not received	2	9
			Total	21	100				Other	3	14
									Total	22	100

Open Meetings Audit Summary Data

(Total number of audits conducted was 9. Other audits were scheduled, but some meetings were cancelled due to lack of proper notice.)

Notice Availability			Agenda Availability			
Location	#	%	Location	#	%	
Website	8	89	Website	6	67	
Newspaper	2	22	Meeting	9	100	
Other	4	44	Elsewhere	1	11	
Meeting Notice Details						
					#	%
Meeting details posted with Notice					9	100
Agenda included					5	56
Info on agenda					2	22
Meeting Details						
Info provided at meeting			How meeting conducted			
Info type	#	%	Activity audited	#	%	
Minutes	1	25	Quorum at start	9	100	
Handouts	3	75	Quorum on votes	9	100	
Other	1	25	Audible	8	89	
			Agenda followed	8	89	

EXHIBIT D

SANTA FE COUNTY TRANSPARENCY PROJECT

This project is a joint effort of the Santa Fe County League of Women Voters, the Northern New Mexico chapter of the American Civil Liberties Union, and New Mexico Foundation for Open Government.

The Transparency Project is trying to help Santa Fe County government become more open and accessible to residents of Santa Fe County. In order to do this, we are surveying various individuals and groups who may have interacted with County government in the past, to find out what their experiences have been. We would appreciate it if you would complete this survey and return it to kheld@earthlink.net.

All answers will be kept confidential. We are asking for your name and contact information so that we can send you a summary of the report results when they are completed.

Name: _____

Telephone: _____ Email: _____

1. Do you ever request information from Santa Fe County? Yes No

(If "No," please skip down to Question 5.)

2. What type(s) of information have you requested?

3. For each type of request you listed in your answer to Question 2, please answer the following:

<p>a. From what County office did you request the information?</p> <p>b. How did you request the information (in person, on the phone, by email, <i>etc.</i>)?</p> <p>c. Did you receive the information easily? Was it complete and usable?</p> <p>d. Did you have to go to more than one office or speak to more than one person? Yes____ No____</p> <p> If "Yes", how many people did you need to speak to in order to get the information you asked for?</p> <p>e. How long did it take to receive the information?</p> <p>f. In what format was the information you received (verbal, written, report, <i>etc.</i>)?</p> <p>g. If you had any problems obtaining this information, what were they?</p>

4. Overall, how would you describe your experience trying to obtain information from Santa Fe County?
5. Is there information that you would like to obtain from Santa Fe County, which you have not requested because you do not know how to go about it? Yes___ No___
If you answered "Yes," what is that information?
6. Have you ever tried to use the County website to obtain information? Yes___ No___
(If "No," please skip to Question 8.)
7. Was that experience successful (please provide details)? _____

8. Would you be interested in attending an orientation session on how to obtain information from Santa Fe County government? Yes___ No___
9. In your opinion, what should Santa Fe County government do to become more open and transparent to its residents? _____

Thank you for your help with this project. Please return your answers by **Tuesday, March 3 to kheld@earthlink.net**.

If you know of others who have interacted with County government and who might be interested in filling out this survey, feel free to send a copy to them.

SUMMARY OF SANTA FE COUNTY TRANSPARENCY PROJECT PUBLIC SURVEY QUESTIONNAIRE

Copies of this questionnaire were first emailed on February 25, 2009, to individuals and groups who had interacted with Santa Fe County government in the past. Approximately 200 copies were distributed; the exact number is not known as some groups forwarded the questionnaires to their members.

Twenty-nine responses were received by the committee. Sixteen respondents completed the questionnaire; thirteen others replied more briefly. Of those thirteen, five said that they had not had any dealings with the county and thus had no information to provide, while four were members of the media who were interested in the results of the study but felt it would be inappropriate for them to respond.

The respondents who completed the survey had dealt with a variety of County offices and had many different experiences. Because of this and because of the relatively small number of respondents, there was no clear pattern of how the County has responded to requests from the public. Thus, the numbers given below cannot be taken as a complete picture. Verbatim comments have been provided to give a more comprehensive picture of how the public views the County's response to their requests.

Responses:

Of the sixteen respondents who completed the questionnaire:

Number who had requested information: 14
Successful: 2
Unsuccessful: 6
Mixed results: 5
No response: 1

Specific comments describing the experience of getting information from the county: "so so", "various", "poor but seems to be improving", "the process was stressful, uncooperative, hostile, rude, and obstructive", "very bad", "lousy", "frustrating", "excellent", "extremely frustrating", "cooperative", "dismal", "totally inadequate info on website and very hard to find"

Individuals/offices from whom information was requested: Rita Maes, County Assessor's office, County Clerk's office, Land Use Division, County Manager's office, County Attorney's office, Stephen Wust, Karen Torres, Department of Corrections, specific Commissioners, Public Information Officer, GIS office

Of the eleven respondents who answered the question about how many people they had to ask for information before getting a response, 10 said more than one (some saying "many more") and one said "one person".

Number who had used the website to obtain information: 9
Successful: 3
Unsuccessful: 4
Mixed results: 2

Comments on the website: "The website under the Community pages doesn't have much updated information." "PIO alerts are OK." "Sometimes I cannot find things." "Their web site in the past has not been user friendly, large formats files, unable to download files and have scientifically flawed information on it." "Search engines should be obvious." "Sometimes the link to the property tax database is broken, then gets fixed after some time." "Labyrinthine." "Schedules [of meetings on the County's General Plan update] are posted." "One of the items I found online had been superseded. The revised document hadn't been put on their website."

Number who would be interested in an orientation session: 6, with 2 additional "maybe"

Answers to: What should Santa Fe County government do to become more open and transparent to its residents?

"Live by that credo. But it is a culture of secrecy that county employees keep info to themselves to protect their jobs."

"Have independent arbitrators available to protect the public from corrupt staff."

"They really need a strategy to address the diverse definitions of what people feel would satisfy them in terms of 'open and transparent'. Allowing the community to be a major player in developing the strategy is where they need to go."

"It should put information requested on its website in useable friendly formats (PDF). Local municipalities and governments should be transparent on water policies, implement sustainable practices and policies to curb sprawl and growth..."

"Let department heads and employees directly answer the public's questions."

"Have PIO and Dept. Heads be committed to transparency."

"Print agendas of county meetings the way the City does."

"I think SF County does its best given its staffing constraints..."

"There should be a review process by an independent organization. Recommendations should be enacted. The titles and content of all reports and documents should be posted online or available in downloadable format. Planning and lobbying should include the public at the inception phase. County commissioners should inform their constituents of all major plans and request feedback. Polling of constituents on major projects

should be required. Roundtable forums on major projects before writing ordinances. In the case of Aamodt there should be full outreach and information.... A one page community paper insert in the NewMexican on county events and planning. This could also be posted online with the NewMexican with appropriate links. Water rights transfers and purchases should not be a closed portion of the BCC meetings. If there are significant changes to agenda items or add information submitted at the time of BCC meetings the agenda item should be postponed.”

“Answer the questions citizens pose to them instead of being evasive...”

“Keep website updated; survey Santa Fe residents about what information they need and put it on the county website; post calendar of Santa Fe county meetings that are open to the public.”

General Findings;

Even with the small number of respondents, there are a few generalizations that can be drawn from the responses to the questionnaire.

1. Almost all respondents who requested information had to go to more than one office or speak to more than one person to get that information.
2. Respondents who were trying to obtain very specific information (land ownership records, tax database information, schedules of meetings) generally saw their experiences as more successful than those who were seeking information about policy issues.
3. There is still confusion about who is a constituent of county government. Not surprisingly, some residents of the City of Santa Fe did not know that they were also residents of the County. However, some residents of the unincorporated County also did not know that County government represented them, especially if they were within an unincorporated village.
4. Members of the public and County employees differed on what constitutes a “public record”. Members of the public who requested compilations of data were often told that these were not “public records” because they were not in an existing written report.

Respondents’ Comments:

Listed below are some of the comments that were received in response to the questionnaire.

“Sometimes when an answer [for service] comes back from the county official handling the service it is very bureaucratic and tailored to what you want to hear.... But then there is no follow-up by the county and we are back to square one. This happens most often with Public Works.”

“Staff made mistakes calculating assessed values, using grossly inaccurate square footages, then changed the ‘per sq ft’ values to make themselves right, refusing to change the outcome.”

[on a drainage request] “They did not know and would get back, they were not punctual in returning calls, they almost always did not ‘have the authority’ to move on issues..., they made promises but rarely completed the commitment, ...the commitment they made – it was never done, after that I simply gave up on these folks.”

“I have been told by County and City Attorneys that they don’t have to answer questions in writing....”

“Requiring that all questions be routed through a spokesperson who is not conversant with the topic is time-consuming and uninformative.”

“I always received outstanding service.”

“I would like to get information on ICIP funding and Bond issues well in advance.”

“I would like to speak to the author of a report. SF County attorney refused to allow this person to talk to me. He refused to give me an explanation for his refusal.”

“The County continues to meet with the Pueblos, the County has funded these meetings but the public cannot attend.”

EXHIBIT E

County Website Recommendations

League members who reviewed the Santa Fe County website, www.santafecounty.org, feel that, with some work, the site could help achieve greater transparency in Santa Fe County government. The comments that follow represent initial thoughts on the site and are not intended as an exhaustive review. A more thorough analysis of the site would require the attention of communications and web design professionals.

If the county is interested in taking these suggestions further, one of our League members, a former communications professional, is available to work with county staff on the content-related suggestions.

ORGANIZATIONAL STRUCTURE

We think the site needs at least some re-structuring. Currently there is no logical place for employee information like the education videos now filed under "About Us." Also, separating constituents into "Residents" and "Businesses" leads to unnecessary duplication of information. A minor fix would be to structure the site as follows:

1. Home
2. About Us: Include only information about county government, not employee education videos or the BCC meeting videos, for example
3. Constituent Services: To simplify and avoid unnecessary duplication, combine information now listed under "Residents" and "Businesses"
4. Departments
5. A-Z Website Index
6. For Employees: For employee-specific material like the education videos currently included under "About Us/Leadership."
7. Links
8. Contact Us

CONTENT

Logical Organization: Some of the content on the site seems illogically out of place. The video record of BCC meetings, for example, would seem more logically to belong with the agenda, minutes, and other information related to specific meetings.

Currency: The more current the content, the better informed the public will be. It would greatly improve the site to post information about meetings, including supporting documents, earlier.

Consistency: The content needs to be consistently updated across all areas of the site. For example, the organization chart for the county government shows four departments, but the department drop-down list on the home page lists nine.

Establishing naming conventions for posted documents will help constituents find what they are looking for with much more convenience. For example, the BCC packet for March 31, 2009, has more than thirty-five downloadable Word, Excel, and pdf documents whose names do not indicate clearly enough what they contain. The only way to figure out what's what is to download, open, and review all the files, a time-consuming process.

Posting documents in a consistent order is a minor fix that would make the site easier to use, for example, always listing the BCC documents in the same logical order--perhaps 1) Agenda, 2) Meeting Notes & Documents, 3) Minutes. It would also help the user scan the list if the documents were named with the date first, to "group" the documents at a glance chronologically.

Examples:

March 10, 2009: Agenda

March 10, 2009: Meeting Notes & Documents

March 10, 2009: Minutes

April 31, 2009: Agenda

April 31, 2009: Meeting Notes & Documents

April 31, 2009: Minutes

Security: Some of the documents posted on the site are in editable files. For official posting, we suggest that Word and Excel files be locked or, at a minimum, be posted as pdf's.