

(Draft waiting formal approval)

UTAH TRANSPARENCY ADVISORY BOARD MINUTES

April 19, 2016

State Capitol Building

Room 415 – 2:00 p.m.

Board Members Present:

John Reidhead Chair, Director, Division of Finance, Dept. of Administrative Services
Patricia Smith-Mansfield, Vice-Chair, Utah State Archivist
Senator Deidre Henderson – Utah State Senate
Representative Steve Eliason, Utah State House of Representatives
Jonathan Ball, Legislative Fiscal Analyst, Utah State Legislature
Rick Little, Utah Governor's Office of Management and Budget
Mike Hussey, Utah Department of Technology Services, CIO
Gary Williams, League of Cities and Towns, Attorney for Ogden City
Arlyn Bradshaw, Salt Lake County, Council Member (absent)
Marie Cornwall, State Records Committee Representative
Phillip Windley, Public Board Member
Jason Williams, Public Board Member
Michelle Larsen, Senior Legal Support and Records Officer, representing special districts

Note: A copy of meeting materials, and an audio recording of the meeting can be found on the Public Notice Website.

1. Welcome:

John Reidhead called the meeting to order and welcome everyone to the Utah Transparency Advisory Board meeting.

2. Review of review of January 6, 2016 meeting minutes.

The Board reviewed the minutes. Senator Henderson moved to approve the minutes from the board meeting held on January 6, 2016, Phil Windley seconded the motion, a vote was taken and the motion passed unanimously.

3. Consider South Davis Recreation District request for exemption for their employee compensation reporting for 2011 & 2012.

Galen Rasmussen and John Miller who work for Bountiful City, and do contracted work for South Davis Recreation District, addressed the Board. Mr. Rasmussen requested an exemption from reporting compensation data to the transparency website for years 2011 & 2012. They had a systems conversion that took place during that time period. The data that the vendor converted over for the recreation district was converted in totals without the details for 2011 & 2012. Since the system went live they have been able to generate the data as necessary for transparency. They are up to date for transparency except for 2011 and 2012. The programmer who helped with the conversion has passed away, and they have not been able to get the detailed data needed for 2011 and 2012.

Representative Eliason said the IRS stores the data for many years. Tax filings with the amount a person made, would be available on their W2. It could be obtained through the IRS.

Mr. Rasmussen agreed that they could get some of the information from the IRS, but he is not sure if they would be able to get all the line items that are required to report to the website. They have been working with Darrell Swensen the Transparency Coordinator, to get the data to work, but have not found a reasonable solution.

Senator Eliason would like them to look at contacting the IRS for the data, even if they could not get all the data.

South Davis Recreation District has 11 full time employees, and many part-time employees. Their payroll has around 200 – 300 part-time employees.

John Reidhead stated that the Utah State Auditor had notified them that they were out of compliance for 2011 & 2012. The State Auditor's Office thought they may get an exemption from the board. The Auditor's Office is fine with an exemption if granted by the Board.

Jonathan Ball looked at the statute to see if the board had the authority to give them an exemption. The statute says the board can make rules to establish procedures and requirements for reporting, he asked if there was a rule or procedure regarding the reporting.

John Reidhead said the rule does not address the board granting an exemption.

Mr. Ball feels the Board needs to get some counsel about this issue before a decision is made to grant an exemption.

John Reidhead encouraged Mr. Rasmussen and Mr. Miller to get as much information on the gross wages as possible and post it to the website.

Patricia Smith-Mansfield made a motion to have the South Davis Recreation District go back to their files with the W2's, and derive what material is there even though it is in gross form, and put that information on the transparency website.

The motion was placed, those in favor voted, the motion passed unanimously.

Ms. Smith-Mansfield asked them to send an update to John Reidhead, and the Administrative Assistant Barbara Sutherland, about the progress on the wage information they are to post on the website. They will then update the Board.

Gaylen Rasmussen asked while they are working to get the information to post, if they could communicate with Darrell Swensen, and the State Auditor, about this arrangement, to explain that they are working to get the wage information for the transparency website. It was agreed to have them do that.

- 4. Consider proposal to establish 3 different subgroups of the transparency board to recommend direction and policy for: 1) Financial Transparency, 2) Open Records, and 3) Open Data.**

It was suggested at a prior meeting to separate into 3 subgroups to help focus on issues with each different website. This will help the Board focus, and improve the progress in the three different areas.

John Reidhead distributed a draft *Proposal to Form the Subgroups of the Transparency Board*, to some members of the Board before the meeting. He wanted to get responses from them before the meeting.

He proposed to form three subgroups of the Board; Financial Transparency, Open Records, and Open Data. These subgroups would address issues pertinent to the area they were assigned.

Jon Ball thinks the subgroups would allow the board to focus on the various aspects of the transparency board, and the sites that they are developing. He questioned how to integrate the recommendations of the subgroups with the board's activities. Would there be regular meetings with the subgroups; would the Board assign responsibilities for the subgroups?

John Reidhead feels the subgroups could meet as many times as they felt necessary in a certain time period, and then report back to the Board for a discussion and action.

Mr. Reidhead gave a brief explanation about each subgroup and what they would address. **Financial Transparency** is what started this Board. The website transparent.utah.gov has all the financial information of the state and other governmental entities in the state. This subgroup would address the reporting of the financial information, and falls under the Division of Finance. **Open Records** is in the Archives area, they have been working on the GRAMA portal. They have a GRAMA portal for submitting GRAMA requests and fulfilling those requests. Their initiative is to put electronic records online for the public to access. **Open Data** is under DTS (Department of Technology Services). In Open Data they are using Socrata, they are putting data, and datasets from the state, and other political subdivisions on the Open Data portal. They are working to put as much data as possible on the portal for the public's use.

Jonathan Ball is familiar with financial transparency and the statute that governs it, he is also aware of statute that governs open records, but asked if there was a statutory requirement for the open data funding as part of this Board's duty.

John Reidhead explained that there was an appropriation, it is not well defined in the code, but it is in the same section of the code that Finance is in. The code lists duties of the Board that touches on both of these other areas.

Senator Henderson said that she ran a bill that expanded the duties of the Board to include open data. This was to get more useful public information online. That is the extent of the statutory obligation.

Jonathan Ball made a motion to establish the sub-groups, and start prioritizing the next steps for each of the areas and report back at the next meeting.

Jason Williams is excused today from the meeting, but responded to John that he would not mind mixing up the groups. Julie Dole from Salt Lake County said that she would be willing to help out in the sub-groups if needed. There are not any resources to make the sub-group meetings formal meetings.

Jonathan Ball amended his former motion. Jonathan Ball proposed that between now, and the next board meeting, the following members of the Board have a meeting with interested board members about these three areas.

- 1) John Reidhead, *Financial Transparency*
- 2) Patricia Smith-Mansfield, *Open Records*
- 3) Michael Hussey, *Open Data*

They would assemble a group of interested board members, and talk about the five highest priorities for improving these areas as have been defined by the board. They would then report back to the board at the next meeting. Members of the board should communicate with John Reidhead, Patricia Smith-Mansfield, or Mike Hussey, about the sub-group or sub groups; they would be interested in participating in.

A vote was taken on the motion and passed unanimously.

5. Legislative Update:

- a) **HB 139 Transparency Advisory Board Modifications: Provides that the Utah Transparency Advisory Board shall include an individual representing the State Board of Education.**

John Reidhead will contact the Board of Education and ask them to select a representative for the Transparency Board. This will be effective May 10, 2016.

- b) **SB99 Transparency for Political Subdivisions: Remove a size and budget threshold for local government participation in the Utah Public Finance Website.**

Senator Henderson explained that the bill removed the budgetary exemptions for political subdivisions; they are now required to put their financial information on the transparency website.

There was funding to provide a part-time person to help the approximately 300 entities that are currently not on financial transparency website, post to the website.

- c) **SB 99 requires board member contact information to be on the Public Notice Website.**

Political subdivisions will now be required to put their board member's names, and their contact information onto the Public Notice Website.

SB 99 requires Special Districts, Boards, and Council members, be listed on the Public Notice Website. All public entities are on the Public Notice Website. They post notices of open and public meetings, and other public notices, as well as, approved minutes, audio recordings and public handouts from meetings. Special Districts are now required to put their board and their contact information on the website. Special Districts must put this information on the website, but it is not only restricted to Special Districts; other entities may also add this information.

Michelle Larsen asked if in the contact information, if a governmental entity could create an email box for the trustee, or do they want a personal email for the trustee.

Patricia said they do not want a personal email on the Public Notice Website. Small Special Districts need to create a governmental email address for the website. For the GRAMA Portal they suggest that governmental entities create a GRAMA email address for the portal.

With the recent fraud issue with Utah Communications Agency, Senator Henderson would like to know how often fraud occurs in entities that are not posting on the transparency website, and if it was appropriate to list the entities who do not comply on the website. She would like to what could be done to get those entities to comply with the law.

Jon Ball said they can look at how often fraud is detected. It does happen with entities that are reporting. It would be good to look at improving the reporting, and make it more useful to the public and the people who are reporting the information. This may help with the compliance.

Representative Eliason asked if there was a list of political subdivisions that are not active on their reporting.

Mr. Reidhead said they are not prepared with a list today, but there are a couple component units that are not compliant. Utah Communications Agency is one of them. The State Auditor has sent letters warning entities that they are out of compliance, threatened to cut off funding, and he will withhold funding until the entity has complied.

There are some housing authorities that are not required yet to post to the website. This will need to be addressed in the next Legislative Session.

Mr. Ball said the school community councils struggle with posting minutes, and notices to the Public Notice Website.

Ms. Mansfield Smith stated that there are a number not posting to the site. The school community councils post on the schools website, and are exempt from posting on the Public Notice Website.

Senator Henderson said it is hard to dispute the actions of a committee if someone does not know the meeting took place. She feels if it would be helpful to have stronger legislation about the requirement of posting to the Public Notice Website.

Jon Ball would like to have the subgroups discuss detail transactions on government credit cards (P-Card) statement.

Gary Williams likes the idea of having a list of entities that are not compliant on the transparency website.

Jonathan Ball stated that there are updates on the front page of the website, of the entities who have recently posted. This could be expanded to include entities not compliant.

6. Open Records Website update.

Rene Wilson the Open Records administrator presented the Open Records Website update.

They have had a number of agencies attend training throughout the State. There have been 199 total attendees, 151 people have come to the training, and 48 people have taken the training online. Training has gone well.

They are working on updating the Special District information. Archives has 581 Special Districts in their system. Some of these no longer exist. When they contact an agency, if there is information already in the system, they compare that information with the Utah Association of Special Districts website, the State Auditor's website, and the transparency website, to update the information. If no information is available, they research to find the information. This can take 2 hours to find the information, or make the initial contact. They have contacted 376 Special Districts this year, 103 agencies have responded, with 141 agencies being updated.

Senator Henderson asked about the discrepancy in the number of special districts by agency vs. the handout provided by the Archives.

Ms. Wilson explained that they are not sure how many Special Districts there are. Archives has tracked Special Districts longer than other agencies, and some in their system are closed.

Senator Henderson asked to be notified if some Special Districts are having issues posting to the Public Notice Website. As a State we do not have a clear idea what all the Special Districts are.

Ms. Smith-Mansfield stated that the special districts were phased in on the Public Notice Website. There is no requirement to have a list of special districts, so it is unknown how many special districts there are.

Local Districts were included with Special Districts that is why there are 581 Special Districts on the handout for State Archives. When considering this, the discrepancy is not as great between the number of Special Districts listed by Archives, than the other agency lists.

Jonathan Ball suggested that the sub-groups for Open Records, and Financial Transparency look at the way things are organized on the front page of the site with the drill down, to make it easier for a user to navigate.

Senator Henderson recommended that the financial transparency website include a much better overall search capability.

Ms. Smith-Mansfield feels that over time it would be good to line up all three websites so the search is similar on each of the three sites.

Representative Eliason would like the Utah Transparency Board meetings on the Legislative website as well as the Public Notice Website.

Jonathan Ball said that defined by Legislative Rule, which is overseen by the Legislative Management Committee, to post to the Legislative website, it has to be a public body, staffed by legislative staff offices. Under that rule, this board does not meet that definition.

Representative Eliason motioned to formally ask the Legislative Management Committee to make a change to their rule to allow the Utah Transparency Board Meetings to be streamed, and notified on their website.

Senator Henderson seconded the motion; a vote was taken, and passed.

7. Open Data Website update.

David Fletcher, Chief Technology Officer with the Department of Technology Services, and Drew Mingl the State Open Data Coordinator, discussed the Open Data Portal.

At the last meeting in January Mr. Fletcher reported that they have had 3.2 million page views during the first year of the Open Data Portal. Since January 2016 there has been another 2.8 million page views. There have been a total of 6 million page views of the Utah Open Data Portal.

Drew Mingl said with the massive amounts of data they have on the portal, they needed to build a second application to allow users to crunch the data. They have 31 million rows of updated data on the Open Data Portal. The board reviewed a pie chart of the different types of data available on the portal. The biggest part of the data comes from Natural Resources in the State of Utah.

They are beta testing and training users on the new software application “Data Lens” that sits on top of the 31 million rows of data. He demonstrated to the Board how to use the Data Lens application. This will allow citizens to create custom analysis. They are also building custom pages for every county in the state.

Gary Williams asked where someone can get the training. Drew Mingle said he will provide the training.

Phil Windley asked about implementation, and if Data Lens is from Socrata, and are they are hosting the data?

It was explained that they have a contract with Socrata that allows them to dump an unlimited quantity of data into the system for the first two years. Every piece of data is searchable in this system. There is a Socrata Open Data API that is consistent for all the datasets. There is information on the website on how to use the Socrata Open Data API (SODA).

Jon Ball said that what was shown today all had a geospatial element.

Dave Fletcher said there are a lot of datasets that do not have a geospatial element. They wanted to show the new functionality today at the meeting.

Jonathan Ball thinks that the geospatial element should be added to the financial data in the future.

Senator Henderson would like to integrate the Transparency Website into these other sort of applications. Dave Fletcher said they were working to do that, but there are some challenges they will need to work through.

Rick Little asked what the cost has been on Socrata? Dave Fletcher said the budget is \$250,000 a year for two years, and they will try to keep it under the \$250,000 after the first two years.

There was a discussion about who owns the records once they are posted to the financial transparency website.

Patricia Smith-Mansfield referred to GRAMA 63G-2-206, Sharing records. When DTS gets the records from local governments or municipalities, they take the record and put them in another

place. DTS may need a record sharing agreement, so they could establish custody of the records, then it will not be a problem later.

Mr. Reidhead said that Finance needs to determine the retention schedule on the records on the Financial Transparency Website.

Ms. Smith-Mansfield's staff will help the people or entities, who are holding various records from different sources, to establish what they need to do with those records.

8. Financial Transparency Website update.

Brenda Lee, Assistant Director, with the Division of Finance, and Darrell Swensen, Transparency Coordinator, proceeded with the update of the Financial Transparency Website.

Ms. Lee explained that it is difficult to put all the financial data on Socrata, or another platform, because of employees' names that are protected by GRAMA.

John Reidhead said that they looked at how names are protected and unprotected. They have been working with DHRM to see if there is a way to simplify the current process for protecting and unprotecting employee names. Each week, Mary Lee Hickey (DTS), takes the DHRM list of protected names in their system, and goes through Data Warehouse, and Utah Interactive, to protect or unprotect all the names on the DHRM list. Protecting and Unprotecting names this way can display records later that should have been protected.

Finance would like to change the way they protect the names. They would like to protect or unprotect the information at the time it is published on the transparency website.

Bob Thompson, Director of Labor Relations (DHRM), said DHRM is creating a new system to fix these issues. If someone is in a protected status, and then is no longer protected, their system will redact the period of time the person was in a protected status. This will be active in July 2016.

If someone moves into a protective status, Finance has an automated process to go back in and redact their name on their information, the record remains, just their name is redacted. Their title is not redacted at the current time, but they are questioning whether to redact the title too.

John Reidhead is hopeful the Board will allow this change.

Senator Henderson suggested that law enforcement be contacted to see if this is a reasonable approach. Mr. Reidhead will contact law enforcement (Public Safety and the Attorney General's office) about this issue, and bring the information back to the next meeting.

Brenda Lee continued with the update of the website, she stated that a Statement of Work (SOW) has been signed with Utah Interactive to display balance sheet data for local governments. An email will be sent to entities when their files are processed or rejected. The State Auditor now requires local governments to upload their balance sheet data. This will start with FY16 data.

Darrell Swensen has developed a spreadsheet with formulas, and look-up tables for the entities to use to submit their Balance Sheet data, as required by the State Auditor.

Finance holds regular meetings with UI on how to improve the website.

Finance is working on a request from the State Auditor and the LFA, for a better way to directly access the transparency database.

Public Interest Research Group (PIRG) released the grade for the transparency website on April 13, 2016. The Financial Transparency website received a B+ grade. Brenda Lee discussed the criteria for the grade. She explained the items the transparency website receives full credit for, and areas where we do not receive the full amount of points. There are independent Utah entities such as The Worker's Compensation Fund that are exempt from reporting, the website does not receive credit for those entities. The main area where we lose points is with the Economic Subsidy reporting. By Contract, GOED cannot report actual results by company name. PIRG grades the top 5 programs identified by www.GoodJobsFirst.Org

Senator Henderson said there is new Legislation that requires the Utah State Retirement Office to report staff salaries. This may add points to the websites grade.

Utah Communications Agency is in the process of reporting their data.

9. Public Comment. No Public Comments.

10. Discuss date for next Board Meeting.

Jonathan Ball would like to have quarterly meetings. Some possible dates will be sent to the Board for a meeting in mid-July. If those dates do not work, a meeting will be set in late August.

There are some things that changed this past Legislative Session that need to be updated in the policies. Finance will update the policies and sent out to the Board.

There was a motion to adjourn, motion passed. Meeting adjourned at 4:02 p.m.