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**MEMORANDUM**

May 27, 2010

To: Michael Jordan, Chief Operating Officer

From: Suzanne Flynn, Metro Auditor

**Re: Compliance with public records and retention policies**

During the initial phase of our Public Engagement and Transparency audit, we conducted some preliminary tests of Metro's compliance with its public records policies and procedures. We are sharing the results with you at this stage because we believe they merit your attention and we will not be conducting further work in this area as the audit progresses.

We asked volunteers to request public records from five Metro entities: Council, Parks and Environmental Services, Planning and Development, MERC and the Oregon Zoo. Metro's response to the five requests was mixed. Two volunteers gained access to the information they requested. A third volunteer received one of three documents requested, and two others were unable to obtain the records they wanted.

We believe the inconsistent responses indicate that compliance with public records requests is a risk area. Additionally, staff did not provide some records requested because they apparently could not find them. That indicates to us that compliance with records retention policies also may be an issue. A summary of the information requested, the responses, and our judgment of the results is attached.

None of the volunteers we solicited for the requests works for Metro, and they did not disguise their identities. Auditors selected the documents for them to request from Metro's records retention schedules. We asked one volunteer to make her request in person, but left it up to each remaining volunteer to figure out how best to obtain the records they were assigned. They chose a variety of methods, including calling the main number, emailing the Metro Records Officer, and submitting a request through an on-line form designed for questions from the public.

Four of the five entities made at least an attempt to comply with the requests. The Zoo was the exception. In response to an emailed request for a list of animals that have died at the Zoo since 2000, an unidentified Zoo contact wrote that even though the information was captured for accreditation purposes, staff did not have time to compile it for the requestor. The Zoo made no attempt to ask the volunteer if her request could be refined to make it both manageable for the Zoo and still responsive to

her needs. When the volunteer offered to put the list together herself if she could have access to the Zoo's data, she did not receive a response.

During interviews with the volunteers about their experiences, we learned that:

- They appreciated how quickly Metro staff responded to their requests initially
- They described their personal interactions with staff as courteous
- Those positive assessments were outweighed by disappointment when Metro did not provide the records
- Though it may have met the letter of the law, summary data provided without an explanation of what it meant left one volunteer with the impression her request for a report had not been fulfilled
- The fee schedule on the records request form led one volunteer to decline to sign it, because she thought it committed her to pay a cost that was unknown at the time

We recommend that management and staff review Metro's policies and procedures for public records requests and retention.

**Results Summary**

<b>Entity</b>	<b>Requested</b>	<b>Response</b>	<b>Result</b>
Council	Email correspondence sent or received by Councilors Harrington and Collette regarding Stafford Hamlet between Jan. 1, 2010 and March 21, 2010	Description of all correspondence related to Stafford Hamlet during the time frame with a staff request to identify which items were of interest	Complied
MERC	Annual performance reports for the First Opportunity Target Act program for the last five years	A data table of recruitment trends over five years	Complied
Planning and Development	Most recent Local Transportation Review Records for Milwaukie, Oregon City, and Tigard	Letter supporting Milwaukie's local plan; told requestor the other two could not be found	Partially complied
Parks and Environmental Services	Summaries of Metro South Transfer Station annual inspection reports for the last five years.	Two inspection reports outside of the five-year time frame and a 2007 annual performance report (not an inspection report).	Did not comply
Oregon Zoo	List of animals that have died at the Zoo from Jan. 1, 2000 to date and the cause of death	Email denying access to the records; did not respond to a follow-up request	Did not comply



Date: May 14, 2010  
To: Suzanne Flynn, Metro Auditor  
From: Scott Robinson, Deputy COO  
Cc: Michael Jordan, COO  
Subject: Management response to **Management Letter – Public Engagement and Transparency Audit**

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Metro maintains well defined policies and systems relative to how to handle public information requests and appropriate procedures for documentation. Policies, procedures and the appropriate documents are referenced for staff on the Intranet at <http://imet.metro-region.org/index.cfm/go/by.web/id=18477/level=4>.

The lack of consistency in the response provided to the requestors in the study would indicate a need to refresh those procedures among management and staff. To that end, Metro management accepts the recommendation of the Office of the Auditor to review Metro's policies and procedures for public records requests and retention with management and staff.

Thank you for bringing this to our attention.