

## MEMORANDUM

**To:** Mayor Becker  
David Everitt

**From:** Ed Rutan

**Cc:** Lynn Pace  
Sim Gill  
Tim Rodriquez

**Date:** July 10, 2009

**Re:** Salt Lake City's Greater Transparency for Collaborative Government Initiative –  
Department Plans

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As requested in your April 13, 2009 memo to Department Directors, I am enclosing the assessments for the City Attorney's Office. These assessments are organized by our three "divisions" – (1) the "civil practice," (2) the City Prosecutors Office and (3) Risk Management.

**Open Government Analysis  
For  
All Salt Lake City Departments  
and Mayor's Office**

Department: City Attorney's Office

Division: Civil Practice

Contact: Ed Rutan

Phone : (801) 535-6828 e-mail : ed.rutan@slcgov.com

Function: Legal Advice

Type of Activity:     Policy Development     Administrative     Operational  
                            Advisory                             Project Planning     Other \_\_\_\_\_

<b>SERVICE DESCRIPTION</b>	
Are the services performed by this group and the contact point described on slcgov.com?	Yes
If so, where?	City Attorney's Office Homepage
If not, what changes will be made?	N/A
Is the description "citizen friendly" and "citizen useful"?	Yes
If not, what changes will be made?	N/A
<b>ACCESS TO DOCUMENTS</b>	
What kind of documents exist to support the City's actions?	For major, more complicated matters, a formal legal opinion is prepared. More frequently, legal advice is given by e-mail. These documents generally are protected from disclosure by the attorney-client privilege or work product protection.
Historic level of public interest. (1 = very low; 5 = very high)	1
Identify specific actions that have generated specific public interest in these documents within the past five years.	Blue Boutique
Are these documents currently available on slcgov.com?	Selectively
If not, is there a benefit to the public of putting these documents on slcgov.com? If so, describe the benefit.	We need to develop guidelines on when legal advice should be placed on line

PUBLIC INVOLVEMENT	
At what point in the decision-making process is the public involved, if at all? <sup>1</sup>	Not at all
What techniques are used to involve the public? <sup>2</sup>	N/A
Intended purpose of public involvement? <sup>3</sup>	Inform or educate at most
Usual level of public interest in this type of action (1 = very low; 5 = very high)	1
Identify all actions in this category that had generated significant public interest within the past five years	See above

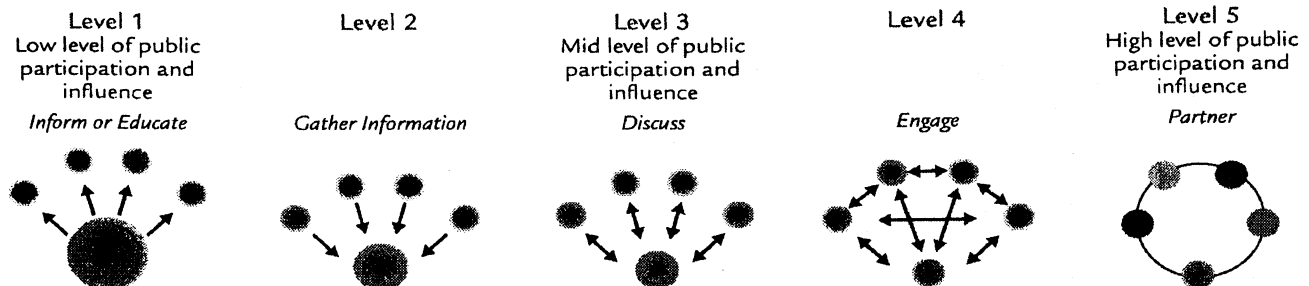
<sup>1</sup> The public can be involved at any or all of these stages (or not at all):

- As ideas about the City's action are being generated (the public helps define the problem to be addressed)
- As potential options for action are being identified (the public helps identify potential solutions)
- When a proposed action has been identified (the public provides comment on the proposed action)
- When the City's action has been taken (the public is notified that the action has been taken)

<sup>2</sup> Examples: Fact sheet, public hearing, open house, notice in newspaper

<sup>3</sup> The following Public Participation Continuum is taken from the Office of the Auditor General of British Columbia, Public Participation: Principles and Best Practices for British Columbia, (November 2008, at 28)

#### Public Participation Continuum



Source: Adapted from Health Canada and International Association of Public Participation

**Open Government Analysis  
For  
All Salt Lake City Departments  
and Mayor's Office**

Department: City Attorney's Office

Division: Civil Practice

Contact: Ed Rutan

Phone : (801) 535-7628 e-mail : ed.rutan@slcgov.com

Function: Negotiation and drafting for commercial and real property transactions.

Type of Activity:     Policy Development     Administrative     Operational  
                            Advisory                            Project Planning     Other \_\_\_\_\_

<b>SERVICE DESCRIPTION</b>	
Are the services performed by this group and the contact point described on slcgov.com?	Yes
If so, where?	City Attorney's Office home page on slcgov.com
If not, what changes will be made?	
Is the description "citizen friendly" and "citizen useful"?	Could be improved
If not, what changes will be made?	Briefly expand description
<b>ACCESS TO DOCUMENTS</b>	
What kind of documents exist to support the City's actions?	Documents evidencing the transaction such as contracts, deeds, etc.
Historic level of public interest. (1 = very low; 5 = very high)	1
Identify specific actions that have generated specific public interest in these documents within the past five years.	Interest may be high in a particular transaction (e.g. Skybridge Lease to CCRI), but interest in the underlying transaction documents is low.
Are these documents currently available on slcgov.com?	No
If not, is there a benefit to the public of putting these documents on slcgov.com? If so, describe the benefit.	There could be some public benefit in putting the transaction documents for "high profile" transactions like the Skybridge Lease on slcgov.com, but targeted GRAMA requests for transactions of interest are probably more efficient than putting large numbers of transaction document on line.

PUBLIC INVOLVEMENT	
At what point in the decision-making process is the public involved, if at all? <sup>1</sup>	Not at all. (The transaction itself may have significant public policy issues, calling for public input, but we do not seek public input on the "legal" aspects.)
What techniques are used to involve the public? <sup>2</sup>	N/A
Intended purpose of public involvement? <sup>3</sup>	N/A
Usual level of public interest in this type of action (1 = very low; 5 = very high)	1
Identify all actions in this category that had generated significant public interest within the past five years	None came to mind in terms of the legal dimension.

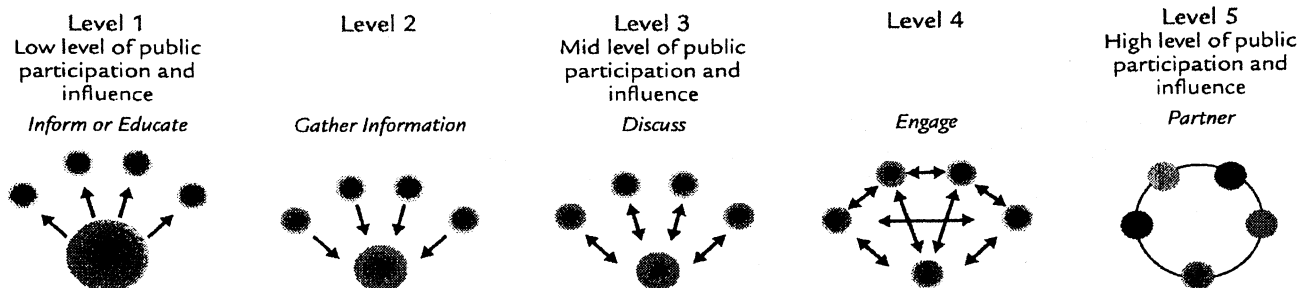
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**Open Government Analysis  
For  
All Salt Lake City Departments  
and Mayor's Office**

Department: City Attorney's Office  
Division: Civil Practice  
Contact: Ed Rutan  
Phone : 801-535-7628 e-mail : ed.rutan@slcgov.com

Function: Drafting ordinances, resolutions, policies, executive orders.

Type of Activity:     Policy Development     Administrative     Operational  
                                  Advisory                                     Project Planning     Other \_\_\_\_\_

<b>SERVICE DESCRIPTION</b>	
Are the services performed by this group and the contact point described on slcgov.com?	No
If so, where?	N/A
If not, what changes will be made?	Add to description on City Attorney's Office homepage.
Is the description "citizen friendly" and "citizen useful"?	No
If not, what changes will be made?	See above
<b>ACCESS TO DOCUMENTS</b>	
What kind of documents exist to support the City's actions?	Ordinances, resolutions, policies, etc. And drafts of same
Historic level of public interest. (1 = very low; 5 = very high)	Varies depending on the subject matter
Identify specific actions that have generated specific public interest in these documents within the past five years.	Certain subject matters have generated a good deal of public interest (e.g. "monster homes")
Are these documents currently available on slcgov.com?	City Council materials (e.g. ordinances, and resolutions) are electronically available as part of public "Council Packets"
If not, is there a benefit to the public of putting these documents on slcgov.com? If so, describe the benefit.	N/A

PUBLIC INVOLVEMENT	
At what point in the decision-making process is the public involved, if at all? <sup>1</sup>	The public is not involved in the drafting process itself, but public input on the policy decision is reflected in revised drafts as directed by the policy makers.
What techniques are used to involve the public? <sup>2</sup>	See above
Intended purpose of public involvement? <sup>3</sup>	See above
Usual level of public interest in this type of action (1 = very low; 5 = very high)	Varies
Identify all actions in this category that had generated significant public interest within the past five years	Many planning/land use issues.

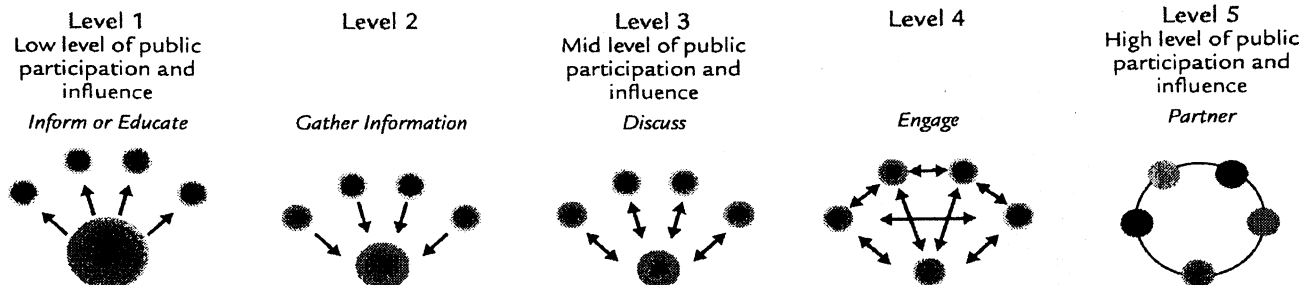
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- When the City's action has been taken (the public is notified that the action has been taken)

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For  
All Salt Lake City Departments  
and Mayor's Office**

Department: City Attorney's Office  
Division: Civil Practice  
Contact: Ed Rutan  
Phone : 801-535-7628 e-mail : ed.rutan@slcgov.com

Function: Litigation

Type of Activity:     Policy Development     Administrative     Operational  
                           Advisory                            Project Planning     Other \_\_\_\_\_

<b>SERVICE DESCRIPTION</b>	
Are the services performed by this group and the contact point described on slcgov.com?	Yes
If so, where?	City Attorney's Office "home" page on slcgov.com
If not, what changes will be made?	N/A
Is the description "citizen friendly" and "citizen useful"?	Yes
If not, what changes will be made?	N/A
<b>ACCESS TO DOCUMENTS</b>	
What kind of documents exist to support the City's actions?	The City's legal position is stated in public filings made with the court such as memoranda, briefs and complaints or answers.
Historic level of public interest. (1 = very low; 5 = very high)	1
Identify specific actions that have generated specific public interest in these documents within the past five years.	While there may be significant interest in the lawsuit (e.g. Main Street Plaza litigation), there is rarely interest in the briefs the City files.
Are these documents currently available on slcgov.com?	No
If not, is there a benefit to the public of putting these documents on slcgov.com? If so, describe the benefit.	Not really. The City's legal papers are publically available at the federal and state courts and the news media are adept at finding them.

PUBLIC INVOLVEMENT	
At what point in the decision-making process is the public involved, if at all? <sup>1</sup>	The public is not involved at all, with the rare exception of a press release informing the public of a significant development in a lawsuit.
What techniques are used to involve the public? <sup>2</sup>	Press releases
Intended purpose of public involvement? <sup>3</sup>	Inform
Usual level of public interest in this type of action (1 = very low; 5 = very high)	1
Identify all actions in this category that had generated significant public interest within the past five years	None

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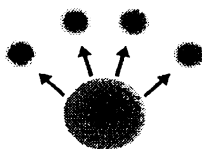
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- As potential options for action are being identified (the public helps identify potential solutions)
- When a proposed action has been identified (the public provides comment on the proposed action)
- When the City's action has been taken (the public is notified that the action has been taken)

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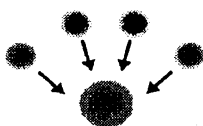
#### Public Participation Continuum

**Level 1**  
Low level of public participation and influence  
*Inform or Educate*

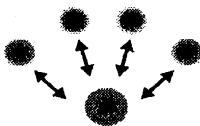


**Level 2**

*Gather Information*

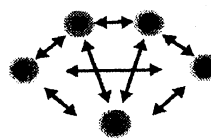


**Level 3**  
Mid level of public participation and influence  
*Discuss*

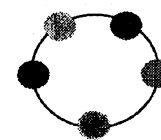


**Level 4**

*Engage*



**Level 5**  
High level of public participation and influence  
*Partner*



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and Mayor's Office**

Department: City Attorney's Office  
Division: Civil Practice  
Contact: Ed Rutan  
Phone : 801-535-7628 e-mail : ed.rutan@slcgov.com

Function: Legislative Advocacy

Type of Activity:     Policy Development     Administrative     Operational  
                           Advisory                            Project Planning     Other \_\_\_\_\_

<b>SERVICE DESCRIPTION</b>	
Are the services performed by this group and the contact point described on slcgov.com?	No. Primary responsibility for this function lies with the City's Director for Intergovernmental Relations.
If so, where?	N/A
If not, what changes will be made?	None (See above)
Is the description "citizen friendly" and "citizen useful"?	N/A
If not, what changes will be made?	N/A
<b>ACCESS TO DOCUMENTS</b>	
What kind of documents exist to support the City's actions?	See response from Mayor's Office.
Historic level of public interest. (1 = very low; 5 = very high)	
Identify specific actions that have generated specific public interest in these documents within the past five years.	
Are these documents currently available on slcgov.com?	
If not, is there a benefit to the public of putting these documents on slcgov.com? If so, describe the benefit.	

PUBLIC INVOLVEMENT	
At what point in the decision-making process is the public involved, if at all? <sup>1</sup>	
What techniques are used to involve the public? <sup>2</sup>	
Intended purpose of public involvement? <sup>3</sup>	
Usual level of public interest in this type of action (1 = very low; 5 = very high)	
Identify all actions in this category that had generated significant public interest within the past five years	

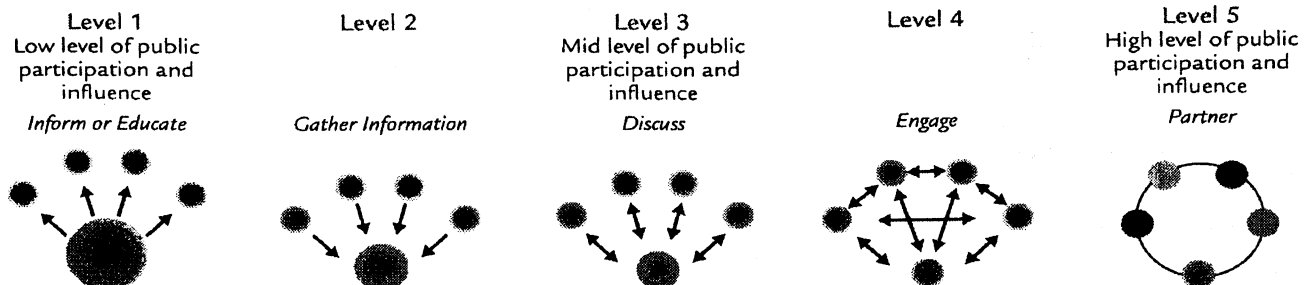
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Department: City Attorney's Office

Division: Civil Practice

Contact: Ed Rutan

Phone : (801) 535-6828 e-mail : ed.rutan@slcgov.com

Function: Advisory opinions on conflict of interest pursuant to SLCC § 2.44.210 and waivers under § 2.44.180

Type of Activity:  Policy Development  Administrative  Operational  
 Advisory  Project Planning  Other \_\_\_\_\_

<b>SERVICE DESCRIPTION</b>	
Are the services performed by this group and the contact point described on slcgov.com?	No
If so, where?	N/A
If not, what changes will be made?	Add to service description.
Is the description "citizen friendly" and "citizen useful"?	
If not, what changes will be made?	
<b>ACCESS TO DOCUMENTS</b>	
What kind of documents exist to support the City's actions?	Written opinions in each instance.
Historic level of public interest. (1 = very low; 5 = very high)	1
Identify specific actions that have generated specific public interest in these documents within the past five years.	Keith Christiansen's request for an opinion on his bidding on airport procurement contracts while he was a member of the airport board led to a Salt Lake Tribune editorial.
Are these documents currently available on slcgov.com?	Yes, for advisory opinions/No for waivers.
If not, is there a benefit to the public of putting these documents on slcgov.com? If so, describe the benefit.	Yes, for the same reason that we decided to put the advisory opinions online as part of the transparency initiative, we should also put the waiver decisions on line.

PUBLIC INVOLVEMENT	
At what point in the decision-making process is the public involved, if at all? <sup>1</sup>	Not at all
What techniques are used to involve the public? <sup>2</sup>	N/A
Intended purpose of public involvement? <sup>3</sup>	1
Usual level of public interest in this type of action (1 = very low; 5 = very high)	1
Identify all actions in this category that had generated significant public interest within the past five years	See above

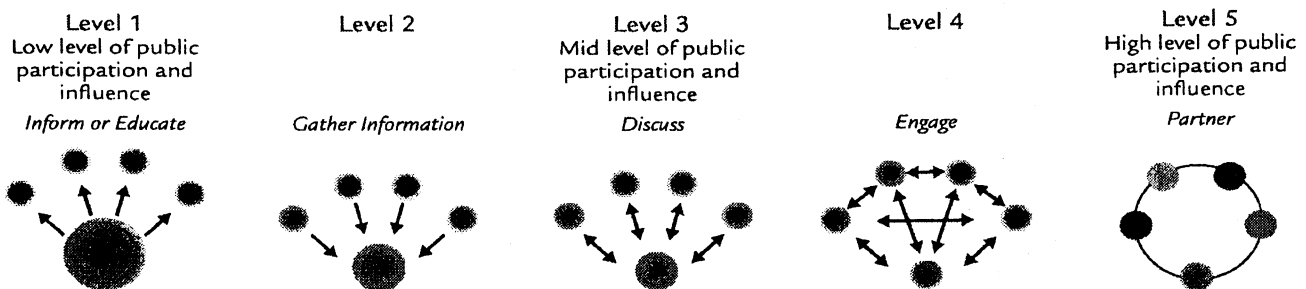
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For  
All Salt Lake City Departments  
and Mayor's Office**

Department: City Attorney's Office

Division: City Attorney's Office

Contact: Ed Rutan

Phone : (801) 535-7628 e-mail : ed.rutan@slcgov.com

Function: Decide requests for waivers of insurance requirements in City contracts pursuant to SLCC Section 3.25.020B.

Type of Activity:     Policy Development     Administrative     Operational  
                            Advisory                            Project Planning     Other \_\_\_\_\_

<b>SERVICE DESCRIPTION</b>	
Are the services performed by this group and the contact point described on slcgov.com?	No
If so, where?	
If not, what changes will be made?	Add to Risk Management Discription
Is the description "citizen friendly" and "citizen useful"?	
If not, what changes will be made?	See above
<b>ACCESS TO DOCUMENTS</b>	
What kind of documents exist to support the City's actions?	There are basically three types of documents: 1) the request for a waiver sent to the Risk Manager, 2) the Risk Manager's recommendation to the City Attorney, and 3) the City Attorney's decision.
Historic level of public interest. (1 = very low; 5 = very high)	1
Identify specific actions that have generated specific public interest in these documents within the past five years.	none
Are these documents currently available on slcgov.com?	No
If not, is there a benefit to the public of putting these documents on slcgov.com? If so, describe the benefit.	All these document could be put on line, but given the historic lack of interest our recommendation is that these documents not be put on line. Access would be on a request basis through GRAMA.

PUBLIC INVOLVEMENT	
At what point in the decision-making process is the public involved, if at all? <sup>1</sup>	Not at all
What techniques are used to involve the public? <sup>2</sup>	None
Intended purpose of public involvement? <sup>3</sup>	None
Usual level of public interest in this type of action (1 = very low; 5 = very high)	1
Identify all actions in this category that had generated significant public interest within the past five years	None

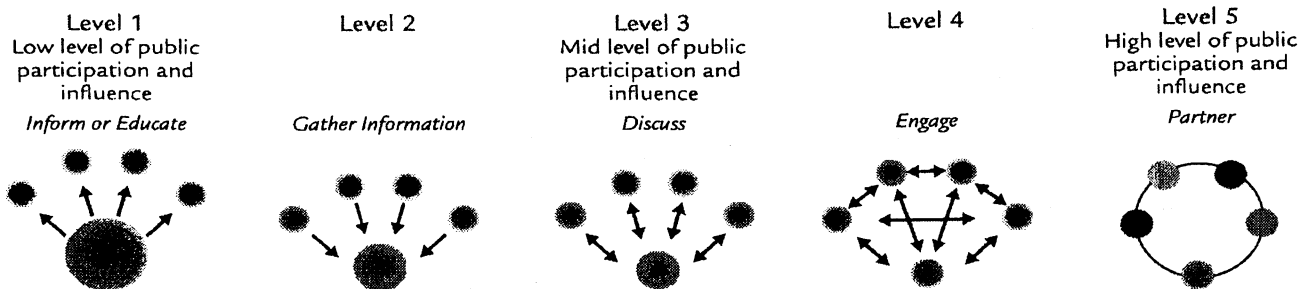
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**Open Government Analysis  
For  
All Salt Lake City Departments  
and Mayor's Office**

Department: City Attorney's Office  
Division: City Prosecutor  
Contact: Sim Gill

Phone : (801) 535-7990 e-mail : simarjit.gill@slcgov.com

Function: Screening of Criminal Charges

Type of Activity:     Policy Development     Administrative     Operational  
                                  Advisory                                    Project Planning     Other \_\_\_\_\_

<b>SERVICE DESCRIPTION</b>	
Are the services performed by this group and the contact point described on slcgov.com?	Yes
If so, where?	Salt City Prosecutor website.
If not, what changes will be made?	N/A
Is the description "citizen friendly" and "citizen useful"?	Yes
If not, what changes will be made?	N/A
<b>ACCESS TO DOCUMENTS</b>	
What kind of documents exist to support the City's actions?	All investigation notes, including, but not limited to, photos, memos from various police department.
Historic level of public interest. (1 = very low; 5 = very high)	2.5
Identify specific actions that have generated specific public interest in these documents within the past five years.	Public and news media interest in specific prosecutions.
Are these documents currently available on slcgov.com?	No
If not, is there a benefit to the public of putting these documents on slcgov.com? If so, describe the benefit.	No

## PUBLIC INVOLVEMENT

At what point in the decision-making process is the public involved, if at all? <sup>1</sup>	The public is not involved as cases are protected information about specific defendants.
What techniques are used to involve the public? <sup>2</sup>	Public documents as the product filing of criminal charges. General disclosure at the courts.
Intended purpose of public involvement? <sup>3</sup>	Inform and educate the citizens that criminal defendants are being publicly held accountable for their criminal conduct.
Usual level of public interest in this type of action (1 = very low; 5 = very high)	2.5
Identify all actions in this category that had generated significant public interest within the past five years	Specific case interest.

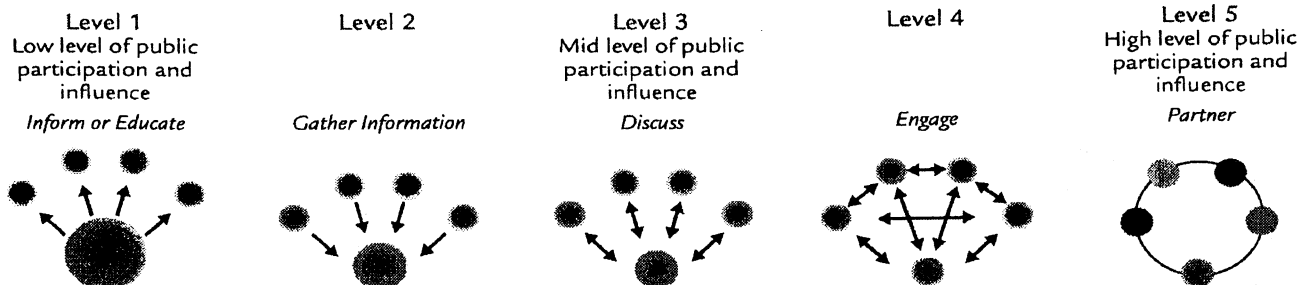
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For  
All Salt Lake City Departments  
and Mayor's Office**

Department: City Attorney  
Division: City Prosecutor's Office  
Contact: Sim Gill  
Phone : 801-535-7990 e-mail : simarjit.gill@slcgov.com

Function: Criminal Prosecution

Type of Activity:  Policy Development  Administrative  Operational  
 Advisory  Project Planning  Other \_\_\_\_\_

<b>SERVICE DESCRIPTION</b>	
Are the services performed by this group and the contact point described on slcgov.com?	Yes
If so, where?	Prosecutor website
If not, what changes will be made?	NA
Is the description "citizen friendly" and "citizen useful"?	Yes and No. We are certainly engaged in serving the community and victims of crime. However, ours is not a service people look forward to using.
If not, what changes will be made?	NA
<b>ACCESS TO DOCUMENTS</b>	
What kind of documents exist to support the City's actions?	Case files and supporting evidence.
Historic level of public interest. (1 = very low; 5 = very high)	2.5
Identify specific actions that have generated specific public interest in these documents within the past five years.	Specific cases generate interest depending upon community and media interest.
Are these documents currently available on slcgov.com?	No. They are protected documents.
If not, is there a benefit to the public of putting these documents on slcgov.com? If so, describe the benefit.	No.

PUBLIC INVOLVEMENT	
At what point in the decision-making process is the public involved, if at all? <sup>1</sup>	The public is generally involved as either as victims or as a part of a general interest in holding offenders accountable.
What techniques are used to involve the public? <sup>2</sup>	General education and various programs described through media and prosecution.
Intended purpose of public involvement? <sup>3</sup>	General education.
Usual level of public interest in this type of action (1 = very low; 5 = very high)	2.5
Identify all actions in this category that had generated significant public interest within the past five years	Various media inquires based upon specific prosecution issues.

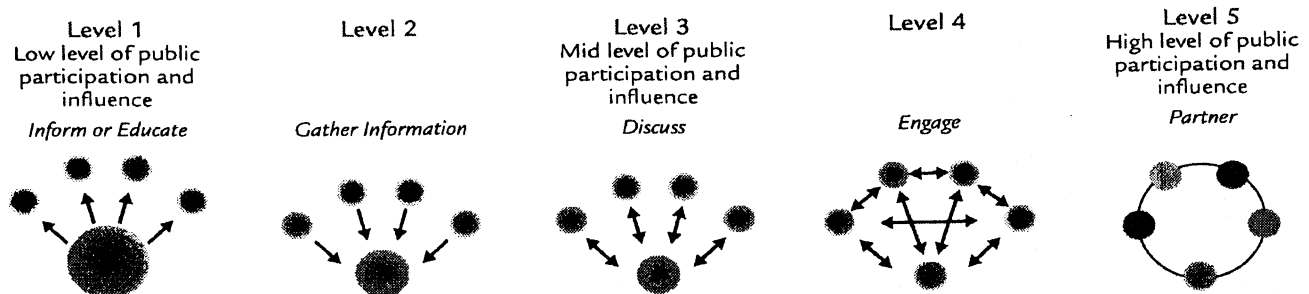
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- As ideas about the City's action are being generated (the public helps define the problem to be addressed)
- As potential options for action are being identified (the public helps identify potential solutions)
- When a proposed action has been identified (the public provides comment on the proposed action)
- When the City's action has been taken (the public is notified that the action has been taken)

<sup>2</sup> Examples: Fact sheet, public hearing, open house, notice in newspaper

<sup>3</sup> The following Public Participation Continuum is taken from the Office of the Auditor General of British Columbia, Public Participation: Principles and Best Practices for British Columbia, (November 2008, at 28)

### Public Participation Continuum



Source: Adapted from Health Canada and International Association of Public Participation

**Open Government Analysis  
For  
All Salt Lake City Departments  
and Mayor's Office**

Department: City Attorney's Office

Division: Civil Practice

Contact: Ed Rutan

Phone : (801) 535-6020 e-mail : timothy.rodriquez@slcgov.comFunction: Oversee Worker's Compensation Third Party Administrator

Type of Activity:     Policy Development     Administrative     Operational  
                            Advisory                             Project Planning     Other \_\_\_\_\_

<b>SERVICE DESCRIPTION</b>	
Are the services performed by this group and the contact point described on slcgov.com?	Yes
If so, where?	On Salt Lake City Attorney's home page
If not, what changes will be made?	N/A
Is the description "citizen friendly" and "citizen useful"?	No
If not, what changes will be made?	Look at adding a link to a Risk Management page for descriptions on job
<b>ACCESS TO DOCUMENTS</b>	
What kind of documents exist to support the City's actions?	Claim notice, investigation files, including, but not limited to, photos, statements, employee medical records
Historic level of public interest. (1 = very low; 5 = very high)	1
Identify specific actions that have generated specific public interest in these documents within the past five years.	None
Are these documents currently available on slcgov.com?	No
If not, is there a benefit to the public of putting these documents on slcgov.com? If so, describe the benefit.	No

PUBLIC INVOLVEMENT	
At what point in the decision-making process is the public involved, if at all? <sup>1</sup>	None
What techniques are used to involve the public? <sup>2</sup>	N/A
Intended purpose of public involvement? <sup>3</sup>	N/A
Usual level of public interest in this type of action (1 = very low; 5 = very high)	1
Identify all actions in this category that had generated significant public interest within the past five years	Never had any

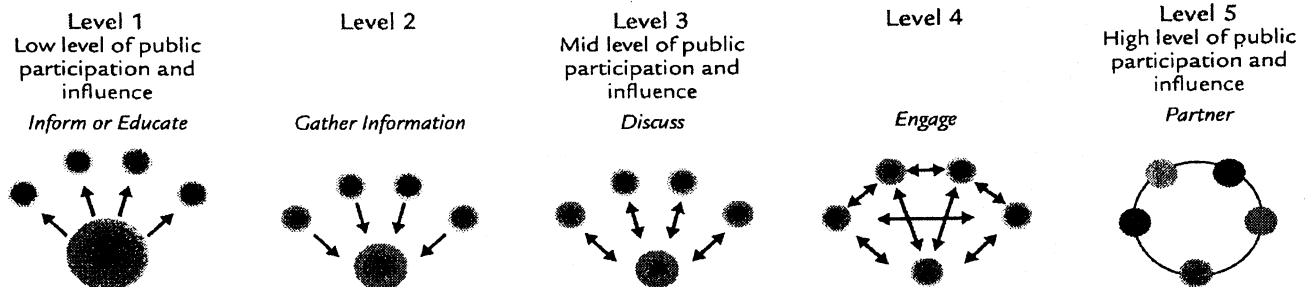
<sup>1</sup> The public can be involved at any or all of these stages (or not at all):

- As ideas about the City's action are being generated (the public helps define the problem to be addressed)
- As potential options for action are being identified (the public helps identify potential solutions)
- When a proposed action has been identified (the public provides comment on the proposed action)
- When the City's action has been taken (the public is notified that the action has been taken)

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#### Public Participation Continuum



Source: Adapted from Health Canada and International Association of Public Participation

**Open Government Analysis  
For  
All Salt Lake City Departments  
and Mayor's Office**

Department: City Attorney's Office

Division: Civil Practice

Contact: Ed Rutan

Phone : (801) 535-6020 e-mail : timothy.rodriquez@slcgov.comFunction: Manage Subrogation claims for Salt Lake City

Type of Activity:     Policy Development     Administrative     Operational  
                            Advisory                            Project Planning     Other \_\_\_\_\_

<b>SERVICE DESCRIPTION</b>	
Are the services performed by this group and the contact point described on slcgov.com?	Yes
If so, where?	City Attorney's Risk Management webpage
If not, what changes will be made?	N/A
Is the description "citizen friendly" and "citizen useful"?	Yes
If not, what changes will be made?	N/A
<b>ACCESS TO DOCUMENTS</b>	
What kind of documents exist to support the City's actions?	All investigation notes, including, but not limited to, photos, memos from departments and adjuster notes
Historic level of public interest. (1 = very low; 5 = very high)	1
Identify specific actions that have generated specific public interest in these documents within the past five years.	Reason for subrogation
Are these documents currently available on slcgov.com?	No
If not, is there a benefit to the public of putting these documents on slcgov.com? If so, describe the benefit.	No