



Local Agency Website Transparency Opportunities

www.ca-ilg.org/WebsiteTransparency

June 2012

Related Resources from the Institute

The Institute's website offers the following additional resources relating to technology, social media, and transparency:

- "Legal Issues Associated with Social Media" available at: www.ca-ilg.org/SocialMediaLegalIssues
- "Meetings and Technology: Finding the Right Balance" available at: www.ca-ilg.org/technology-and-meetings
- "Taking the Bite out of Blogs: Ethics in Cyberspace" available at: www.ca-ilg.org/blogs

Question: *My agency is interested in increasing its transparency efforts through its website. With this objective in mind, what information should our local agency consider including on its website?*

The following are ideas based on various recommendations by local agency professional groups and practices employed by California local agencies.

Whether each item makes sense for a given community depends on a variety of factors, including community interests and the agency's available resources. This includes the resources to keep information current once it has been posted. In evaluating these issues, an agency may want to consider potential resource savings associated with making information available without having to be asked for it, as well as the potential for enhanced public trust and confidence in the agency.

There are two dimensions to public agency transparency:

- 1) Information transparency, and
- 2) Process transparency.

With respect to both kinds of transparency, a website is an opportunity to provide raw information (budget numbers and meeting dates) and also to provide the public with background information on what the numbers mean for the services they receive and how they can participate in the decision-making process if they choose.

Recognizing that many local agencies are struggling with budget cuts and providing information involves staff time, money and sufficient site capacity, the Institute has developed a number of resources designed to help local agencies offer general information about local agency decision-making to the public as part of its "local government 101" efforts (www.ca-ilg.org/localgovt101). The Institute welcomes links to its resources from agency websites.

Website Content for Local Agencies to Consider

Decision-Making Information

- Information on agency decision-making and advisory bodies (governing body, boards and commissions)
 - Explanation of the local agency's decision-making process and how to participate in it²
 - Brief explanation of how each body fits into the decision-making process
 - Work program for each body or equivalent (for example, planning commission is updating historical preservation ordinance, recycling and waste reduction commission is crafting a commercial recycling ordinance)
 - Performance measures (used to assess an agency's performance against the agency's goals)³
 - Regular meeting schedule for each body
 - Any meeting rules or protocols adopted by the agency
- Agendas and supporting materials for upcoming meetings⁴
- Meeting notices, agendas, documents and minutes for all upcoming and ongoing agency public engagement activities (in translations as appropriate to the community).
- Minutes and agendas for past meetings
- Archive of video and/or audio recordings of meetings, if meetings are recorded
- Explanation of how an interested member of the public can participate in meetings⁵
- How to apply to be on a board, commission or committee⁶
- How to receive email notices and agendas for meetings⁷
- Contact information for staff who can answer questions about any of the above information and provide additional information

Agency Websites: Where the Public Goes for Information

Thinking about what might usefully go on the agency's site is a timely question. For example, a Pew Research Center study found that 61 percent of Americans either looked for information or completed a transaction on a public agency website in the 12 months before the study.¹

Specific website activities with the highest concentration of interest included the following:

- **Agency Information** - 48 percent of users looked for information about the agency or issues within the jurisdiction and powers of the agency;
- **Agency Services** - 46 percent used the internet to determine what services were offered by the agency;
- **Agency Records** - 41 percent downloaded forms while 35 percent researched official documents and/or agency statistics

Additionally, about one-third of those users use alternate online communication platforms such as blogs, social networking sites, email, online video and text messaging, while a quarter of these users want to actively participate and share their ideas and views on policies, procedures or issues.

Financial and Human Resource Information

- Current year budget and explanatory information, including past years information, budget trends and governing body resolution adopting current budget⁸
- Graphs and charts describing budget and budget trends
- Explanations of various agency revenue sources, restrictions on how such revenues may be used, and revenue trends⁹
- Comprehensive annual financial reports¹⁰
- Annual audits for past three years
- Multiple-year financial forecast
- Treasurer's monthly reports¹¹
- Salary and compensation information¹²
 - Elected officials
 - Salary plan and salaries for agency employees¹³
 - Pension and other post-employment benefit costs¹⁴
 - Resolutions establishing compensation
- Job descriptions
- Contracts and purchasing¹⁵
 - Current contracts, including
 - Consultants
 - Legal counsel
 - Top earning administrators
 - Bargaining units
 - Lobbyists
 - Nonprofits¹⁶

Web 1.0 versus Web 2.0

This piece emphasizes information that agencies might consider offering online. By its nature, the information is one-way (from the agency to the public).

Agencies also have the opportunity through their websites and other platforms (for example, mobile applications) to offer more interactive online experiences. These experiences enable the public to offer input and information to the agency, as well as engage in dialogue.

For more information on using technology to seek public input, see www.ca-ilg.org/onlinepublicengagement.

- Current requests for proposals (sometimes referred to by the acronym “RFP”) and requests for qualifications (sometimes referred to by the acronym “RFQ”):
 - Those requests for which the agency is still seeking a response; and
 - The results of the agency’s decision-making process (which firm was selected to do the work contemplated in the request).
- Purchasing policy(ies)¹⁷
- Information on doing business with the agency
- Other spending information
 - Check register or equivalent (for example, annual list generated from accounts payable of who was paid what amounts)
 - Legal settlements and judgments
- Labor agreements, personnel rules, and all non-confidential documents controlling, prescribing or describing rules that govern pay and benefits received by city employees¹⁸
- Financial policies
 - Investment
 - Credit card use
 - Reserve
 - Travel/expense reimbursement
 - Petty cash
 - Internal controls/financial checks and balances
- Contact information for staff who can answer questions about any of the above information and provide additional information

Permits and Zoning

- Land use permitting
 - Permit information and application forms
 - Regulations
 - General plan, general plan updates, and any specific plans

-
- Zoning codes
 - Design review standards
 - Staff contact information
 - Hours of operation (including list of scheduled closures and legal holidays)
 - Decision-making body meeting schedules, agendas and minutes
 - How to participate in the planning process¹⁹
 - Building permits
 - Information about building code and any local deviations
 - Permit information and forms
 - Staff contact information
 - Hours of operation (including list of scheduled closures and legal holidays)
 - How to schedule inspections
 - Code enforcement
 - Property maintenance regulations
 - Code enforcement request forms
 - Current case list
 - Staff directory
 - Hours of operation (including list of scheduled closures and legal holidays)
 - Contact information for staff who can answer questions about any of the above information and provide additional information

Notes: providing permitting and code enforcement records by address and/or parcel number is an additional option. Some agencies also make information available through geographic information systems (often referred to by the acronym “GIS”)²⁰ that provide multiple kinds of information about specific places in the jurisdiction.

Elected Official Information²¹

- Names

-
- Biographies
 - Terms (including term limitations)
 - Represented areas and district boundaries (if applicable)
 - Information on the powers, duties and functions of the elected position
 - Contact information (phone and email)
 - How to run for office/election information
 - Voter registration information

Disclosure, Public Service Ethics and Transparency

- Form 700s/statement of economic interests
- Campaign disclosure forms (and/or links to other agency sites where such information is maintained) and links to FPPC explanatory materials²²
- Other required disclosures
 - Form 801/Gifts to Agency²³
 - Form 802/Tickets in Connection with Ceremonial Functions²⁴
 - Form 803/Fundraising Disclosure²⁵
- Local conflict of interest code and explanation²⁶
- How to find public records
 - What records are available online
 - How to request a public record
 - Contact person and contact information
 - Request form
 - Process explanation²⁷
- AB 1234 ethics training compliance information
- Other local ethics regulations/information
- Information about participation in lobbying activities/organizations²⁸

- Approved whistleblower policy
- Approved document retention policy

News

- Sign up for any agency e-bulletins or media releases
- Links to agency official blogs and social media accounts (for example, Facebook and Twitter)
- Links to past and current media releases
- Sign up for emergency information

Other

- Information about key agency positions
 - Their powers, functions and roles
 - How to contact those offices by phone and email
- Municipal code and policies (ideally in searchable form)
- Service requests, compliments and complaint submittal information
- General contact information for help in navigating website (“Can’t Find What You Are Looking For?”)

Website Content: Other Strategies for Transparency

As with other issues affecting California’s local agencies, one size does not fit all when it comes to what and how information is presented on any given agency’s website. To make sure the agency is making maximum use of its website as an information sharing tool given the particular needs and interests of its residents, ask the questions:

- What questions are residents asking in emails or calls?
- What kind of information is being sought in requests for public records?
- What do web analytics say about the community's interests in visiting the agency's site? What pages are visited the most, where are site visitors spending the most time, and what are the top search phrases?³⁰

Open Government Policy

While most public agency records are subject to disclosure, the standard practice is to make those records only available upon a public records request. An agency may consider proactively disclosing this information on its website or do as the City of Lafayette did and adopt an Open Government Statement.²⁹

Making the information available on the site is one step; making sure it is *easily located and regularly updated* on the site is another. This requires getting into the mindset of the average resident who may or may not know anything at all about who does what in an agency (which may mean that organizing information by agency department may not help residents locate the information they need). Focusing on the needs of particular website users' information needs and how they are likely to be thinking about a question is helpful. So is adding content in a way that the site's search engine can help visitors find what they are looking for.

As with all public agency communications, using plain language will maximize the probability that website visitors will understand the information being shared. In some communities, providing website content in multiple languages may be helpful if resources permit. Avoiding jargon and acronyms is also a good practice. [See October *Western City* Everyday Ethics article on The Ethics of Public Agency Language: www.westerncity.com/Western-City/October-2011/The-Ethics-of-Public-Language/]

Including opportunities for two-way communication is ideal, if the agency has the staff resources to receive and respond to such communication. A simple approach is using "email us with questions or suggestions." For those sections that invite interaction (for example, complaint forms or social media presences), a good practice is *prompt acknowledgement* of input to assure the public that their communication has in fact been delivered and is being considered. A well-crafted auto-reply can serve this function, but a more tailored/personal response should follow within a fairly short timeframe.

Finally, consider ways to notify residents when new information is posted. This could be through social media posts (for example, updates on the agency's Facebook page or Twitter feed) or even an email. This encourages residents to go to the website to take advantage of newly added information.

Conclusion

In difficult financial periods, making the kinds of information described above available through the agency's website can require resources that the agency does not have. Moreover, for larger agencies, additional kinds of information will also be of interest to members of the public and

media in accessing the agency's website. Finally, websites are but one tool available to make such information accessible to the public.

The key is for each agency to consider how, within the resources available, to provide the information likely to enable its residents to make well informed decisions consistent with democratic principles and processes. As Franklin D. Roosevelt observed "Democracy cannot succeed unless those who express their choice are prepared to choose wisely. The real safeguard of democracy, therefore, is education."

This resource is a service of the Institute for Local Government (ILG), whose mission is to promote good government at the local level with practical, impartial, and easy-to-use resources for California communities.

The Institute thanks the following individuals for their review and input into this resource:

- Chris Andis, Communication and Media Officer, County Executive's Office, Sacramento County
- Robert Biery, Finance Officer and City Treasurer, Westlake Village
- Troy L. Butzlaff, City Administrator, Placentia
- Sonia Carvalho, Partner, Best, Best and Krieger
- Fran David, City Manager, City of Hayward
- Donald M. Davis, Partner, Burke, Williams & Sorensen, LLP
- Elizabeth Emmett, Public Information Officer, Napa County
- Steven Falk, City Manager, Lafayette
- Jeff Gardner, City Manager/Finance Director, Plymouth
- Stephen J. Kimbrough, City Manager (Retired), City of Corning
- Wendy Klock-Johnson, Assistant City Clerk, Sacramento
- Jonathan P. Lowell, City Attorney, Pleasanton
- Brian M. Libow, City Attorney, San Pablo
- Steve Mattas, Partner, Meyers-Nave
- Gary Nordquist, Assistant City Manager, Wildomar
- Gregory P. Priamos, City Attorney, Riverside
- Jessica Reynolds, Reynolds Strategies
- Anthony Santos, Senior Management Analyst, Diamond Bar
- Grover Trask, Of Counsel, Best, Best and Krieger
- Jayne Williams, Partner, Meyers-Nave

The Institute also thanks Shannon Bowley, Institute Fellow and Masters of Public Policy Candidate at California State University Sacramento, for her assistance with this piece.

About the Institute for Local Government

ILG is the nonprofit 501(c)(3) research and education affiliate of the League of California Cities and the California State Association of Counties. For more information and to access the Institute's resources on ethics and public engagement go to www.ca-ilg.org/trust and www.ca-ilg.org/engagement.

The Institute welcomes feedback on this resource:

- *Email:* ethicsemailbox@ca-ilg.org Subject: *Local Agency Website Transparency Opportunities*
- *Mail:* 1400 K Street, Suite 205 ▪ Sacramento, CA ▪ 95814

G:\INSTITUTE\Ethics\Ethics Column\2012\3-June\Website Transparency Opportunities 11122013

References and Resources for Further Information

Note: Sections in the California Code are accessible at <http://leginfo.legislature.ca.gov/>. Fair Political Practices Commission regulations are accessible at www.fppc.ca.gov/index.php?id=52. A source for case law information is www.findlaw.com/cacases/ (requires registration).

¹ Aaron Smith, Pew Research Center, *Government Online the Internet Gives New Paths to Government Services and Information* (2010), available at <http://pewinternet.org/Reports/2010/Government-Online.aspx>.

² In addition to the specifics of the agency's process, the Institute for Local Government offers a booklet called *Understanding the Basics of Local Agency Decision-making*, available at www.ca-ilg.org/decisionmaking that local agencies are welcome to link to.

³ GFOA Recommended Best Practice: Performance Management: Using Performance Management for Decision Making, www.gfoa.org/downloads/budgetperfmangement.pdf for suggested measures.

⁴ See Cal. Gov't Code § 54954.1.54954.2(a)(1)(requiring posting on website, if agency has one).

⁵ The Institute for Local Government offers a tipsheet called *Working Effectively with Local Officials*, available at www.ca-ilg.org/effective that local agencies are welcome to link to. Another useful resource to include on this page might be the League of California Cities' booklet on the open meetings law called *Open and Public: A User's Guide to the Ralph M. Brown Act*, available at www.cacities.org/UploadedFiles/LeagueInternet/86/86f75625-b7df-4fc8-ab60-de577631ef1e.pdf.

⁶ See Cal. Gov't Code § 54972.

⁷ See Cal. Gov't Code § 54954.1 (right to request mailed copies of agendas).

⁸ Financial Reports (2003), www.gfoa.org/downloads/caafr-budgets-to-websites.pdf. See also www.gfoa.org/downloads/websitepresentation.pdf.

⁹ Local agencies are welcome to add context to their agency specific information by linking to the Institute for Local Government's *Understanding the Basics of County and City Revenues*, available at www.ca-ilg.org/revenuebasics.

¹⁰ GFOA Recommendations: Adoption of Financial Policies, with cross references to National Advisory Council on State and Local Budgeting (NACSLB), www.gfoa.org/downloads/budgetAdoptionofFinancialPolicies.pdf.

¹¹ Local agencies are welcome to add context to their agency specific information by linking to the Institute for Local Government's *Financial Management for Elected Officials: Questions to Ask*, available at www.ca-ilg.org/FinancialReportingandAccounting

¹² City Managers Department, League of California Cities, *City Manager Compensation Guidelines*, September 17, 2010, available at www.cacities.org/UploadedFiles/LeagueInternet/91/911307cc-e899-43cb-ba97-7d28bf20640c.pdf. The managers also recommend that employees receive a single salary that reflects all duties and responsibilities, rather than a series of salaries for different assignments.

¹³ One option is to link to the compensation information submitted to State Controller's Office for the jurisdiction. See <http://lgcr.sco.ca.gov/>.

¹⁴ GFOA Recommendations: Adoption of Financial Policies, with cross references to National Advisory Council on State and Local Budgeting (NACSLB), www.gfoa.org/downloads/budgetAdoptionofFinancialPolicies.pdf.

¹⁵ GFOA Recommendations: Adoption of Financial Policies, with cross references to National Advisory Council on State and Local Budgeting (NACSLB), www.gfoa.org/downloads/budgetAdoptionofFinancialPolicies.pdf. The Institute for Local Government offers a booklet called *Financial Management for Elected Officials: Questions to Ask*, available at www.ca-ilg.org/PurchasingContractingPractices that local agencies are welcome to link to.

¹⁶ See Lafayette Open Government Statement, available at www.ci.lafayette.ca.us/index.aspx?page=233.

¹⁷ The Institute for Local Government offers its booklet *Financial Management for Elected Officials: Questions to Ask* available for local agencies to link to, available at www.ca-ilg.org/LocalAgencyFinancialPoliciesandPractices.

¹⁸ See Lafayette Open Government Statement, available at www.ci.lafayette.ca.us/index.aspx?page=233.

¹⁹ The Institute for Local Government offers a series of one-page, plain language explanations of key planning terms that can be a part of this explanation. Local agencies are welcome to link to the pdfs available on the Institute's website or adapt the Word versions to their local practices. See www.ca-ilg.org/onepaggers. The documents are available in both English and Spanish. The back side of the documents offer tips for presenting one's position to the decision-making body at public hearings. In addition, the Institute offers a number of more detailed (but still basic) explanations of land use decision-making that local agencies are welcome to link to at www.ca-ilg.org/landuse_resources.

²⁰ For more information about GIS, see www.gis.com/.

²¹ From time to time, elected officials will inquire about linking to their campaign or personal websites. In evaluating such requests, a local agency is well advised to consult with agency counsel about legal issues relating to use of public resources for political purposes. For general information about this issue, see *Understanding the Basics of Public Service Ethics Laws: Perk Issues, Including Compensation, Use of Public Resources and Gift Issues*, available at www.ca-ilg.org/perks. The Institute has also addressed the potential First Amendment/public forum issues in its question and answer guide relating to use of public resources in ballot measure campaigns, available at www.ca-ilg.org/BallotMeasureLegalIssues (see question 4 on pages 9 and 10).

²² For example, *Fair Political Practices Commission Campaign Disclosure Manual 2 - Information for Local Candidates, Superior Court Judges, Their Controlled Committees, and Primarily Formed Committees for Local Candidates* (revised May 2007), available at <http://www.fppc.ca.gov/manuals/manual2local.pdf>. See also <http://www.sos.ca.gov/prd/city-and-county-electronic-filings.htm> (list of cities and counties that have electronic filing requirements).

²³ See Cal. Code of Regs. § 18944.2 ([Link to Regulation, Form 801 and Instructions \(06/2008\)](#), [Questions and Answers, Part 1 \(07/11\)](#), [Questions and Answers, Part 2 \(11/08\)](#)).

²⁴ See Cal. Code of Regs. § 18944.1 ([Link to Regulation, Form and Instructions](#)).

²⁵ See Cal. Gov't Code § 82015(b)(2)(B)(iii) ([Form and Instructions](#)). See also www.ca-ilg.org/BehestedPayments.

²⁶ For more information about local conflict of interest codes, visit the Fair Political Practices Commission Website: <http://www.fppc.ca.gov/index.php?id=228>, 2 Cal. Code of Regs. § 18730, <http://www.fppc.ca.gov/forms/804.pdf>.

Possible Explanation Language: About Local Conflict of Interest Codes

State law requires local agencies to adopt local conflict of interest codes. Having one's position included in a conflict of interest code (sometimes referred to as being a "designated employee") imposes affirmative obligations to disclose one's financial interests and makes one subject to other ethics rules.

Disclosure

A local code specifies which positions in the agency must disclose their personal financial interests and what kinds of financial interests must be disclosed. Such disclosure occurs on a form called a "Statement of Economic Interests" or Form 700.

One of the purposes of this disclosure is to alert public officials and members of the public to the types of financial interests that may create conflicts of interests.

Other Rules Applying to Employees Designated in Local Conflict of Interest Codes

In addition, under state law, designated employees

- May not receive payments (honoraria) for giving a speech or writing an article from reportable sources, *see* 2 Cal. Code of Regs. § 18730 (b)(8)(A);
- May not receive gifts totaling \$420 from reportable sources, *see* 2 Cal. Code of Regs. § 18730 (b)(8.1)(A); and
- May not influence decisions in which they have a financial interest, *see* 2 Cal. Code of Regs. § 18730 (b)(9)(A)

Violations are subject to fines and other penalties. 2 Cal. Code of Regs. § 18730 (b)(12).

²⁷ In addition to the specifics of the agency's process, the League of California Cities offers a number of explanations of Public Records Act requirements available at www.cacities.org/Resources/Open-Government.

²⁸ The rationale for this, according to transparency advocates, is that taxpayers should have access to information about what kinds of lobbying activities are being funded with taxpayer money. See, for example, www.sunshinereview.org/index.php/Transparency_checklist (bullet #8).

²⁹ *See* Lafayette Open Government State, available at www.ci.lafayette.ca.us/index.aspx?page=233.

³⁰ Web Content, *HowTo.gov*, available at www.howto.gov/web-content/Requirements_and_Best_Practices_Checklist, available at www.howto.gov/web-content/requirements-and-best-practices/checklists/long