Transparency in Massachusetts Municipal Websites

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SUMMARY

In January of 2010, Common Cause Massachusetts began its annual review of all 351 Massachusetts municipality websites to determine how many post important governance records online. These items—the governing body's agenda, the governing body's minutes, the current year's budget, the by-laws or ordinances, and if applicable, the town meeting warrant and results—are by no means comprehensive, but do provide a critical baseline for transparency.

Our research found that 326 municipalities have some presence on the Internet, while 25 do not maintain a website at all. Of those with websites, we concluded that 181 municipalities, or 51.5% post all of the targeted records. 91 municipalities, or 25.6%, also post additional governance documents[1]—an archive of the governing body's minutes and agenda, a calendar, zoning by-laws, and a recent agenda and minutes from the school committee and another board or committee. Additionally, the review found that 303 municipalities maintain a website with at least a single targeted document. Despite having gone through the effort of building a website, there are 23 communities that did not post any of the documents we were looking for.

It should be the priority of government, at any level, to make information readily available to the public it serves. As is evident from the results of this study, an overwhelming percentage of Massachusetts municipalities possess the resources to make government accessible to their constituents. The findings in this report demonstrate that the past three years have seen a significant increase in the number of municipalities meeting our criteria—unfortunately there is still much work to be done.

INTRODUCTION

Common Cause Massachusetts launched the Massachusetts Campaign for Open Government (MACOG) in March of 2006 to determine the prevalence and quality of municipal websites in the state. As a result of the growing prominence of the Internet, there have been several recent studies which provide comprehensive analysis of what is variously called referred to as e-government, digital government, online government at state level—there is even a journal devoted to the subject.[2] On the federal level, the White House hosts an 'open government' blog in order to inform the American public

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[1] In 2008, Common Cause Massachusetts began looking for additional governance documents. Those municipalities that also post these documents receive the e-Government Award with Disitinction.

[2] *See* Holzer et al. 2008. 'U.S. States E-Governance Report: An assessment of state websites', *National Center for Public Performance*. Rutgers, NJ; the International Journal of Electronic Government Research (IJEGR) has been in publication since 2005.

on how President Obama's Open Government Directive of December 2010 is being implemented across the federal government and even solicits recommendations from the public.[1]

Our study shows that there is a trend in local Massachusetts government towards maintaining a stronger Internet presence.[2] However, some municipalities still do not maintain any Internet presence at all. There are compelling reasons why Massachusetts municipalities should care about maintaining a strong online presence—doing so is a simple way for a municipality to provide frequently requested documents, to serve and educate its citizens, and to fulfill, its obligation under the constitution to, at all times, be accountable to the people.

Access to information concerning government activities is a right granted by the open meetings law[3] and the public records law[4]. The open meeting law states that an individual has the right to attend the meeting of any local governmental body, while under the public records law an individual has the right to request copies of public records regarding the activities of local governmental bodies. The greatest practical limitation here is time, as most people find it difficult to commit the time required to attend a meeting or wait up to ten days for their request for documents to be processed. These laws are also restrictive because an individual needs to know these rights exist and has to understand how to exercise them. Requests under the public records law also have the potential to be costly. Maintaining a strong Internet presence is the best way around these limitations. When a municipality posts public records online, anyone at any time may obtain important information about their local government at no cost.

More and more people are becoming increasingly proficient with Internet technology. The social networking site, Facebook, has more than 400 million active users, 50% of whom use the site every day and 25% of whom access the site through their web-enabled mobile phones.[5] Additionally, a National Retail Federation survey found that almost 100 million people planned to shop online the Monday after Thanksgiving (referred to as "Cyber Monday").[6] Massachusetts municipalities must recognize that as Internet technology becomes easier to use, more people will make it an integral part of their life and will come to expect a high level of online content from their government. The Massachusetts constitution

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[1] *See* www.whitehouse.gov/open/blog; as part of Obama's Open Government Directive, websites for every major government agency were created in order to provide the public with a way of tracking how each agency is conforming to the Open Government Directive. It acts as an online mode of civic engagement.
[2] *See* e-Government Awardees figure.
[3] M.G.L c. 39, §§ 23A-23C, 24 (Open Meeting Law provisions applying to municipal and district governments).
[4] M.G.L. c. 4, §7, clause 24; M.G.L. c. 66. See Also 950 CMR §§ 32.01-32.09.
[5] *See* http://www.facebook.com/press/info.php?statistics
[6] *See* http://www.nrf.com/modules.php?name=News&op=viewlive&sp_id=842

reminds us that the government is at all times accountable to the people.[1] This being the case, municipalities must ensure that they utilize the technology that their constituents rely on to its full effect.

FINDINGS

Our review period began mid-January 2010 and lasted through mid-February in order to determine which municipalities were posting governance documents online. During this window, researchers combed through each municipality's website twice looking for the basic criteria and the additional criteria[2]. On March 16, 2010, those communities that meet the basic criteria will receive the e-Government Award and those who meet the additional criteria will receive the same award but with distinction.
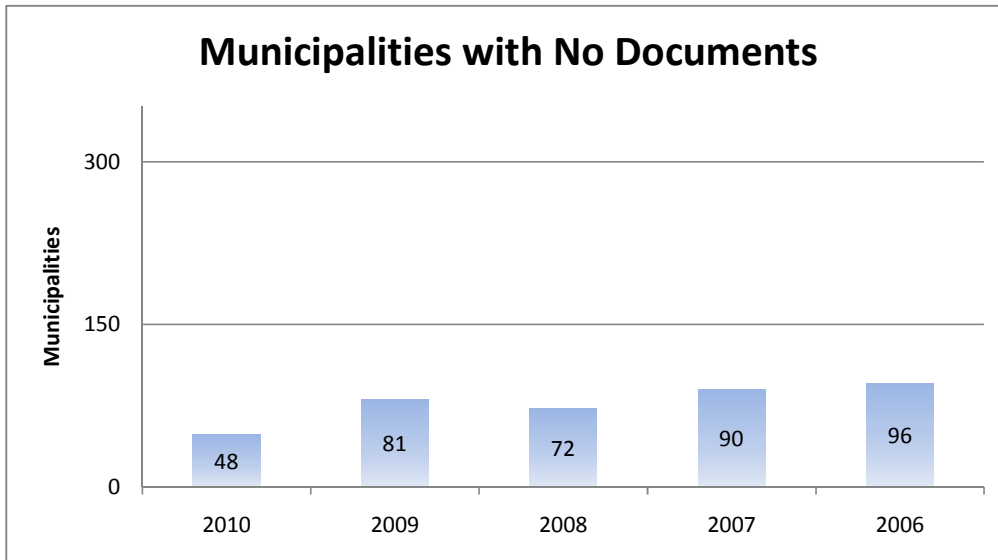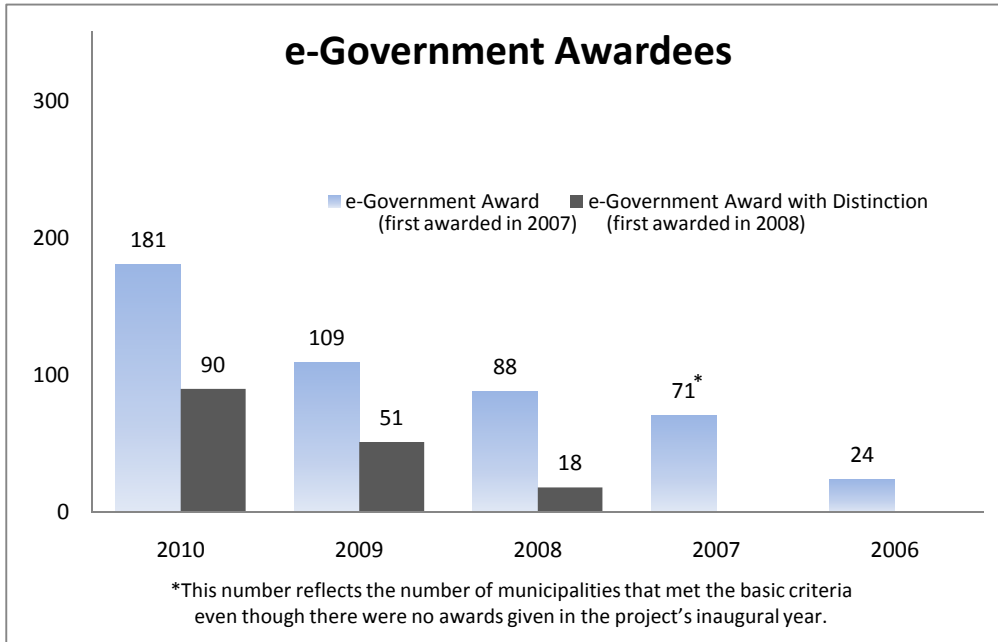
Our research found that 181 municipalities, or 51.5%, post all of the essential records online while out of these 181 municipalities, 91 of them post the additional documents. 2010 saw the largest increase in the number of municipalities posting all the required documents online. In 2009 there were 109, in 2008 there were 83, in 2007 there were 71, and in March of 2006 there were only 24. While there were only 18 municipalities who met the additional criteria when it was introduced in 2008, there are 91 this year. In the past year, significant strides have been made in the quantity and quality of information posted online by cities and towns.

We found 23 municipalities maintaining a website that do not have any of the targeted documents posted. An additional 25 municipalities do not maintain a website at all. If these numbers are combined, then 48 municipalities are not providing their constituents an easy and efficient way to find any governance documents. While these results are still high, they are encouraging nevertheless. In 2006, our review found that 96 municipalities, or 27%, did not post any of the key governance records online; the subsequent three years did not see much improvement either—90 in 2007, 72 in 2008, and 81 in 2009. Our review also found there are 20 municipalities missing just one of the targeted documents.

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[1] As Article V of the Massachusetts Constitution states, "All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them."
[2] *See* Appendix A

e-Government Awardees

e-Government Award (first awarded in 2007)   e-Government Award with Distinction (first awarded in 2008)

Year	e-Government Award	e-Government Award with Distinction
2010	181	90
2009	109	51
2008	88	18
2007	71*	
2006	24	

*This number reflects the number of municipalities that met the basic criteria even though there were no awards given in the project's inaugural year.

Municipalities with No Documents

Municipalities

Year	Municipalities
2010	48
2009	81
2008	72
2007	90
2006	96

The municipalities which post the targeted documents had a median population of 14,285. Those that did not post these documents, or had no website, had a median population of 5,426. Regardless of a municipality's size, however, there are significant benefits to posting these targeted documents online:

- Improved public access to information about local government.
- More political accountability.
- Probable increase in civic participation.

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- Less time and money spent responding to requests for documents.

- Improved communications and less misunderstanding about governance issues.

- Increased ability to compare with other municipalities.

- Market the municipality to outside interests.

Since 2006, there has been a steady rise in the number of Massachusetts municipalities posting documents online, greatly increasing access to information about local government for millions of Massachusetts residents. We expect the trend to continue as the Internet becomes a central part in the lives of more people. With municipalities recognizing the importance of maintaining a strong Internet presence, democracy can only become stronger and civic engagement more vibrant.

BACKGROUND

The Massachusetts Campaign for Open Government has worked since 2006 to dramatically increase the number of municipalities that post records online. This ongoing effort is a grassroots project that accomplishes its goal by mobilizing the members of Common Cause Massachusetts and other concerned citizens.

For those cities and towns that already have a website, we encourage interested citizens to contact their municipal officials to ask them to post all the key governance records online. For those communities that have no website, we encourage interested citizens to convince their municipal officials to create and maintain a website, not only because it is an effective method by which the municipality can make public information available to its residents, but also because having a website can benefit the municipality in so many other ways.

Tools for grassroots activism are located on our website as is up-to-date information on which towns post which documents. As more towns and cities are persuaded to post all the key governance records online, we will announce it on the website and update the information. The website also has forms for citizens to report apparent noncompliance with the Massachusetts Open Meeting Law and the Massachusetts Public Records Law by local officials. Unfortunately, the state does not maintain records on noncompliance issues unless legal action is pursued.

APPENDIX A

The criteria we used in evaluating each website focused on whether the essence of the particular public record had been posted, rather than strictly whether the actual targeted records have been posted. The following is the criteria used in determining whether a municipality had posted the targeted record:

CRITERIA FOR e-GOVERNMENT AWARD

- <u>Agenda</u> for a governing body (board of selectmen, town council, city council, board of aldermen, etc.) meeting held or scheduled within the two (2) weeks previous to or two (2) weeks after the review period. It must contain a list of items to be discussed, not just, date, time and location of a meeting.

- <u>Minutes</u> for a governing body meeting occurring any time during the two (2) months prior to the review period.

- <u>Budget information</u> for the current fiscal year (July 1, 2009 through June 30, 2010). It must be *at least* a detailed operating budget, which can be a separate document or contained in another record such as a finance committee report to the town meeting, a mayor's report to the city council, the town meeting warrant, the town meeting results, or the town's annual report.

- Complete <u>general bylaws, code, or ordnances</u> (with or without zoning bylaws).

- <u>Town meeting warrant</u> for any annual or special town meeting occurring in the previous 12 months or a warrant for the next scheduled town meeting. Warrant articles can be included in the town meeting results.

- <u>Town meeting results</u> for any town meeting occurring within the past 12 months. Results can be in any format as long as the decision or vote on each article is indicated. For example, acceptable formats include a copy of the warrant with notations under each article as to whether the article passed, with or without a vote tally; a spreadsheet with a row for each article, a short description of the article, and a vote tally; and actual minutes with a description of who spoke, who made motions, and what the vote was.

CRITERIA FOR e-GOVERNMENT AWARD *WITH DISTINCTION* (Only applies if municipality's website meets the basic criteria.)

- A year's <u>history of past governing board minutes</u>.

- A year's <u>history of past governing board agendas</u>.

- <u>Zoning by-laws</u>.

- A <u>community calendar</u> which includes meetings of local government committees and boards.

- Agendas for <u>school committee</u> (if none, the regional school committee) or a link to a separate website that contains the school committee meeting agendas for a meeting held or scheduled within the two (2) weeks previous to or two (2) weeks after the review period. It must contain list of items to be discussed, not just date, time and location of a meeting.

- Minutes for <u>school committee</u> (if none, the regional school committee) or a link to a separate website that contains the school committee meeting minutes for a meeting occurring anytime during the two (2) months prior to the review period.

- <u>Agenda for at least one other town or city committee or board</u> for a meeting held or scheduled within the two (2) weeks previous to or two (2) weeks after the review period. It must contain list of items to be discussed, not just date, time and location of a meeting.

- <u>Minutes for at least one other town or city committee or board</u> for the most recent meeting occurring anytime during the two (2) months prior to the review period.

APPENDIX B

LIST OF MUNICIPALITIES. The municipalities in black are the 2010 e-Government Award recipients, the municipalities in bold are recipients of the 2010 e-Government Award with Distinction, and the municipalities with an asterisk are the 2009 e-Government Award recipients.

Abington
Acton
Acushnet
Adams
Agawam
Alford
* **Amesbury**
* Amherst
* **Andover**
Aquinnah
* **Arlington**
* Ashburnham
Ashby
Ashfield
* **Ashland**
Athol
Attleboro
Auburn
Avon
Ayer
* **Barnstable**
Barre
* Becket
* **Bedford**
Belchertown
* **Bellingham**
* **Belmont**
Berkley
Berlin
Bernardston
Beverly
Billerica
Blackstone

Blandford
* **Bolton**
* **Boston**
Bourne
* **Boxborough**
Boxford
Boylston
Braintree
Brewster
Bridgewater
Brimfield
Brockton
Brookfield
* **Brookline**
Buckland
* **Burlington**
* **Cambridge**
Canton
Carlisle
* Carver
Charlemont
* **Charlton**
* **Chatham**
* **Chelmsford**
* **Chelsea**
Cheshire
Chester
Chesterfield
Chicopee
* Chilmark
Clarksburg
Clinton
Cohasset
Colrain
* **Concord**

Conway
Cummington
* Dalton
Danvers
Dartmouth
* **Dedham**
Deerfield
* Dennis
Dighton
Douglas
Dover
Dracut
* Dudley
* Dunstable
* **Duxbury**
East Bridgewater
East Brookfield
* **East Longmeadow**
* **Eastham**
Easthampton
* **Easton**
Edgartown
* Egremont
Erving
Essex
* **Everett**
Fairhaven
Fall River
* **Falmouth**
* Fitchburg
Florida
Foxborough
Framingham
Franklin
* **Freetown**

* **Gardner**
Georgetown
* **Gill**
* Gloucester
Goshen
Gosnold
Grafton
Granby
Granville
Great Barrington
Greenfield
Groton
Groveland
Hadley
Halifax
Hamilton
Hampden
Hancock
Hanover
Hanson
Hardwick
Harvard
Harwich
Hatfield
* Haverhill
Hawley
Heath
Hingham
Hinsdale
Holbrook
* Holden
* Holland
* Holliston
* Holyoke
Hopedale

* **Hopkinton**
Hubbardston
* **Hudson**
Hull
Huntington
* Ipswich
* **Kingston**
* **Lakeville**
Lancaster
Lanesborough
Lawrence
Lee
Leicester
Lenox
* Leominster
Leverett
Lexington
Leyden
Lincoln
* **Littleton**
* Longmeadow
* **Lowell**
Ludlow
Lunenburg
Lynn
Lynnfield
* Malden
* Manchester-by-the-Sea
Mansfield
Marblehead
Marion
* Marlborough
* **Marshfield**
* Mashpee
Mattapoisett
* **Maynard**
Medfield
Medford
Medway
* Melrose

Mendon
Merrimac
* **Methuen**
Middleborough
Middlefield
Middleton
Milford
* **Millbury**
Millis
Millville
* Milton
Monroe
Monson
Montague
* Monterey
Montgomery
Mount Washington
Nahant
* **Nantucket**
Natick
* **Needham**
New Ashford
New Bedford
New Braintree
New Marlborough
New Salem
Newbury
* Newburyport
* **Newton**
* Norfolk
North Adams
* **North Andover**
North Attleborough
North Brookfield
* **North Reading**
* **Northampton**
* **Northborough**
* Northbridge
Northfield
Norton
Norwell

Norwood
Oak Bluffs
Oakham
* Orange
* Orleans
* Otis
Oxford
Palmer
* Paxton
Peabody
Pelham
* Pembroke
* **Pepperell**
Peru
Petersham
Phillipston
Pittsfield
Plainfield
Plainville
Plymouth
Plympton
Princeton
* Provincetown
Quincy
Randolph
Raynham
* **Reading**
Rehoboth
Revere
Richmond
Rochester
* Rockland
* Rockport
Rowe
Rowley
Royalston
Russell
Rutland
* **Salem**
* **Salisbury**
Sandisfield

* Sandwich
* Saugus
Savoy
* Scituate
Seekonk
* Sharon
* Sheffield
Shelburne
Sherborn
Shirley
Shrewsbury
Shutesbury
Somerset
* **Somerville**
* **South Hadley**
Southampton
Southborough
Southbridge
* Southwick
Spencer
* **Springfield**
* **Sterling**
Stockbridge
Stoneham
Stoughton
Stow
Sturbridge
Sudbury
Sunderland
Sutton
Swampscott
Swansea
Taunton
Templeton
Tewksbury
Tisbury
Tolland
Topsfield
Townsend
Truro
Tyngsborough

Tyringham		Wayland		**Westborough**	*	Williamstown
Upton		Webster		Westfield		**Wilmington**
Uxbridge		**Wellesley**	*	**Westford**		Winchendon
Wakefield		**Wellfleet**		Westhampton	*	Winchester
Wales		Wendell	*	Westminster		Windsor
Walpole		Wenham	*	**Weston**	*	Winthrop
Waltham	*	**West Boylston**		Westport	*	Woburn
Ware		West Bridgewater	*	**Westwood**	*	**Worcester**
Wareham		West Brookfield	*	**Weymouth**		Worthington
Warren		West Newbury		Whately	*	**Wrentham**
Warwick		West Springfield		Whitman		Yarmouth
Washington		West Stockbridge	*	Wilbraham		
Watertown		West Tisbury		Williamsburg		