

TRANSPARENCY IN MASSACHUSETTS MUNICIPAL WEBSITES

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Common Cause Massachusetts is a non-partisan, non-profit government watchdog, dedicated to citizen participation in an open, honest, and accountable government. An independent, member-supported

COMMON CAUSE MASSACHUSETTS
MUNICIPAL TRANSPARENCY REPORT

organization, Common Cause has more than 400,000 members nationwide, including 10,000 in Massachusetts.

COMMON CAUSE MASSACHUSETTS
MUNICIPAL TRANSPARENCY REPORT

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 180 municipalities, or 51.2% post all of the targeted records. 83 municipalities, or 23.6%, also post additional governance documents¹—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.

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 Distinction.

COMMON CAUSE MASSACHUSETTS
MUNICIPAL TRANSPARENCY REPORT

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.¹ On the federal level, the White House hosts an ‘open government’ blog in order to inform the American public 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.²

Our study shows that there is a trend in local Massachusetts government towards maintaining a stronger Internet presence.³ 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 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 law⁴ and the public records law⁵. 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

¹ 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.

² 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.

³ See Figure 1.

⁴ M.G.L. c. 39, §§ 23A-23C, 24 (Open Meeting Law provisions applying to municipal and district governments).

⁵ M.G.L. c. 4, §7, clause 24; M.G.L. c. 66. See Also 950 CMR §§ 32.01-32.09.

COMMON CAUSE MASSACHUSETTS
MUNICIPAL TRANSPARENCY REPORT

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.¹ 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”).² 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 reminds us that the government is at all times accountable to the people.³ This being the case, municipalities must ensure that they utilize the technology that their constituents rely on to its full effect.

¹ See <http://www.facebook.com/press/info.php?statistics>

² See http://www.nrf.com/modules.php?name=News&op=viewlive&sp_id=842

³ 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.”

COMMON CAUSE MASSACHUSETTS
MUNICIPAL TRANSPARENCY REPORT

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 criteria¹. 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 180 municipalities, or 51.2%, post all of the essential records online while out of these 180 municipalities, 83 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 88, 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 83 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.

¹ See Appendix A

COMMON CAUSE MASSACHUSETTS
MUNICIPAL TRANSPARENCY REPORT

Figure 1

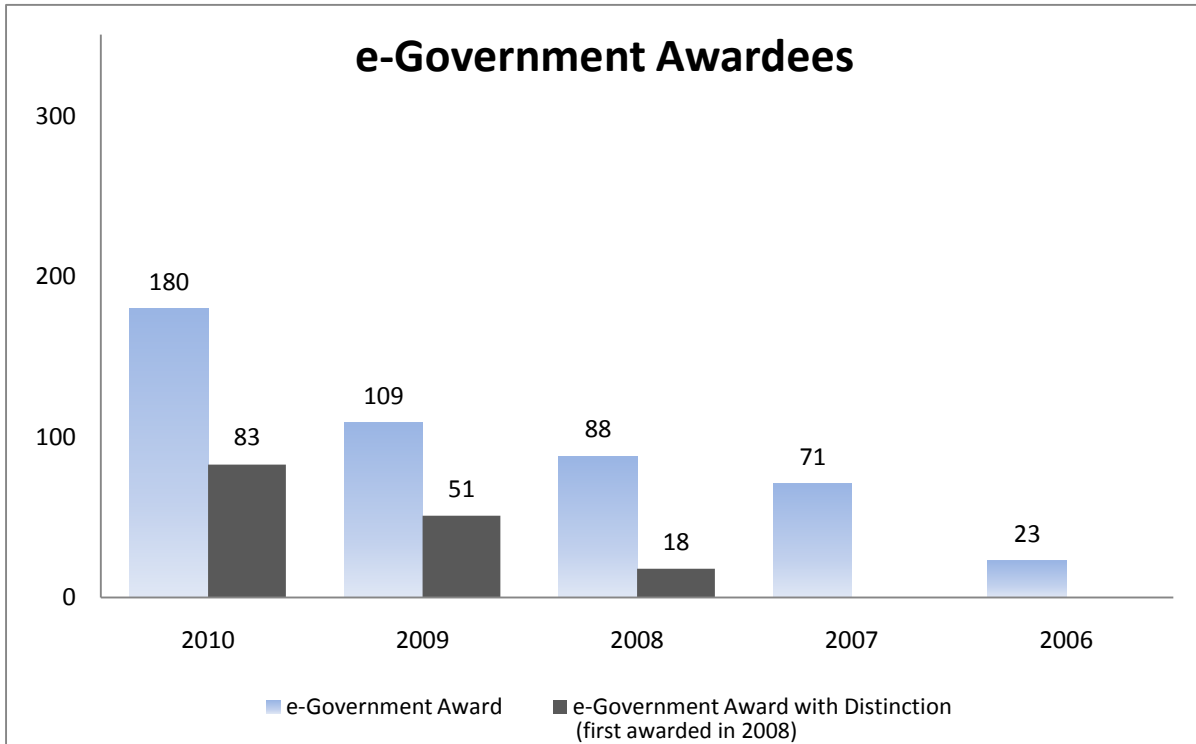
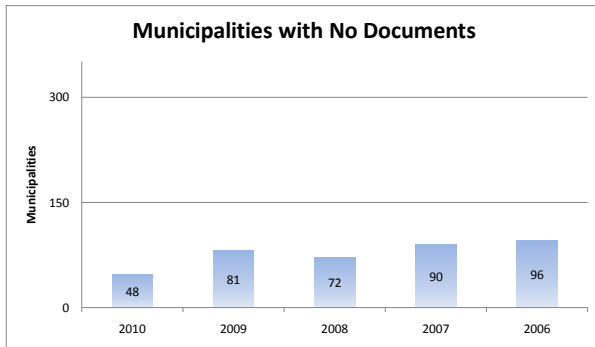


Figure 2



COMMON CAUSE MASSACHUSETTS
MUNICIPAL TRANSPARENCY REPORT

The municipalities which post the targeted documents had a median population of 16,019. Those that did not post these documents, or had no website, had a median population of 6,093. 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.
- 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.

COMMON CAUSE MASSACHUSETTS
MUNICIPAL TRANSPARENCY REPORT

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.

COMMON CAUSE MASSACHUSETTS
MUNICIPAL TRANSPARENCY REPORT

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

- Agenda 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.
- Minutes for a governing body meeting occurring any time during the two (2) months prior to the review period.
- Budget information 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 general bylaws, code, or ordinances (with or without zoning bylaws).
- Town meeting warrant 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.
- Town meeting results 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.

COMMON CAUSE MASSACHUSETTS
MUNICIPAL TRANSPARENCY REPORT

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

- A year's history of past governing board minutes.
- A year's history of past governing board agendas.
- Zoning by-laws.
- A community calendar which includes meetings of local government committees and boards.
- Agendas for school committee (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 school committee (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.
- Agenda for at least one other town or city committee or board 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 at least one other town or city committee or board for the most recent meeting occurring anytime during the two (2) months prior to the review period.

COMMON CAUSE MASSACHUSETTS
MUNICIPAL TRANSPARENCY REPORT

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	Blackstone	Clinton	* Falmouth
Acton	Blandford	Cohasset	* Fitchburg
Acushnet	* Bolton	Colrain	Florida
Adams	* Boston	* Concord	Foxborough
Agawam	Bourne	Conway	Framingham
Alford	* Boxborough	Cummington	Franklin
* Amesbury	Boxford	* Dalton	* Freetown
* Amherst	Boylston	Danvers	* Gardner
* Andover	Braintree	Dartmouth	Georgetown
Aquinnah	Brewster	* Dedham	* Gill
* Arlington	Bridgewater	Deerfield	* Gloucester
* Ashburnham	Brimfield	* Dennis	Goshen
Ashby	Brockton	Dighton	Gosnold
Ashfield	Brookfield	Douglas	Grafton
* Ashland	* Brookline	Dover	Granby
Athol	Buckland	Dracut	Granville
Attleboro	* Burlington	* Dudley	Great Barrington
Auburn	* Cambridge	* Dunstable	Greenfield
Avon	Canton	* Duxbury	Groton
Ayer	Carlisle	East Bridgewater	Groveland
* Barnstable	* Carver	East Brookfield	Hadley
Barre	Charlemont	* East Longmeadow	Halifax
* Becket	* Charlton	* Eastham	Hamilton
* Bedford	* Chatham	Easthampton	Hampden
Belchertown	* Chelmsford	* Easton	Hancock
* Bellingham	* Chelsea	Edgartown	Hanover
* Belmont	Cheshire	* Egremont	Hanson
Berkley	Chester	Erving	Hardwick
Berlin	Chesterfield	Essex	Harvard
Bernardston	Chicopee	* Everett	Harwich
Beverly	* Chilmark	Fairhaven	Hatfield
Billerica	Clarksburg	Fall River	* Haverhill

COMMON CAUSE MASSACHUSETTS
MUNICIPAL TRANSPARENCY REPORT

Hawley	Marion	* North Andover	* Rockland
Heath	* Marlborough	North Attleborough	* Rockport
Hingham	* Marshfield	North Brookfield	Rowe
Hinsdale	* Mashpee	* North Reading	Rowley
Holbrook	Mattapoisett	* Northampton	Royalston
* Holden	* Maynard	* Northborough	Russell
* Holland	Medfield	* Northbridge	Rutland
* Holliston	Medford	Northfield	* Salem
* Holyoke	Medway	Norton	* Salisbury
Hopedale	* Melrose	Norwell	Sandisfield
* Hopkinton	Mendon	Norwood	* Sandwich
Hubbardston	Merrimac	Oak Bluffs	* Saugus
* Hudson	* Methuen	Oakham	Savoy
Hull	Middleborough	* Orange	* Scituate
Huntington	Middlefield	* Orleans	Seekonk
* Ipswich	Middleton	* Otis	* Sharon
* Kingston	Milford	Oxford	* Sheffield
* Lakeville	* Millbury	Palmer	Shelburne
Lancaster	Millis	* Paxton	Sherborn
Lanesborough	Millville	Peabody	Shirley
Lawrence	* Milton	Pelham	Shrewsbury
Lee	Monroe	* Pembroke	Shutesbury
Leicester	Monson	* Pepperell	Somerset
Lenox	Montague	Peru	* Somerville
* Leominster	* Monterey	Petersham	* South Hadley
Leverett	Montgomery	Phillipston	Southampton
Lexington	Mount Washington	Pittsfield	Southborough
Leyden	Nahant	Plainfield	Southbridge
Lincoln	* Nantucket	Plainville	* Southwick
* Littleton	Natick	Plymouth	Spencer
* Longmeadow	* Needham	Plympton	* Springfield
* Lowell	New Ashford	Princeton	Sterling
Ludlow	New Bedford	* Provincetown	Stockbridge
Lunenburg	New Braintree	Quincy	Stoneham
Lynn	New Marlborough	Randolph	Stoughton
Lynnfield	New Salem	Raynham	Stow
* Malden	Newbury	* Reading	Sturbridge
Manchester-by-the-	* Newburyport	Rehoboth	Sudbury
* Sea	* Newton	Revere	Sunderland
Mansfield	* Norfolk	Richmond	Sutton
Marblehead	North Adams	Rochester	Swampscott

COMMON CAUSE MASSACHUSETTS
MUNICIPAL TRANSPARENCY REPORT

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