

**Buffalo Niagara Coalition
for
Open Government**

Local Government Website
Updated Report Card

March 12, 2018

Buffalo Niagara Coalition for Open Government

The Buffalo Niagara Coalition for Open Government is a nonpartisan charitable organization comprised of journalists, activists, attorneys, educators, news media organizations, and other concerned citizens who value open government and freedom of information.

Mission Statement:

Through education and civic engagement, the Buffalo Niagara Coalition for Open Government advocates for open, transparent government and defends citizens' right to access information from public institutions at the city, county, and state levels.

Statement of Purpose:

We believe that, if government is of the people, by the people and for the people, then it should also be open *to* the people. Government exists to serve its citizens, so access to public information should be simple. Freedom of Information Laws and the NY Open Meetings Law make access to public records a right.

When government operates openly and honestly, we, the people, can hold our elected officials accountable, fulfilling our duties as an informed citizenry. The Buffalo Niagara Coalition for Open Government works to ensure that all people have full access to government records and proceedings on the city, county, and state levels. Such access fosters responsive, accountable government, stimulates civic involvement and builds trust in government.

Buffalo Niagara Coalition for Open Government Board of Directors

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The following members also contributed to the completion of this report: **Kenneth Foit, Sonia Dusza, Janet Vito, Larry Vito, Richard Bertrand**

Our meetings are typically held at 5:30 p.m. the first Thursday of the month, at the Williamsville Library 5571 Main Street. Board President Paul Wolf, Esq. can be contacted at 435-4976, or by email at paulwolf2@gmail.com. Our website is www.nyopengov.org and we have a Facebook page.

INTRODUCTION

In 2017, the Buffalo Niagara Coalition for Open Government evaluated the websites of sixteen municipalities in Erie and Niagara County.

Websites were evaluated in ten key areas; up to ten points were awarded for each area as follows.

- 1) The posting of meeting agendas and entire board packets for 5 years
- 2) The posting of meeting minutes in a timely fashion for 5 years
- 3) Citizens are provided an opportunity to speak prior to board members voting
- 4) Meetings are video recorded and posted online
- 5) Telephone numbers and email addresses are posted for all elected officials
- 6) Telephone numbers and email addresses posted for all department heads
- 7) Instructions and forms on how to file a FOIL request are on the home page
- 8) Financial disclosure forms for elected officials are posted
- 9) Citizens can sign up to receive email notification of meetings & public hearings
- 10) Five years of budgets are online

In 2017 (14 out of 16 municipalities received a score of less than 65), a 90% failure rate!

SCORING IN 2017 & 2018

In 2017, the Town of Amherst received the highest score of 77 out of 100 points followed by the Town of Wheatfield with a score of 75.5 points. Amherst and Wheatfield deserve to be recognized for their scores, but it is unfortunate that a C+ grade is the highest score among the 16 local government websites evaluated.

Below are the scores for 2017, in () is the overall rank of the municipality based on their 2017 score and their 2018 score.

| | 2017 | | 2018 | |
|-------------------|------|------|------|----|
| Wheatfield | (2) | 75.5 | (1) | 80 |
| Amherst | (1) | 77 | (2) | 79 |
| Town of Tonawanda | (5) | 60 | (3) | 72 |
| North Tonawanda | (6) | 59 | (3) | 72 |
| Erie County | (4) | 62 | (4) | 67 |
| Cheektowaga | (8) | 56 | (5) | 65 |

| | | | | |
|---------------------|------|------|------|------|
| Buffalo | (3) | 63 | (6) | 63 |
| Lancaster | (9) | 53 | (6) | 63 |
| Niagara County | (10) | 51 | (6) | 63 |
| City of Lockport | (12) | 50 | (7) | 61 |
| Niagara Falls | (11) | 51 | (8) | 58 |
| West Seneca | (7) | 57 | (9) | 57 |
| Town of Hamburg | (13) | 48.5 | (10) | 55.5 |
| Town of Lewiston | (13) | 48.5 | (10) | 55.5 |
| Town of Lockport | (14) | 34.5 | (11) | 53 |
| Village of Lewiston | (15) | 29 | (12) | 48 |

METHODOLOGY

In 2017, each website was rated independently by three volunteers. The three different scores were averaged into a final grade. The items graded and the criteria used are attached at the end of this report. Websites were evaluated during the period from December 2016 through February 2017. In February of 2018, each municipality was advised that an updated report was being prepared and they were provided an evaluation form to rate themselves. The only municipality that took advantage of the opportunity to rate themselves was the Town of Amherst. Officials from the Towns of Lancaster, West Seneca, Lockport and N. Tonawanda did forward information by email, Letter grades are based on the following scale:

| | |
|----|---------------|
| A | 90-100 points |
| B+ | 85-90 |
| B | 80-84 |
| C+ | 75-79 |
| C | 70-74 |
| D | 65-69 |
| F | 64 and below |

EXPLANATION OF 2017 SCORES & 2018 Update

Wheatfield 2017 Score (75.5%, C+)

2018 - 80% B

Meeting agendas are posted but not with entire board packets for five years. Meeting minutes are posted. Opportunity for citizens to speak early in meeting is provided. Wheatfield to their credit videotapes and posts their meetings for the public to view. Not all elected official email and phone numbers are posted.

Not all emails and phone numbers for department heads are posted. FOIL information is posted but not on home page in an easy to see spot. Elected official financial disclosure forms are not posted. Citizens can receive emails regarding meetings and public hearings through a Notify Me link but it is difficult to find. Five years of budget reports are posted.

2018 Update – All elected official contact info now posted. FOIL info now posted on Home Page in a visible place. Notify Me link has been moved to a more visible place.

Amherst 2017 Score (77% C+)

2018 - 79% C+

Meeting agendas with all documents and minutes are posted in a timely fashion for 5 years. Citizens are provided the opportunity to be heard in the beginning of their meeting. Amherst is one of only three municipalities that records and posts their meetings online. Telephone numbers and email addresses for elected officials are posted. Most department head emails and phone numbers are posted but some are missing. FOIL form and instructions are posted. Elected official financial disclosure forms are not posted. Citizens cannot sign up through a Notify Me link to receive emails regarding meetings and public hearings. Budget documents are posted for five years.

Update 2018 – More department head emails and phone numbers are posted.

Town of Tonawanda (60%, F)

2018 - 72% C

Meeting agendas and minutes are posted. Citizens can only speak at the end of the meeting after the board has acted. Meetings are not video recorded, audio recordings are posted. Contact information is posted for all elected officials and department heads. FOIL instructions and form are not posted in a visible place on home page. Elected official financial disclosure forms are not posted online. A Notify Me link for citizens to receive email notification of meetings and public hearings is provided. Four years of budgets are posted.

2018 Update – FOIL info posted in a visible place.

North Tonawanda (59%, F)

2018 - 72% F

Meeting agendas and minutes are posted. Citizens can speak at meetings before the board has acted. Meetings are not video recorded, and posted. Contact information is not posted for all elected officials and department heads. Only Mayor's email provided for elected officials. FOIL instructions and form are not posted in a visible place on home page. Elected official financial disclosure forms are not posted online.

A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Five years of budgets are posted.

2018 Update – Meetings are now video recorded and posted online. Contact info is now posted for all elected officials. FOIL info is now posted on home page. On the negative side meeting agendas for Council meetings are not being posted. North Tonawanda’s score would have increased more if 5 years of meeting agendas were posted.

Erie County 2017 Score (62%, F)

2018 - 67% D

Meeting agendas and minutes are posted for at least five years. Citizens are not allowed to speak at full legislature meetings. Meetings are not videotaped and posted online. Telephone numbers and email addresses for all elected officials are posted. Telephone numbers and email addresses are posted for most but not all department heads. FOIL forms and instructions are posted but not in the most visible location. Elected official financial disclosure forms are not posted online. A Notify Me link for citizens to receive email notification of meetings and public hearings is not located in a visible place. Five years of budgets are posted.

2018 Update – County Legislature has added FOIL info posted in a visible place. A Notify Me link has been added to County Legislature page.

Cheektowaga (56%, F)

2018 – 65% D

Meeting agendas and minutes are posted. Citizens allowed to speak at meeting before the board has acted. Meetings are not video recorded, and posted. Contact information is posted for all elected officials and department heads, however a contact us page is used instead of being able to send a direct email. FOIL instructions and form are not posted in a visible place on home page. FOIL information is at the bottom of the home page, instructions on where to send FOIL is not provided. Elected official financial disclosure forms are not posted online. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Five years of budgets are posted.

2018 Update – Contact us page has been removed, citizens can now direct email elected officials. FOIL info now posted in a more visible place on home page.

Buffalo 2017 Score (63%, F)

2018 - 63% F

Meeting agendas and board packets are posted but not for five years. Meeting minutes are posted but not for five years. Citizens are not allowed to speak at full Council meetings. Buffalo to their credit is one of the few municipalities that records and posts video of their meetings. Telephone numbers and email addresses are posted for all elected officials. Telephone numbers and emails are not posted for all department heads. FOIL information and instructions are not posted in a visible place on the home page. Elected official financial disclosure forms are not posted online. A Notify Me link for citizens to receive email notification of meetings and public hearings is not located in a visible place. Five years of budgets are posted.

2018 Update – It does not appear that any positive changes have been made to the City of Buffalo website pertaining to our scoring criteria.

Town of Lancaster (53%, F)

2018 – 63% F

Meeting agendas and minutes are posted, however agendas posted only for 2016 and 2017. Documents are not attached to the Agenda so citizens can see the same information that board members have. Minutes from last meeting not posted before next meeting. Citizens allowed to speak at beginning and end of meeting for five minutes. Meetings are not video recorded, and posted. Contact information is posted for all elected officials and department heads. Email information for board members is not provided on the board member page of the site. FOIL instructions and form are not posted in a visible place on home page. Elected official financial disclosure forms are not posted online. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Five years of budgets are posted.

2018 Update – Documents now attached to agendas. FOIL info now posted in a visible place.

Niagara County (51%, F)

2018 – 63% F

Meeting agendas and minutes are posted. Meeting minutes were not posted until January of 2017, no minutes prior to 2017 are posted. Agenda does not indicate that Citizens are allowed to speak at the meeting. Meetings are not video recorded, and posted. Contact information is posted for all elected officials and most department heads. An email address for every department head is not posted.

FOIL instructions and form are not posted in a visible place on home page. Elected official financial disclosure forms are not posted online. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Five years of budgets are posted.

2018 Update – Agenda now indicates citizens can speak at meetings. Additional meeting minutes and agendas now posted from 2016.

City of Lockport (50%, F)

2018 – 61% F

The posting of meeting agendas has not been updated since November 2016! Documents are not attached to the Agenda so citizens can see the same information that board members have. Meeting minutes are posted. Citizens allowed to speak at beginning of the meeting before the board has acted. Meetings are not video recorded, and posted. Contact information is posted for most elected officials and department heads. FOIL instructions and form are not posted in a visible place on home page. Elected official financial disclosure forms are not posted online. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Five years of budgets are posted.

2018 Update – Posting of meeting agendas current. Meetings are video recorded.

Niagara Falls (51%, F)

2018 – 58% F

Meeting agendas and minutes are posted, however minutes from last meeting not posted before next meeting. Appears that Citizens allowed to speak at end of meeting only and not before the board has acted. Meetings are not video recorded, and posted. Contact information is posted for all elected officials and department heads. FOIL instructions and form are not posted in a visible place on home page. Elected official financial disclosure forms are not posted online. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Less than five years of budgets are posted.

2018 Update – Citizens can speak before Council votes on items. Five years of budgets now posted.

West Seneca (57%, F)

2018 - 57% F

Meeting agendas and minutes are posted, however minutes from last meeting not posted before next meeting. Citizens allowed to speak at end of meeting only and not before the board has acted. Meetings are not video recorded, and posted. Contact information is posted for all elected officials and department heads. FOIL instructions and form are not posted in a visible place on home page. Elected official financial disclosure forms are not posted online. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Five years of budgets are posted.

2018 Update – It does not appear that any positive changes have been made to the West Seneca website pertaining to our scoring criteria.

Town of Hamburg (48.5%, F)

2018 – 55.5% F

Meeting agendas and minutes are posted, however, documents are not attached to the Agenda so citizens can see the same information that board members have. Appears that Citizens allowed to speak at end of meeting only and not before the board has acted. Meetings are not video recorded, and posted. Contact information is posted for all elected officials and department heads, however for department heads only phone numbers are provided and not email addresses. FOIL instructions and form are not posted in a visible place on home page. Elected official financial disclosure forms are not posted online. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Five years of budgets are posted.

2018 Update – Citizens can speak at any time during meeting.

Town of Lewiston (48.5%, F)

2018 – 55.5% F

Meeting agendas are posted, however, documents are not attached to the Agenda so citizens can see the same information that board members have. Meeting minutes are not being posted timely and are two months behind. Citizens are allowed to speak at the beginning of the meeting before the board has acted. Meetings are not video recorded, and posted. Contact information is posted for most elected officials and department heads. FOIL instructions and form are not posted in a visible place on home page. Elected official financial disclosure forms are not posted online. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Five years of budgets are posted.

2018 Update – Some documents are now being attached to agendas, but not all items contain documents. Contact info now posted for all elected officials.

Town of Lockport (34.5%, F)

2018- 53% F

Meeting agendas are posted, however, documents are not attached to the Agenda so citizens can see the same information that board members have. Meeting minutes are not being posted timely and are a month behind. Appears that Citizens allowed to speak at beginning of meeting before the board has acted. Meetings are not video recorded, and posted. Contact information is not posted for all elected officials and department heads. FOIL instructions and form are not posted in a visible place on home page. Elected official financial disclosure forms are not posted online. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Five years of budgets are not posted.

2018 Update – Contact info now posted for all elected officials and Dept. heads.

Village of Lewiston (29%, F)

2018 – 48% F

Less than five years of meeting agendas and minutes are posted. Documents are not attached to the Agenda so citizens can see the same information that board members have. Appears that Citizens allowed to speak at beginning of meeting before the board has acted. Meetings are not video recorded, and posted. Contact information is not posted for all elected officials and department heads. FOIL instructions and form are not posted in a visible place on home page. Elected official financial disclosure forms are not posted online. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Less than five years of budgets are posted.

2018 Update – Contact info now posted for all elected officials and dept. heads. FOIL info now posted in a visible place.

DISCLAIMER

This is not a scientific study with precise results. The website evaluations were completed by concerned citizens who volunteered their time. An evaluator may have found and awarded points for an item that another volunteer rater may have missed.

CONCLUSION

Our goal is that the evaluated municipalities will interpret this report as constructive criticism. We are interested in assisting local governments to improve their websites so that citizens can have access to important information in a timely way.

Since our report in 2017, 14 out of 16 local governments have improved their websites. Buffalo and West Seneca scores have remained the same at an F grade. In 2017 only two municipalities received a passing grade (Amherst & Wheatfield). In 2018, six municipalities have received a passing grade (Wheatfield, Amherst, Town of Tonawanda, North Tonawanda, Erie County and Cheektowaga). The two most improved municipalities were the Village of Lewiston and the Town of Lockport. In 2017, the overall average score for the sixteen local governments studied was a 55, in 2018 the overall average score was a 63.

While we are glad to see that improvements have occurred, there is still a long way to go in most communities. There is no reason why meeting agendas and minutes cannot be posted online in a timely manner. **One third of municipalities, are still posting agendas without attaching copies of all of the documents that elected officials have before them (Wheatfield, City of Lockport, Town of Hamburg, Town of Lockport, Town of Lewiston, Village of Lewiston).** The public should be able to access the documents that their elected officials are discussing and voting on. Scanning and posting meeting agenda documents is not a difficult task.

Most municipalities are posting meeting minutes, however, some are behind in doing so. Knowing what took place at the last meeting before the next meeting occurs is important for citizens to be fully informed. Draft minutes can and should be posted before official minutes are approved at the next meeting.

Videotaping local government meetings is an important step in allowing individuals to see from the convenience of their home at any time what their located elected officials are doing. Implementing the recording and posting of meetings is not financially out of reach for most local governments. If the municipality the size of Wheatfield (population 18,000), can find a way to undertake video recording of meetings others can as well.

The financial disclosure forms completed by all state elected officials are posted on-line for the public to see. Financial disclosure forms for local elected officials should also be posted on-line. Not a single local government posts elected official financial disclosure forms on-line.

Placing a Notify Me link on a website home page is an easy proactive step to take, so that citizens have the opportunity to receive email notification of meetings. The small community of Wheatfield has a Notify Me link on their website and other local governments can and should do the same.

Members of the Buffalo Niagara Coalition for Open Government welcome the opportunity to speak about this report at an upcoming meeting of any of the local governments that were studied. We are willing to work with and to assist local governments interested in improving their websites.

One step that local governments can take is to form an Open Government Advisory Board, which the Village of Williamsville and the Town of Amherst have done. Having a citizen board dedicated to addressing open government issues and concerns can set your local government apart from many others by showing a commitment to working towards government that is transparent, participatory and collaborative with the public.

Buffalo Niagara Coalition for Open Government

Name of Local Government Being Rated: _____

Rated by _____

Zero to 10 Points provided for each item.

_____ **Agendas and entire board packets are posted online prior to board meetings and past 5 years of agendas are posted.**

- Deduct 5 points if agendas are posted but documents are not attached to the agenda. Some places will post just a 1 or 2 page agenda, citizens should be able to see the same documents that board members see.
- If agendas are not posted at all, award 0 points.
- If less than 5 years of agendas are posted deduct 1 point for each missing year.

_____ **Meeting minutes are timely posted online for the past 5 years (last meeting is posted before next meeting is held)**

- If the minutes from the last meeting are not posted before the next meeting deduct 5 points.
- If less than 5 years of minutes are posted deduct 1 point for each missing year.

_____ **An opportunity for citizens to speak is provided for at least 3 minutes prior to Board voting**

- Sometimes this is stated on the agenda, you might have to look for Board rules or rules for public expression. If meetings are videotaped you can see how long people have to speak.
- If only two minutes allowed deduct 2 points, if only one minute allowed deduct 4 points.
- If only allowed to speak at the end of the meeting deduct 5 points.
- If allowed to speak for at least 3 minutes at the beginning of the meeting before voting occurs award 10 points.

_____ **Meetings are video recorded and posted on-line for public to view**

- Very few places do this and those that do should receive 10 points.
- Some places post an audio recording, which is not video, 0 points.

_____ **Telephone numbers and email addresses posted for all elected officials**

- Look at how many elected officials there are typically Supervisor, board members, Clerk, Highway Supt, if half have a phone number and email posted award 5 points, 75% have it award 7.5 points etc.

_____ **Telephone numbers and email addresses posted for all department heads**

- Like above add up the number of Dept. heads figure out the percent that have both email and phone listed and award a percent of the possible 10 points. Most places have a web heading for departments or a directory by dept.

_____ **Instruction and Forms on how to file a FOIL request posted online in a visible easy to find place.**

- This should be right on the first page of the site or some other visible spot. If the only way you can find this is to enter “FOIL” as a search term or it is not in a visible spot deduct 5 points.
- If it simply does not exist award 0 points.

_____ **Financial disclosure forms for all elected officials are posted online**

- At the state level such forms are posted on-line. Most local governments do not post these forms and they should. If none are posted award 0 points. If some are posted, figure out the percent that are and award points accordingly.

_____ **Citizens can sign up to receive email notification of meetings/public hearings**

- If you see a “Notify Me”, button or link this is a place where citizens can sign up to receive email notification. If there is no such thing award 0 points. If it exists award 10 points.

_____ **5 years of budgets are posted online**

- If less than 5 years are posted deduct two points for each missing year.

_____ **Total Points**

Opportunity to highlight or explain important points regarding your scoring