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## Local Government Authority in Erie and Niagara County Website Report Card

Buffalo Niagara Coalition for Open Government

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## Local Government Authority in Erie and Niagara County Website Report Card

### Abstract

In February of 2018, the Buffalo Niagara Coalition for Open Government evaluated the websites of fourteen local government Authorities in Erie and Niagara County

### Keywords

government, open government, buffalo, website

**Buffalo Niagara Coalition  
for  
Open Government**

Local Government Authority Website  
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**

<b>Paul Wolf</b>	President
<b>Brian Hellner</b>	Vice President
<b>James Tricoli</b>	Vice President
<b>Edward McKee</b>	Treasurer
<b>Joseph Kissel</b>	Secretary
<b>Jonathan Manes</b>	Director
<b>Michael Kless</b>	Director

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](mailto:paulwolf2@gmail.com). Our website is [www.nyopengov.org](http://www.nyopengov.org) and we have a Facebook page.

## INTRODUCTION

In February of 2018, the Buffalo Niagara Coalition for Open Government evaluated the websites of fourteen local government Authorities in Erie and Niagara County.

Websites were evaluated in eight key areas; with up to 100 total points awarded as follows.

- 1) Posting of meeting agendas and entire board packets for 5 years (20 points)
- 2) Posting of timely meeting minutes for 5 years (20)
- 3) Citizens are provided an opportunity to speak prior to board voting (10)
- 4) Meetings are video recorded and posted online (10)
- 5) Telephone number and email for customer service posted (10)
- 6) FOIL information is posted on the home page (10)
- 7) Citizens can sign up to receive email notification of meetings (10)
- 8) Five years of budgets are online (10)

The Niagara Frontier Transportation Authority (NFTA) received the highest score of 75 out of 100 points, which was also the only passing score out of the 14 agencies evaluated. The lowest score received was the Buffalo Municipal Housing Authority at 7 points! The average score was a shameful 30 points. **Thirteen out of fourteen Authorities received a score of less than 65 points, a 93% failure rate!**

- **Posting of Meeting Agendas**

The posting of meeting agendas online is a basic but important task of informing the public, yet only the NFTA has consistently done so. The NFTA in addition to consistently posting agendas, also posts all of their agenda documents so that the public sees the documents that Board members are voting on.

**Only five out of fourteen Authorities post Board meeting agendas online:** NFTA, Buffalo Urban Renewal Agency, Niagara Falls Water Board, Erie County Medical Center and the Buffalo Sewer Authority. Besides the NFTA, the other four Authorities are behind and have not posted meeting agendas for 2018.

**Nine Authorities (65%) don't bother to post meeting agendas at all:** Erie County Water Authority, Buffalo Water Board, Wheatfield Local Development Corporation, Niagara Falls Urban Renewal Agency, City of Tonawanda Housing Authority, City of Lockport Housing Authority, Niagara Falls Housing Authority, Lackawanna Housing Authority, Buffalo Municipal Housing Authority.

- **Posting of Meeting Minutes**

Most Authorities (9 out of 14) are posting meeting minutes. The five Authorities (35%) that don't post meeting minutes at all are: City of Tonawanda Housing Authority, City of Lockport Housing Authority, Niagara Falls Housing Authority, Lackawanna Housing Authority, Buffalo Municipal Housing Authority.

- **Can Citizens Speak at Board Meetings**

As most Authorities don't post their meeting agendas, citizens have no way of knowing what topics being discussed may be of interest to them, nor do citizens know if they are allowed to speak at Board meetings to express their concerns or opinions. Only the Niagara Falls Water Board makes it clear on their meeting agendas that citizen comments are welcome.

- **Video Recording and Posting Online of Board Meetings**

The only Authority that records and posts their Board meetings online for the public to see is the NFTA.

- **FOIL Information Posted in a Visible Place**

Only four Authorities (30%) have posted how citizens can file a Freedom of Information Law (FOIL) request to obtain documents: NFTA, Buffalo Urban Renewal Agency, Buffalo Sewer Authority and the Erie County Water Authority.

- **Providing a Telephone Number & Email Address for Citizens to Contact**

Most Authorities have posted contact information but some have a telephone number posted but not an email address.

- **Can Citizens Sign Up to Receive Email Notification of Meetings & Public Hearings**

Some local governments have a Notify Me link on their sites, which allows interested citizens to receive emails of upcoming meetings and public hearings. This is a simple way of proactively reaching out to the public to dispense information. None of the fourteen organizations studied utilizes a Notify Me link.

- **Posting of Budget Information**

Posting five years of budget information is important for interested citizens to see budget trends and to compare revenues and expenses over a period of time. Only five Authorities (35%) have posted five years of budget information: Niagara Falls Water Board, Erie County Medical Center, Buffalo Sewer Authority and Buffalo Water Board.

**Below are the scores for all entities evaluated in order from best score to worst.**

Niagara Frontier Transportation Authority	75	C+
Niagara Falls Water Board	52	F
Buffalo Urban Renewal Agency	51.5	F
Erie County Medical Center	43	F
Buffalo Sewer Authority	43	F
Erie County Water Authority	38	F
Buffalo Water Board	23	F
Niagara Falls Urban Renewal Agency	23	F
Wheatfield Local Development Corp.	21	F
City of Tonawanda Housing Authority	13	F
Lockport Housing Authority	12	F
Niagara Falls Housing Authority	10	F
Lackawanna Housing Authority	8	F
Buffalo Municipal Housing Authority	7	F

## **METHODOLOGY**

Each website was rated independently by volunteers. The evaluation scores were averaged into a final grade. The items graded and the criteria used are attached to this report. Websites were evaluated in February 2018. 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 GRADES & WHO SHOULD BE HELD ACCOUNTABLE FOR THE DISGRACEFUL SCORES RECEIVED**

The grades obtained by each Authority are explained below. Given the disgraceful grades received by thirteen out of fourteen Authorities, it is important to understand who should be held accountable for the lack of information being provided to the public. As such we are calling people out by names and in particular the elected officials who have the power to make board member appointments to these bodies.

### **Niagara Frontier Transportation Authority (NFTA) (75%, C+)**

Meeting agendas are posted with entire board packets for five years. Meeting minutes are posted. No opportunity for citizens to speak at meeting according to agendas. To their credit meetings are videotaped and posted online for the public to view. An email and phone number is posted for the public to contact.

FOIL information is posted on home page. Citizens cannot sign up to receive emails regarding meetings and public hearings through a Notify Me link. Five years of budget reports are not posted.

### **Who Should Be Recognized For Having the Best Site:**

The NFTA Board consists of eleven members, nominated by the Governor that must be confirmed by the New York State Senate. The Erie County Executive and the Erie County Legislature, each recommend one member. As a side note the NFTA bylaws should be changed as the bylaws currently empower the Board Chair to implement pay raises for top employees without requiring a Board vote. A governmental agency should not have bylaws that allow pay raises to be done without a Board vote.

### **Niagara Falls Water Board (52%, F)**

Meeting agendas with documents are not posted for the past five years. Minutes are posted. Citizens are provided the opportunity to address the Board before voting on items. Meetings are not video recorded and posted online. A Contact phone number and email is posted.

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

## **Who Should Be Held Accountable:**

The Board consists of five members with one member appointed by the Governor, NY State Senate, NY Assembly, Niagara Falls Mayor and Niagara Falls City Council. Governor Cuomo and Mayor Paul Dyster need to contact the individuals they appointed and stress the importance of improving the Niagara Falls Water Board's website.

## **Buffalo Urban Renewal Agency (51.5%, F)**

No meeting agendas are posted for 2018. Agendas for 2017 are posted without documents. Meeting minutes are posted but not for past five years. Agenda does not provide an opportunity for Citizens to be heard at the beginning of the meeting. Meetings are not recorded and posted online. A Telephone number and email addresses for citizens to contact is posted. FOIL information is posted in a visible location. Citizens cannot sign up to receive emails regarding meetings and public hearings through a Notify Me link. Five years of budget reports are not posted.

## **Who Should Be Held Accountable:**

The Buffalo Urban Renewal Agency (BURA) consists of eight members chaired by Mayor Byron Brown. Three members are City Councilmembers (Darius Pridgen, Joseph Golombek, Jr., Christopher Scanlon). The BURA website contains a message from Executive Director Nona Watson stating:

“We are committed to fostering a collaborative environment with the community, through accountability of our practices, outreach and advocacy effort for transparency, and building and empowering of the City's residents.”

“This website is designed to be clean, user-friendly, and interactive for users of all ages and abilities. The web page will provide regular updates on the activities of BURA and its partners, upcoming community event/meetings, and will provide information designed to enhance public awareness of programs and services.”

While the above quotes sound great, interested residents are unable to see meeting agendas, the agendas that are posted do not allow the public to see the documents that Board members are discussing and voting on. The agendas do not provide an opportunity for interested citizens to speak and be heard regarding agenda items.

The BURA website needs improvement. Mayor Brown and the elected Councilmembers that serve on the BURA board need to take action and make changes, so that the website lives up to the Executive Director's stated mission.

**Erie County Medical Center**

(43%, F)

No Meeting agendas are posted for 2018, five years of agendas with documents are not posted. Meeting minutes are posted. Agenda does not provide an opportunity for Citizens to be heard at the beginning of the meeting. Meetings are not video recorded, and posted. A Contact phone number is posted but an email address is not. FOIL instructions and form are not posted in a visible place on home page. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Five years of budgets are posted.

**Who Should Be Held Accountable:**

The Board consists of fifteen members, eight are appointed by the Governor and seven by the Erie County Executive. Governor Cuomo and the County Executive Poloncarz need to contact the members they have appointed to stress the importance of improving the Erie County Medical Center’s website.

**Buffalo Sewer Authority**

(43%, F)

Meeting agendas are not posted for 2018, five years of agendas are not posted. Meeting minutes for 2018 or 2017 are not posted but minutes for other years are. Agenda does not provide an opportunity for Citizens to be heard at the beginning of the meeting. Meetings are not video recorded, and posted. A Contact telephone number is provided but an email address is not. FOIL forms and instructions are posted but not in the most visible location.

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

**Who Should Be Held Accountable:**

The Board consists of five members appointed by the Mayor and confirmed by the Buffalo Common Council. Mayor Brown and Council President Pridgen need to express their displeasure with Buffalo Sewer Authority’s poor website.

**Erie County Water Authority**

(38%, F)

Meeting agendas are not posted at all. Meeting minutes are posted. Agenda does not provide an opportunity for Citizens to be heard at the beginning of the meeting. Meetings are not video recorded, and posted.

A Contact phone number is posted but an email address is not. FOIL instructions and form are posted in a visible place on home page. A Notify Me link for citizens to receive email notification of meetings and public hearings is not provided. Budgets are posted but not Five years of budgets.

**Who Should Be Held Accountable:**

The Board consists of three members. Jeremy Zellner Chair of the Erie County Democratic Party and Nick Langworthy Chair of the Erie County Republican Party determine Board appointments. The Party Chair selections are then confirmed by the Erie County Legislature. Zellner, Langworthy and Legislature Chair Peter Savage need to express their displeasure regarding the Erie County Water Authority's poor website.

**Niagara Falls Urban Renewal Agency** (23%, F)

Some meeting agendas are posted but the documents being discussed and voted on are not attached to the agenda. Some meeting minutes are posted. Meeting agendas do not indicate that Citizens are allowed to speak at the meeting before the Board votes on items. Meetings are not video recorded, and posted. A contact telephone number is posted but an email address is not provided. FOIL instructions and form are not posted in a visible place on home page. 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.

**Who Should Be Held Accountable:**

The Board consists of ten members, which includes the Mayor of Niagara Falls, members of the Niagara Falls City Council and four private sector members selected by the Mayor and approved by the City Council.

Paul Dyster as the Mayor of Niagara Falls chairs an agency that scored only 20 points out of a 100! The Mayor and the City Council need to make changes to the Niagara Falls Urban Renewal Agency website.

**Buffalo Water Board** (23%, F)

Meeting agendas are not posted at all. Meeting minutes are posted but not since October 2017. Meeting minutes do not reflect that citizens are provided the opportunity to speak at meetings before the Board votes on items. Meetings are not recorded and posted online.

A contact Telephone number and email is provided. FOIL information and instructions are not posted in a visible place on the home page. 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 not posted.

**Who Should Be Held Accountable:**

The Board consists of four members appointed by the Mayor and confirmed by the Buffalo Common Council. Mayor Brown and Council President Pridgen need to express their displeasure with Buffalo Water Board's poor website.

**Wheatfield Local Development Corp. (21%, F)**

Meeting agendas are not posted at all. Meeting minutes are posted but not for five years. Meeting minutes do not indicate that Citizens are allowed to speak at the meeting before the Board votes on items. Meetings are not video recorded, and posted. A contact telephone number or email is not posted.

FOIL instructions and form are not posted in a visible place on home page. 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.

**Who Should Be Held Accountable:**

The Board consists of nine members, one of which is the Wheatfield Town Supervisor, one selected by the Wheatfield Town Board and the other members are selected by the existing members when vacancies occur. The Wheatfield Supervisor Don McSwan and Town Board member Larry Helwig, need to advocate for an improved website.

Board member Robert Cliffe deserves recognition for recently seeking to have Board agendas posted online in advance of the meetings. Board Chair Bill Wagner expressed support for posting agendas. Amazingly other Board members disagreed, including Dawn Gilliam who was quoted by the Niagara Gazette as saying "If you don't have to post it, there's no reason to post it". Gilliam stated further "What is the need to post it? It's an open meeting, if they want to come to the meeting, then they can come to the meeting." How is it possible that the posting of meeting agendas is actually opposed by members of a governmental agency?

## **City of Tonawanda Housing Authority**

(13%, F)

Meeting agendas are not posted at all. Meeting minutes are not posted at all. As meeting agendas and minutes are not posted, the public does not have any idea whether they are allowed to speak at Board meetings. Meetings are not video recorded, and posted. A contact telephone number and email address is posted. FOIL instructions and form are not posted in a visible place on home page. 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.

### **Who Should Be Held Accountable:**

The website does not list who the Board members are. The Board consists of seven members, five appointed by the City of Tonawanda Mayor and two are elected by tenants. Rick Davis as the City of Tonawanda Mayor, needs to address the fact that this website received a score of 13!

## **Lockport Housing Authority**

(12%, F)

Meeting agendas are not posted at all. Meeting minutes are not posted at all. As meeting agendas and minutes are not posted, the public does not have any idea whether they are allowed to speak at Board meetings. Meetings are not video recorded, and posted. A contact telephone number and email address is posted. FOIL instructions and form are not posted in a visible place on home page. 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.

### **Who Should Be Held Accountable:**

The Board consists of seven members, five appointed by the City of Lockport Mayor and two are elected by tenants. The Buffalo Niagara Coalition for Open Government has attempted to address concerns regarding the Lockport Housing Authority. The Coalition forwarded a letter to the Housing Authority seeking a meeting which was never responded to. A letter was sent to Mayor Anne McCaffery, asking her assistance in setting up a meeting with Housing Authority officials which was never responded to. A letter was then sent to the full City Council including the Mayor.

The Mayor left a phone message for Coalition President Paul Wolf, who returned the Mayor's call and left a message weeks ago. A meeting has never been arranged.

Mayor McCaffery recently wrote a news article highlighting her commitment to open government, but it sure has been difficult to get anyone's attention in City Hall to address the Lockport Housing Authority. Mayor McCaffery has the power to advocate for change at the Lockport Housing Authority as she has the power to appoint individuals to the Board, including an appointment coming up in April.

**Niagara Falls Housing Authority**

(10%, F)

Meeting agendas are not posted at all. Meeting minutes are not posted at all. As meeting agendas and minutes are not posted, the public does not have any idea whether they are allowed to speak at Board meetings. Meetings are not video recorded, and posted. A contact telephone number and email address is posted. FOIL instructions and form are not posted in a visible place on home page. 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.

**Who Should Be Held Accountable:**

The Board consists of seven members all of whom are appointed by the City of Niagara Falls Mayor. The fact that the Housing Authority website has a score of 10 out of 100 points, lies at the feet of Mayor Dyster who has selected the Board members that have allowed this to occur.

**Lackawanna Housing Authority**

(8%, F)

Meeting agendas are not posted at all. Meeting minutes are not posted at all. As meeting agendas and minutes are not posted, the public does not have any idea whether they are allowed to speak at Board meetings. Meetings are not video recorded, and posted. A contact telephone number and email address is posted. FOIL instructions and form are not posted in a visible place on home page. 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.

**Who Should Be Held Accountable:**

The Board consists of seven members, five appointed by the City of Lackawanna Mayor and two are elected by tenants. Geoffrey Szymanski as the Mayor of Lackawanna has the power to advocate for change at the Lackawanna Housing Authority.

## **Buffalo Municipal Housing Authority (BMHA)**

(7%, F)

Meeting agendas are not posted at all. Meeting minutes are not posted at all. As meeting agendas and minutes are not posted, the public does not have any idea whether they are allowed to speak at Board meetings. Meetings are not video recorded, and posted. A contact telephone number is provided but an email address is not. FOIL instructions and form are not posted in a visible place on home page. 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.

### **Who Should Be Held Accountable:**

The Board consists of seven members, five appointed by the City of Buffalo Mayor with confirmation by the City Council and two elected by tenants. The BMHA has the shameful distinction of receiving the lowest score in this report! Except for the tenant elected positions, Byron Brown has appointed every single member of the BMHA Board for years. What happens or does not happen at BMHA is attributable to the Mayor.

## **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 Authorities will interpret this report as constructive criticism. 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 Authorities that were studied. We are willing to work with and to assist organizations interested in improving their websites.

**The posting of meeting agendas, minutes, Freedom of Information Law and budgets are basic steps in informing the public. The fact that 93% of the Authorities studied failed our evaluations is shameful and completely unacceptable. Similar results were received when the Buffalo Niagara Coalition for Open Government studied local governments in 2017 and 90% failed and when the use of Executive Sessions were studied in 2017 and it was determined that 97% were done incorrectly.**



Clearly the current New York State Open Meetings Law needs to be strengthened and some mechanism for monitoring and enforcing compliance with the law has to be established.

## **RECOMMENDATIONS FOR CHANGE**

### **1) Amend the New York State Open Meetings Law**

The New York State Open Meetings Law which became effective January 1, 1977 states in its opening paragraph:

“It is essential to the maintenance of a democratic society that the public business be performed in an open and public manner and that the citizens of this state be fully aware of and able to observe the performance of public officials and attend and listen to the deliberations and decisions that go into the making of public policy. The people must be able to remain informed if they are to retain control over those who are their public servants. It is the only climate under which the commonwealth will prosper and enable the governmental process to operate for the benefit of those who created it.”

The failure of most Authorities to post meeting agendas and minutes online is preventing citizens from being fully aware of what their public servants are doing. Today’s world is a computerized one where information about anything can be obtained at any time, except if you are trying to find out what your public servants are up to.

Recognizing that we live in an Internet world, the Open Meetings Law was amended on February 2, 2012 to require “to the extent practicable as determined by the agency” meeting documents shall be posted online prior to a scheduled meeting. The law was additionally amended to state “If the agency or authority maintains a website and utilizes a high speed internet connection, such open meeting shall be, to the extent practicable and within available funds, streamed on such website in real-time, and posted on such website within and for a reasonable time after the meeting.”

**A) The Open Meetings Law should be amended to mandate that meeting agendas and supporting documents must be posted online at least 72 hours before a scheduled meeting.**

Today 99% of local governments and Authorities have a website and those that don't should. This study and previous studies done by the Buffalo Niagara Coalition for Open Government have shown, local governments and local Authorities that have websites and the ability to post meeting agendas and minutes are not doing so. In today's world where websites and Facebook pages can be created easily there is no excuse for local governments and Authorities to not scan and post meeting agendas and minutes.

**B) The Open Meetings Law should be amended to mandate that meeting minutes must be posted online within two weeks.**

The Open Meetings Law currently requires governmental bodies to make meeting minutes available within two weeks after a meeting. Making meeting minutes available means that if citizens request a copy of the minutes they must be provided. Many governmental bodies are weeks and months behind in posting meeting minutes. The delay is often due to not posting minutes until they have been approved. However, draft meeting minutes can and should be posted.

**C) The Open Meetings Law should be amended to require that all governmental bodies must provide an opportunity for interested citizens to speak before Board members vote.**

The Open Meetings Law does not require that the public be provided an opportunity to be heard at governmental meetings. While most Village/Town Boards, City Councils and County Legislatures provide on their meeting agendas an opportunity for citizens to speak, they are not required to do so by law. Some governmental bodies only allow citizens to speak at the end of their meetings after all voting has occurred. Only one of the Authorities studied indicated on their meeting agenda that citizens can speak at their meeting (Niagara Falls Water Board). The right of citizens to be heard and to address governmental officials is a basic due process right that should be mandated by law.

## **2) The New York State Comptroller Should Perform Open Meetings Law & Freedom of Information Act Compliance Audits**

The existence of the New York State Committee on Open Government is a tremendous resource for citizens and governmental officials. Executive Director Robert Freeman has overseen the preparation of 25,000 opinions regarding open government issues. Although a great resource, the opinions of the New York State Committee on Open Government are advisory, as the Committee does not have any enforcement power.

The Office of the State Comptroller has the constitutional authority to conduct financial, compliance and performance audits of all State and New York City agencies, including their associated facilities, institutions, board and program activities, as well as virtually all public benefit corporations (authorities).

In addition to financial audits the State Comptroller has done reports on the following:

- Noise Complaints & Enforcement in New York City (1/18)
- The structural deficiency of state bridges (10/17)
- Federal & State regulation of drinking water contaminants (6/17)

The State Comptroller clearly has a wide range of authority and as such can and should conduct audits on a regular basis regarding compliance with the Open Meetings Law and the Freedom of Information Act. Perhaps the Comptroller as part of every audit could devote attention to the importance of complying with open government statutes.

**The sad reality is that no one in an official capacity with any enforcement authority is monitoring compliance with the Open Meetings Law and Freedom of Information Act.** The State Comptroller could fill an important role regarding open government in New York. The Buffalo Niagara Coalition for Open Government will reach out to the Comptroller in an effort to discuss this recommendation with him.

# Buffalo Niagara Coalition for Open Government

Name of Authority Being Rated: \_\_\_\_\_

Rated by \_\_\_\_\_

\_\_\_\_\_ **Agendas and entire board packets are posted online prior to board meetings and past 5 years of agendas are posted. (20 points max)**

- If agenda and entire board packet for 5 years are posted award 20 points.
- Deduct 10 points if agendas are posted but documents are not attached to the agenda. Some places will post just a one or two 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 for the past 5 years (20 points max)**

- If meeting minutes are posted for the past 5 years award 20 points.
- If the minutes from the last meeting are not posted before the next meeting deduct 1 point.
- For every meeting held that minutes are not posted deduct 1 point.
- 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. (10 points max)**

- If citizens are allowed to speak for at least 3 minutes prior to Board voting award 10 points.
- 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 citizens are not allowed to speak at all award 0 points.

\_\_\_\_\_ **Meetings are video recorded and posted on-line. (10 points max)**

- 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 number and email address for customer service exists. (10 points max)**

- If both telephone number and email provided award 10 points. If just one of the two items is provided award 5 points. If neither exist, 0 points.

\_\_\_\_\_ **Instruction and Forms on how to file a FOIL request posted online in a visible easy to find place. (10 points max)**

- If info on how to file a Freedom of Information Law request is in a visible spot on the first page of site award 10 points.
- 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.

\_\_\_\_\_ **Citizens can sign up to receive email notification of meetings/public hearings. (10 points max)**

- If you see a “Notify Me”, button or link this is a place where citizens can sign up to receive email notification, award 10 points. If not 0 points.

\_\_\_\_\_ **5 years of budgets are posted online. (10 points max)**

- If 5 years of budgets are posted award 10 points. If less than 5 years are posted deduct two points for each missing year. If no budgets are posted 0.

\_\_\_\_\_ **Total Points**

**Opportunity to highlight or explain important points regarding your scoring**