

The Voter



LEAGUE OF
WOMEN VOTERS®

Virginia Peninsula MAL Unit of the League of Women Voters of VA.

The **Freedom of Information Act (FOIA)**, as amended represents the implementation of freedom of information legislation in the United States. It was signed into law by President Lyndon B. Johnson on September 6, 1966 (Public Law 89-554, 80 Stat. 383; Amended 1996, 2002, 2007), and went into effect the following year. This act allows for the full or partial disclosure of previously unreleased information and documents controlled by the United States Government. This year marked 43 years since the landmark Freedom of Information Act (FOIA) was signed into law. FOIA established the public's right to access government records. However, recent polling data indicates that most Americans continue to view our government as secretive – something that the League of Women Voters has long been trying to change.



NEXT MEETING

Oct. 28, 2010 6:30

Hampton Main Library

Megan Rhyne

Virginia Coalition on Open Government

"The key to a healthy, open government is public access and participation. Given the gravity of the issues facing our nation, the need to increase public access – and input - to the governmental decisions and policies that affect all Americans is greater than ever," said Mary G. Wilson, previous national League President. "The League has acted as a government watchdog for decades – at all levels of government."

"FOIA - and related state and local laws - are only as good as we demand that they be," Wilson stated, and more attention needs to be paid at the state and local levels as well. "While the audits ranged in scope from focusing on local school boards to county and state agencies, some common threads emerged that shed light on ways to improve access and public participation," Wilson noted.

"There needs to be better use of technology," said Wilson. "Can citizens access information online? Can they request public records online? These are just some of the questions that government officials need to ask themselves as they conduct business. It seems only natural that agencies would be taking advantage of such technology, but they simply aren't," Wilson added. "A more alarming trend that we saw was that of a public hesitant to get involved," said Wilson.

The League has worked for decades helping Americans gain better access to their government officials and the policy decisions that affect citizens.

I know several of you follow VCOG and get the transparency emails. This is a good chance to talk to her about issues we are having with our closed meetings

www.lwvpeninsula.org



3rd Congressional Debate to air on

WHRO Oct 31 7pm

The debate will be re-aired on WHRO World 15.2 / Cox channel 107/ FIOS channel 460. The debate was very successful to a standing room only crowd.

We are currently trying to get both debates on-line and will update you with the links when available.



Virginia Peninsula League of Women Voters MAL Unit

Note from the President

When the Daily Press submitted a Freedom of Information Act request to access the salaries of elected and other officials in Peninsula localities, James City County was the lone government to demand payment for the data.

Board of Supervisors Chairman Jim Kennedy publicly announced at a work session several months ago the county should begin charging for producing public documents as a means of generating revenue.

Governments have the right, under public records and information laws, to recoup reasonable expenses for staff time and other costs associated with providing information requested by any member of the public.

In this case a Daily Press reporter requested the salaries of county employees and of staff and officials in five constitutional offices - Treasurer, Sheriff, Commissioner of Revenue, Commonwealth's Attorney and Clerk of Courts. The request also asked how much of the salaries was paid by the state and how much by the county.

When James City County arrived that the bill came in at \$88 for four hours of staff time. A spokesperson for the county attorney's office said it was the county's policy to charge for expenses incurred fulfilling all public records requests.

The article can be read here : <http://tiny.cc/13zem>



The previous article in the Daily Press was so upsetting because the councilman decided it was legitimate to charge the taxpayers for the effort of telling the taxpayers how the locality was spending taxpayer money. The city requested a significant amount of money to fill this FOIA. The locality can't legally make a profit on FOIA request they can only charge a reasonable amount to reproduce the data. So in the case of this request should we assume the locality has no financial software or manual logs where they list what they pay employees. Just think about the poor employee who had to get in a car, drive and find the people who salaries were requested and ask them how much the locality pays them. This scenario is ludicrous. However, remember that is what the locality said it cost them to find this data.

Now days it seems that every time a locality does not wish to do something they justify not doing it by saying how much it would cost to have someone look up the information. That way they are saying No but making it seem that it is really not their fault.

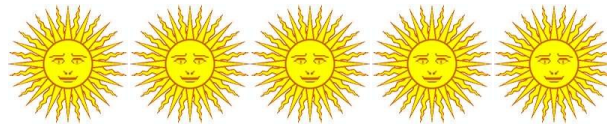
So who is at fault if in this electronic age basic general information is almost unobtainable? Well it starts with the localities. If data is kept in update systems or databases with search features it takes just a few clicks on a system. However, if the locality saves in the budget by slashing their Information Technology department and people knowledgeable about using and entering this data the cost can be huge. So then is that the taxpayer fault. Was this data not as important as a new sidewalk or sign?

We think of core services as police, fire, garbage pickup and other citizen used services. Then in this case the Information Technology department should be considered a core service. These services help make sure not only data is retrievable but they also facilitate a lot of the information citizens need. Look at Newport News as an example in their council meetings which were online, including the vote. That policy saved the citizens the cost of looking up the votes and printing out the information. Another example is board meetings which citizens are concerned about. Currently Hampton has the planning board meetings also viewable on line as well as meeting minutes for several boards. Having this option allows citizens at their own time to research what they are looking for instead of having taxpayers pay a staffer to research votes.

Those in charge in localities are kidding themselves if because they claim they don't have money to research something they can force citizens to stop asking questions by charging them outrageous fees. This is especially true when you look at the budgets of our localities. Citizens all over the United States have become very distrustful in government. This seems magnified at the local levels where the tax payers can see what it going on every day. As for the councilmen and others who think they can make a profit off of FOIA request. They need to look out also because large transparency organizations like public=open, the sunshine foundation and the Virginia Coalition for Open Government are watching as well as local groups like the League of Women Voters.

Study for Sunshine study of our localities.

The League has sent a request, listed below, to Newport News, Poquoson, and Hampton. The request asked for the vote at the end of closed meetings verifying the items discussed in meetings were allowable under the closed section requirements. We will begin to tract the request on a scale of 5 for each request in the study. A scoring of 5 sunshine's out of 5 is the best possible rating. In this particular request for the localities FOIA the highest score was 5 sunshine's for Newport News. The reason being was the information could be located on-line by the citizens. When the FOIA request was issued the city called and informed us where we could view the information. They also responded in writing since we were doing a study. The results for all the FOIA responses are being up loaded to the website.



Roll Call of Concurrence of Closed Session

Dear Records Request Officer:

Pursuant to the State Open Records Act, I request the roll call at the end of closed session City Council Meetings to verify that only items specifically allowed to be discussed in closed sessions were the only items discussed. I want to limit the request to only those roll-calls where a Council Member voted Nay, indicating that items other than those governed by law to be only discussed in close meetings were discussed. I would like to cover the range of votes for May 1, 2009 thru May 17, 2010. I, specifically, would like to know the date and time of the meeting, as well as who voted that items were discussed which did not adhere to the closed session rule. Lastly, I would like to know the "on record" explanation as to why they voted Nay.



Cartoon by <http://www.fsne.org/sunshine/2009/cartoons/parker/images/090315c.jpg>