

Local Government Transparency Act

Summary

This Act requires that a unit of local government or school district having an annual budget equal to, or more than, \$500,000 must maintain and post on its website for the current calendar or fiscal year, as the case may be, and the 4 years immediately before that calendar or fiscal year the following information: (i) contact information for elected and appointed officials, (ii) notice of regular and special meetings, (iii) procedures for requesting information from the unit of local government or school district, (iv) annual budget, (v) ordinances under which the unit of local government or school district operates, (vi) procedures to apply for building permits and zoning variances, (vii) financial reports and audits, (viii) information concerning employee compensation, (ix) contracts with lobbying firms, (x) taxes and fees imposed by the unit of local government or school district, (xi) rules governing the award of contracts, (xii) bids and contracts worth \$25,000 or more, (xiii) campaign contributions made by a vendor, and (xiv) searchable expenditure and revenue web site database. This Act also provides that any citizen who is a resident of the unit of local government or school district may bring a mandamus or injunction action to compel the unit of local government or school district to comply with the Internet posting requirements. Limits home rule powers.

{Title, enacting clause, etc.}

Be it enacted by the People of the State of {insert state}:

Section 1. Internet posting requirements.

(A) A unit of local government or school district must post on its website for the current calendar or fiscal year, as the case may be, and the 4 years immediately before that calendar or fiscal year the following information:

- (1) The contact information, including the phone number and e-mail address, for all elected and appointed officials, the Freedom of Information Officer, the chief administrator, and the head administrator for each department.
- (2) The agenda of all regular meetings shall be posted at least seventy-two hours before a meeting. The agenda of all special or emergency meetings shall be posted at least twenty-four hours before a meeting. The posting shall indicate if the agendas are in draft form. The minutes from any regular or special meeting shall be posted within seventy-two hours of approval.
- (3) In accordance with the Freedom of Information Act, the procedure for requesting information from the unit of local government or school district.
- (4) The annual budget ordinances and appropriation ordinances.

(5) The ordinances under which the unit of local government or school district operates as of the effective date of this Act and all such ordinances thereafter adopted.

(6) The procedures required to apply for building permits and zoning variances.

(7) Any budget, financial audit, audit schedule, or special project report, including without limitation the comprehensive annual financial report, performance audits, and reports required in municipal code of {insert state}.

(a) All reports should include the following,

(i) All actual revenues and expenditures for at least the 3 previous fiscal years. Any report focusing on any subset of Total should specify that only partial amounts are shown and identify the Total amount and the nature of items not included in the report.

(ii) Revenues should be broken out by source, including the broad categories of Local, State and Federal tax dollars.

(iii) Expenditures should be separated into current operating, capital and debt service.

(iv) Expenditure summaries for local units of government should reflect the per-resident calculation for comparison to other governmental bodies. For schools, a per-pupil calculation should be made based on full time equivalent enrollment.

(8) A detailed list of the total compensation paid to each employee including wages, salary, overtime, and benefits, including health, dental, life, and pension.

(9) Contracts with lobbying firms hired by the unit of local government or school district. The name and amount of money paid to lobbying associations by the unit of local government or school district.

(10) A detailed list of the taxes and fees imposed by the unit of local government or school district.

(11) The ordinances and rules governing the award of all bids and contracts for purchase in the amount of \$25,000 or more.

(12) All bids and contracts for purchase in the amount of \$25,000 or more.

(13) All campaign contributions made by a vendor to an official of the unit of local government or school district.

(14) Creation of searchable expenditure and revenue web site databases.

(a) No later than one year from the enactment of this legislation, each unit of local government or school district shall develop, maintain, and make publicly available a single, searchable expenditure and revenue web site database that allows the public at no cost to review information concerning moneys collected and expended by the unit of local government or school district.

(b)

(i) The web site database shall include the following data concerning all expenditures made by the unit of local government or school district:

(A) The name and principal location or address of the entity receiving moneys, except that information concerning a payment to an employee of the unit of local government or school district shall identify the individual employee by name and business address or location only;

(B) The amount of expended moneys;

(C) The funding source of the expended moneys;

(D) The date of the expenditure;

(E) The name of the budget program, activity, or category supporting the expenditure;

(F) A description of the purpose for the expenditure; and

(G) To the extent possible, a unique identifier for each expenditure.

(ii) The expenditure data shall be provided in an open structured data format that:

(A) May be downloaded by the user; and

(B) Allows the user to systematically sort, search and access all data.

(iii) The web site database shall contain only information that is a public record or that is not confidential or otherwise protected from public disclosure pursuant to state or federal law.



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(c) The unit of local government or school district shall:

(i) Update the financial data contained on the web site database at least monthly;

(ii) Archive the financial data, which shall remain accessible and searchable on the web site database;

(iii) Make the web site database easily accessible from the main page of the unit of local government or school district provider's web site; and

(iv) Create and make easily accessible an automated Rich Site Summary (RSS) feed to which users of the web site database may subscribe for notification of updates to the web site database.

Section 2.

(A) The information required to be posted under Section 1 must be easily accessible from the unit of local government's or school district's home page and searchable.

(B) The postings required by this act are in addition to any other posting requirements required by law or ordinance.

(C) If a unit of local government or school district fails to comply with this Section, then any citizen who is a resident of the unit of local government or school district may file suit in the circuit court for the county where the unit of local government or school district is located. The citizen may bring a mandamus or injunction action to compel the unit of local government or school district to comply with the requirements set forth in subsection (A). The court may impose any penalty or other sanction as it deems appropriate. The court, in its discretion, may also award to the citizen bringing the action reasonable attorneys' fees and costs.

(D) No home rule unit may adopt posting requirements that are less restrictive than this Section.

Section 3.

Exempt mandate. No reimbursement by the State is required for the implementation of any mandate created by this Act.

Section 4. {Severability clause}

Section 5. {Repealer clause}

Section 6. {Effective Date}

Adopted by the Tax and Fiscal Policy Task Force at the Annual Meeting, August 4, 2011.



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