



Online posting requirements under Illinois Statute



New employee reporting obligations for counties



Website checklist: content for counties to consider



Insight

Website Transparency

Developments in technology have changed the landscape of record keeping and public information. Citizens come to expect instantaneous and constant access to all kinds of information. Efforts by local governments to post significant data online are increasing, however, some cities and counties are still saddled with cost and maintenance issues. Overall, local officials are interested in increasing transparency. With this objective in mind, what should your county consider including on its website and what is required by state law?

When it comes to open government philosophy, transparency is the new buzz word. Transparency is a broad term, that quite literally, means something that can be seen through. While there are many different definitions of what transparency means, depending on the stakeholder, to most people transparency has to do with disclosure.

Every state in the United States has some variety of law mandating that all government business be conducted in the open to which the public has access. These are sometimes referred to as “sunshine laws”, or, Open Meetings Act. In addition, most states have laws ensuring public access to government documents and records. These are often versions of

the federal Freedom of Information Act (FOIA). All local governments in the state of Illinois must adhere to both open meetings and FOIA.

As a public servant, you have a duty to ensure that residents can obtain information about their government. This research brief is meant to assist counties with providing online transparency.



ILLINOIS STATUTES

Under the Freedom of Information Act (5 ILCS 140/4), a county that maintains a website shall post the following:

- 1. A brief description of itself, which will include, but not be limited to:**
 - a short summary of its purpose
 - a block diagram giving its functional subdivisions
 - total amount of its operating budget
 - number and location of all of its separate offices
 - approximate number of full- and part-time employees
 - identification and membership of any board, commission, committee, or council which operates in an advisory capacity relative to the operation of the public body, or which exercises control over its policies or procedures, or to which the public body is required to report and be answerable for its operations
- 2. A brief description of the methods whereby the public may request information and public records.**
- 3. A directory designating the Freedom of Information Act officer or officers.**
- 4. The address where requests for public records should be directed.**
- 5. Any fees allowable under Section 6 of the Act.**

Fees are limited. For black and white, letter or legal sized copies (8 ½ x 11 or 11 x 14), the first 50 pages are free, and any additional pages can cost no more than 15 cents a page. For color copies or abnormal size copies, the public body can charge the actual cost of copying. A public body can charge for electronic copies, but only the actual cost of the recording medium.

To learn more about the Open Meetings Act and Freedom of Information Act contact the Illinois Attorney General's office at (877) 299-3642 or visit www.illinoisattorneygeneral.gov.

Under the Open Meetings Act (5 ILCS 120/2), a county that has a website that the full-time staff of the county maintains shall post:

Agenda of any regular meeting of the governing body of the county:

- Must be posted 48 hours in advance of the meeting
- Any agenda of a regular meeting that is posted on the county's website must remain on the website until the meeting is concluded

Notice of all meetings of the governing body of the county:

- Any notice of an annual schedule shall remain on the website until a new notice of a schedule of regular meetings is approved
- Any notice of a regular meeting shall remain on the website until the regular meeting is concluded

Minutes of a regular meeting of its governing body open to the public:

- Shall be placed on the county's website within 10 days after the approval of the minutes by the county
- Shall remain on the website for at least 60 days after their initial posting

Salary posting requirements for IMRF employers (5 ILCS 120/7.3)

Effective January 1, 2012, the Open Meetings Act was amended to provide the posting of certain salary information. This law only applies to public bodies that are enrolled in the Illinois Municipal Retirement Fund (IMRF).

Total compensation package for an employee which exceeds \$75,000 per year:

- Must be posted within 6 business days after the county approves a budget
- The county may choose to post a physical copy of this information at the principal office of the county in lieu of posting the information directly on the website; however, the county must post directions on the website on how to access that information

Total compensation package for an employee which is equal to or in excess of \$150,000 per year:

- Must be posted at least 6 days before the county approves the total compensation package
- The county may choose to post a physical copy of this information at the principal office of the county in lieu of posting the information directly on the website; however, the county must post directions on the website on how to access that information

The term "total compensation package" is defined to include salary, health insurance, housing allowance, vehicle allowance, clothing allowance, bonuses, loans, vacation days granted and sick days granted.

THIS PUBLICATION IS A RESEARCH TOOL AND NOT THE COUNSEL OF AN ATTORNEY. THIS PUBLICATION IS NOT A SUBSTITUTE FOR THE ADVICE OF AN ATTORNEY. It is provided without warranty of any kind and, as with any research tool, should be double checked against relevant statutes, case law, attorney general opinions and advice of legal counsel e.g., your state's attorney. Each public officer is responsible for determining duties of the office or position held. Any question regarding such duties should be directed to competent legal counsel for a written opinion.



Under the Counties Code, a county that maintains a website must adhere to the following:

County Recorder (55 ILCS 5/3-5047):

- All county recorders that publicly display records on an Internet website (before January 1, 2009) must submit a written policy, including a timeline, to their respective county boards providing for the redaction of social security numbers from all records publicly displayed on the website
- Any county recorder that launches a website on or after January 1, 2009 shall develop and implement a policy providing for the removal of all social security numbers from all records prior to the public display of those those records on the website; the county recorder must file a copy of the policy with the county board of that county

Policies pertaining to the removal of social security numbers from records to be posted on the Internet shall be made available to all employees of a county recorder.

Removal of personal information (55 ILCS 5/3-5047):

Upon request by any person, the recorder shall redact or remove from any internet website maintained or used by the recorder that person's:

- social security number
- employer taxpayer identification number
- driver's license number
- state identification number
- personal identification (PIN) code
- passport number
- checking account number
- savings account number
- credit card number
- debit card number

The request must be made in writing and delivered by mail, facsimile, electronic transmission, or in person to the office of the recorder.

County recorders shall not be liable for any claims arising from unintentional or inadvertent violations of this Section of the Public Act.

Americans with Disabilities Act (55 ILCS 5/5-1131):

- Post the name, office address, and telephone number of the Americans with Disabilities Act coordinator, if any, employed by the county; and
- Grievance procedures, if any, adopted by the county to resolve complaints alleging a violation of Title II of the Americans with Disabilities Act



ITAP REQUIREMENTS

The Illinois General Assembly bolstered efforts to increase transparency in state and local government this year by expanding the **Illinois Transparency and Accountability Portal (ITAP)** to include local government employee information.

The ITAP is presented to the citizens of Illinois as a single point of reference to review how their tax dollars are being spent to support state government programs. The online portal includes information about state employee pay, state agency expenditures, state agency contracts, corporate accountability and professional licenses.

House Bill 222 (P.A. 97-044) has now been signed by Governor Quinn and, effective January 1, 2013, will require all counties, municipalities and townships, including home rule units, to provide additional data for all employees to the State's Central Management Service (CMS) for inclusion in the ITAP.

The reportable data includes:

- Employing unit of local government
- Name of employee
- Title
- Current pay rate
- Year-to-date pay

Subject to appropriation, CMS intends to post this information on the ITAP database as it becomes available. Each county is responsible for the accuracy of the information provided.

The law does not provide any detail as to how often the government body must supplement this data, however, the requirement of "year-to-date" pay data suggests that information must be submitted on a regular basis.



Illinois Transparency and Accountability Portal is available at <http://accountability.illinois.gov>.



Checklist

This checklist provides a general guide to the types of information counties can provide that support transparency.

BUDGETS

The county website should include comprehensive budget information. Budgets show the big picture of what goals and priorities the county established for the year and prior years. Budget details also serve as a way for taxpayers to determine how the government performed in relation to past years.

- Budget for current fiscal year
- Budgets for previous 4 years (5-year total)
- Navigational features enabling someone to locate the budget should be included on the homepage
- Graphic features that compare the current budget to past year's budgets (enables people to make sense of trends overtime)
- Narrative features incorporated into descriptions of the budget (e.g., if the current year budget is 1.2% higher, or 5% lower, than the previous year's budget, it is helpful to citizens to provide this comparative explanation at the beginning of a summary about the budget.
- Checkbook register:
 - Amount of each payment
 - Date
 - Check number
 - To whom the payment was made
 - Scan of invoice, purchase order or check request
 - What it was for
 - Budgetary authority for the expenditure
 - Functional expenditure category
 - Sources of funds
 - Links to relevant contracts under which payment was made

AUDITS (Financial/Performance)

If the county conducts financial and management audits to ensure that it is operating in accordance with the highest standards of financial and management competence and integrity the following should be posted online.

- Copies of performance and financial audits
- Routine financial audits
- Evaluations of the performance of any specific agencies or commissions

MEETING INFORMATION

Citizens should have the knowledge of when an elective body meets and what issues they will be voting on so they can be informed and engaged in the democratic process. Websites should include notices about public meetings of its governing board, and minutes of past meetings.

- Agendas for all meetings that fall under rules about open meetings (about 99% of any government meeting)
- Time of meeting
- Place of meeting
- Whether the meeting is open or closed
- Whether public input is allowed at the meeting and, if so, the rules that govern public input
- Minutes of meetings should be recorded and posted
- Text of Real-Time Captioning if created as part of the video or audio stream

ELECTED OFFICIALS

The county website should disclose key information about the county's elected officials.

- Names of elected officials
- Contact information including phone numbers and e-mail
- Terms of office and date of next election
- Indicate party affiliation (if applicable)
- Committee appointments
- Any financial disclosures and conflict-of-interest statements that the county requires of its elected officials

ADMINISTRATIVE OFFICIALS

The county website should disclose key information about the county's top administrator and the head administrator for each department.

- Names and titles of appointed administrators
- Contact information including phone numbers and e-mail



Transparency should not be confused with sharing confidential information. Information can be posted while still being sensitive to the protection of information deemed confidential by law.

PUBLIC RECORDS

A county that maintains a website is required by state law to post its Freedom of Information Act (FOIA) process and FOIA officer information prominently on its website. Governments are required by law to respond to FOIA requests.

- Directory designating the FOIA officer(s) and contact information
- Address where FOIA requests should be sent
- A brief description of the methods whereby the public may request information and public records
- Any fees allowable under Section 6 of FOIA
Note: Fees are limited. For black and white, letter or legal sized copies (8 ½ x 11 or 11 x 14), the first 50 pages are free, and any additional pages can cost no more than 15 cents a page. For color copies or abnormal size copies, the public body can charge the actual cost of copying. A public body can charge for electronic copies, but only the actual cost of the recording medium. For example, if information is produced on CDs, the public body may only charge the actual cost of purchasing the CDs.
- FOIA requests from the past year (excluding requests made from law enforcement for crash reports, insurance claims, and other routine requests)

COMPENSATION AND BENEFITS

Public employee salaries are going to be viewable on the state's Transparency and Accountability Portal now that Governor Quinn has signed H.B. 222 into law. The law applies to public employees in county, municipal and township governments.

- Total number of full- and part-time employees
- Information for each individual employee including:
 - Department and current job title
 - Budgeted salary / total earnings
 - Overtime or specialty pay
 - Health / Dental Insurance
 - Life Insurance (if applicable)
 - Pension / IMRF
 - Workers Compensation
 - Allowances (e.g., automobile, uniforms)

TAXES AND FEES

Citizens should have ready access to tax and fee information. County websites should include detailed information for various types of taxes or fees that it levies. A comprehensive fee schedule detailing all taxes is preferred.

- Summary of revenues by fund and type
- Revenue source tax and per capita rates
 - Sales tax
 - Property tax
 - Income tax
 - Miscellaneous taxes
- County fees
- Fees on residents and businesses

CONTRACTS

The county website should provide comprehensive information about the contracts it enters into with vendors and all labor agreements with employee groups.

- Rules the county must abide by when it enters into contracts with outside vendors
- When the county enters into a bidding process for large contracts, the request for bids should be posted online
- Publicly available information about the bids the county receives should be posted online, keyed to the request for bids the county has previously published
- Specific contracts the county enters into with outside vendors for any amount over \$10,000
- If elected officials of the county have received campaign contributions from any vendors who sell services to the county, this information should be posted on the website
- Labor agreements with employee groups

LOBBYING

If a county directly contracts with a lobbying firm, full details of this arrangement should be disclosed on the county website.

- Name of lobbyist or lobbying firm and the amount paid
- Dues or grants paid to non-profit organizations

RESOURCES



Illinois Attorney General www.illinoisattorneygeneral.gov

On the pages of this website, you will find detailed information to help you as a government official and employees to understand and comply with the Freedom of Information Act (FOIA) and the Open Meetings Act. We encourage you to check this site routinely as new materials are made available.

Sunshine Review www.sunshinereview.org

Sunshine Review is a 501(c)(3) non-profit organization dedicated to state and local government transparency. The Sunshine Review wiki collects and shares transparency information and uses a "10-point Transparency Checklist" to evaluate the content of every state and more than 6,000 local government websites.



Most transparent local government websites in Illinois*

COUNTIES

Champaign County	www.co.champaign.il.us
DuPage County	www.co.dupage.il.us
Kane County	www.countyofkane.org
Lake County	www.lakecountyil.gov
Madison County	www.co.madison.il.us
McHenry County	www.co.mchenry.il.us
Will County	www.willcountyillinois.com

MUNICIPALITIES

City of Carbondale	www.ci.carbondale.il.us
City of Chicago	www.cityofchicago.org
City of Evanston	www.cityofevanston.org
Village of Wilmette	www.wilmette.com

*2012 Sunny Awards winners for transparency in government

Illinois Comptroller <http://ledger.illinoiscomptroller.com>

The Ledger is your portal to Illinois government. State financial records, as well as official reports and analyses can all be found here. You can track the daily activity of the state's accounts, perform searches on specific revenues, expenditures, and entities, or even track a state employee's salary.

Illinois Transparency and Accountability Portal <http://accountability.illinois.gov>

The portal includes information about state employee pay, state agency expenditures, state agency contracts, corporate accountability and professional licenses.

Illinois Association of County Board Members
and Commissioners
413 West Monroe
Springfield, Illinois 62704

(217) 528-5331
(217) 528-5562 Fax
www.ilcounty.org