

Sunshine Week Open Government Proclamation

Section 1

WHEREAS, James Madison, the father of our federal Constitution, wrote that “consent of the governed” requires that the people be able to “arm themselves with the power which knowledge gives,” and

WHEREAS, every citizen in our participatory democracy has an inherent right to access to government meetings and public records; and

WHEREAS, an open and accessible government is vital to establishing and maintaining the people’s trust and confidence in their government and in the government’s ability to effectively serve its citizens; and

WHEREAS, the protection of every person’s right of access to public records and government meetings is a high priority of **(name of governmental unit)**, and

WHEREAS, the **(name of governmental unit)** is committed to openness and transparency in all aspects of its operations and seeks to set a standard in this regard; and

NOW, THEREFORE, the **(name of governmental unit)** commits during this Sunshine Week, commemorating the 273rd anniversary of James Madison’s birth, and throughout the year 2024 to work diligently to enhance the public’s access to government records and information, to increase information provided online and electronically, and to ensure that all meetings of deliberative bodies under its jurisdiction, and their committees, are fully noticed and open to the public.

The measures below are presented as examples and should be tailored to the transparency needs of your government and community. They should be as specific as possible and capable of accomplished within the coming year.

Section 2

TOWARD THAT END, the **(name of governmental unit)** directs that:

- The **(fill in appropriate government official or office, such as county executive or general counsel)** make recommendations within 90 days to the **(name of government unit)**, based on public input, for strengthening transparency in our government. The recommendations should focus on actions that can be accomplished within one year of the date of this memorandum.
- All meetings of **(name of governmental unit)**, its committees and subcommittees, and of any board or agency created by (name of governmental unit) be properly noticed and open to the public.
- All agencies, departments and units of **(name of governmental unit)** accept, as a minimum, information requests submitted by the following methods: phone, U.S. mail (or its equivalent), over the counter and online.
- A schedule of charges for copies of such records be established that does not exceed actual cost.
- All agencies, departments and units of **(name of governmental unit)** respond to all such requests for information within the number of business days as required by law. If the request is complex and that response deadline cannot reasonably met, the requester should be so advised within by the response deadline and provided with an anticipated final response date. Existing state laws, which apply to both state and local governmental units, vary. Many are silent on a specific response time, leaving it to the courts to determine what might be “reasonable.” Most that are specific require a response within two to five days. Your deadline for a response should certainly not exceed that offered by state law, if the state does provide an actual numerical deadline. You can check the standard for your state via this Open Government Guide: <https://www.rcfp.org/open-government-guide/>
- All agencies, departments and units of **(name of governmental unit)** keep a log of each submitted request and the results thereby showing, at a minimum, the date the request was received; a brief summary of the request; the nature of response (partial or full grant, denial); the number of elapsed days until a response is rendered and until the records are made available, if different; an indicator to denote if no records were available; the name of the requestor (when furnished); the requester’s email address (when furnished); and the staff member(s) responsible for processing the request. Submissions which provide no method of response must still be logged-in but otherwise may be ignored.
- All agencies, departments and units of **(name of governmental unit)** post onsite and online:
 - Records which have been the subject of repeated requests or are likely to be subject to repeated requests. A record shall qualify as “subject to repeated requests” when it has been requested by different individuals or organizations with no formal connection to each other at least three times within the past twelve months.

[Without suggesting that any particular records are more important than others, here are two examples of records that immediately come to mind because of their importance and because they are regularly sought by requestors:]

- All contracts entered into which exceed \$5,000, including details of the work to be carried out, estimated completion date and cost, and the name of the vendor(s) along with the amount, date, etc. of all checks issued.
- Post online and onsite, at least 72 hours in advance of formal consideration, copies of all budget requests and a copy of the final budget, with any and all justifications or other explanatory materials submitted as a part of the decision making process.