

# **Citizen Initiative for Transparency: Public Documents Audit**

*League of Women Voters of Montgomery County Virginia  
Christiansburg, Virginia*

In December of 2008, the Education Fund of the League of Women Voters® asked local LWV groups to submit proposals for the "Citizen Initiative for Transparency Project":

*The League of Women Voters Education Fund (LWVEF), with funding from The Herb Block Foundation, is pleased to announce the second phase of its "Citizen Initiative for Transparency," a project to monitor and advocate for open government at all levels. The first phase of this effort focused on open meetings, and this phase will deal with open records.*

*As part of this project, LWVEF will award pass-through grants to at least 10 Leagues to conduct a public documents audit in their communities in the spring of 2009. Leagues will be provided with a toolkit, training and technical assistance to conduct the audit. Leagues will be asked to follow up with local government officials where necessary, and the findings of the audit will be released to the media and public in anticipation of the anniversary of the Freedom of Information Act on July 4, 2009.*

The Board of Directors for League of Women Voters of Montgomery County (Virginia) [LWVMC] discussed this proposal and the relationship it had with projects already in progress. It was determined, based on our local transparency in government project, that the LWVMCVA would respond with a proposal to participate in this nation-wide study.

On February 5, 2009, LWVMC President, Mary Houska, was notified that the proposal presented by LWVMCVA was one of the 11 (the original 10 had been expanded due to a rewritten FOIA law in one state where it was determined that two such groups would be appropriate) groups that were to be recipients of the Citizen Initiative for Transparency grants from the LWVEF.

Our goal in this project is to inform others of the various processes that we have used to promote positive change in local government, especially as they relate to the Freedom of Information Act. After providing an overview of why FOIA requests became necessary, we will discuss the crucial role of FOIA and how any individual or group can begin the process of evaluating government's responsiveness to FOIA request.

## **Public Perceptions, Public Information, and Local Governments**

One of the leading factors that limits public requests for information is the public perception that the requests may have negative consequences. In short, because citizens either do not understand or have limited knowledge of state and federal requirements for open government, access to public information, and the Constitutional guaranteed and protected rights to voice concerns and air

grievances to their local officials, citizens express fear and anxiety, especially in terms of reprisal and retaliation, regardless of whether there is direct evidence that such reprisals have occurred. In short, public perception plays a far greater role in limiting public involvement in government than is often acknowledged.

## **LWVMCVA's History of Working on Openness in Government.**

The open government activities of the League of Women Voters of Montgomery County (Virginia) [LWVMC] began more than ten years ago when our League initiated a study of local governments' use of executive or closed sessions. That study resulted in the adoption of a local position on Executive Sessions at the LWVMCVA's May 1999 Annual Meeting. That Montgomery County position built upon the LWVUS open government positions, and applied them to local government. Our League then joined the Virginia Coalition for Open Government [VCOG], the nonprofit organization that champions the Virginia Freedom of Information Act [FOIA]. We are the only Virginia League that is a member of the Coalition.

For more than seven years, League Observers had been aware of limitations in information sharing both with the public and with town council, as well as concerns about the financial procedures employed by Christiansburg, a Town in Montgomery County. The Town Council and Mayor of Christiansburg, VA have had a long standing reputation of keeping public information out of the public eye. Meetings of Committees were held without legal notices being provided in a timely manner. The question also arose as to whether or not impromptu meetings of more than 2 public officials were being held away from Town Hall with no notice given to the public. Rather than holding public work sessions on the budget and other important issues, the Town of Christiansburg would hold closed door sessions with two members of the Town Council and the Mayor at a time. The system effectively circumvented FOIA requirements. Our League initiated a study of Town financial and public information procedures three years ago but did not have enough member interest to sustain the study.

Recent increases in local League membership in Christiansburg, local interest in town government procedures, and other events caused the League to re-initiate the study in 2008. The League study coincided with a number of other factors which have helped to mark the end of the Town's era of reliance on closed approaches to government. The other factors included:

- The ongoing monitoring and reporting of FOIA violations by the *Roanoke Times* (a major local newspaper);
- The increased willingness of citizens and elected officials to begin asking questions and refusing to take the standard response of “don't worry about it, we're taking care of everything” answer that was normally provided;
- The increased willingness of elected officials, with the avid support of citizens, to encourage changes and adopt new approaches to governance;
- A desired public swimming pool estimated to cost \$3.8 million dollars evolved into an Aquatic Center costing taxpayers over \$18 million dollars, occurring without public input, came to light and has generated a great deal of public interest in how town government operates; and

- The increased use of the internet and internet based tools, like blogs, by Christiansburg residents to ask questions, force discussions, and provide access to documents, meetings, and public processes.

As the different threads came together, a new governing fabric is now being woven. The role of FOIA has been crucial; however, FOIA alone was not enough to generate change. The real key to change has been in the processes used to analyze and disseminate the information, most notably the use of new, public and social networking technologies. In the past, distribution of public information involved private word of mouth and costly, privately-borne printing costs or the public newspapers. While the newspapers did and do keep the public apprised of ongoing issues, the size of many public documents precluded printing and distribution. Online communication has lessened the cost of distributing public information and increased accessibility. Websites, blogs, Google calendars, mp3 files and other video and audio formats, and the full range of social networking tools have made developing and distributing information faster, easier, cheaper, and more quickly accessible.

## **Why Christiansburg, Virginia**

For years, citizens consistently raised questions about how the Town of Christiansburg conducted business and were consistently denied access to information. Documents were either unavailable or were difficult to obtain. Decisions were made either at the administrative level or in closed committee sessions. Transparency and changing attitudes and approaches did not come easily. In fact, it has been and will continue be a struggle to achieve transparency within this jurisdiction.

## **The Media**

There are two primary newspapers serving Montgomery County and Christiansburg: the *Montgomery News-Messenger* and *The Roanoke Times*. The *Montgomery News Messenger*, the local paper, is fairly typical of small-town papers, focusing on businesses, civic organizations and events, local schools, and athletics. *The Roanoke Times*, on the other hand, is the regional newspaper. While the primary focus of the *Roanoke Times* is on the Roanoke Valley and the State of Virginia, it also maintain local bureaus outside of the Roanoke Valley and publishes local inserts, including *The Current*, the insert for the New River Valley. Of the two papers, the *Roanoke Times* has published investigative reports and has maintained a larger investigative staff.

The *Roanoke Times* has documented Christiansburg's failure to comply with open government mandates for years. Donna Alvis-Banks, a reporter assigned to the New River Valley Bureau of the *Roanoke Times*, had a very difficult time obtaining information from the Town of Christiansburg, which impeded her job of reporting on town government. She specifically noted how difficult it was to get proper notification of meetings so that she could attend. The Town of Christiansburg seldom gave more than 24-30 hours notice of public meetings. Public notice boards were in place at the Recreation Center or Town Hall, yet often did not accurately provide all public meeting times or locations. The public notice board at Town Hall was located on a landing between floors, behind large potted plants.

*Roanoke Times* editorial writer, Christian Trejbal was also concerned about the apparent 'lack of

sunshine' in Christiansburg. In several articles, he documented the FOIA violations by Christiansburg Town Government. Some of these articles, as well as those by Donna Alvis-Banks, are listed at a website for FOIA monitoring developed by the League of Women Voters of Montgomery County VA (<http://vaopengov.org/FOIA%20study/newslinks.htm>).

## **The Citizens**

For years, citizens have asked for information and been stymied or denied. The few citizen committees allowed by the Town of Christiansburg have been created and hand-selected by the Mayor without providing a means to encourage and elicit input from the general public. These groups have historically disbanded or ceased meeting out of frustration. Over the course of the last three years, a number of League of Women Voters members and have been actively involved in sunlighting the Town's procedures and processes. These members include:

- Ann Hess

Nearly a decade ago, Ann Hess, a citizen and League of Women Voter's member, began attending Christiansburg Town Council meetings and asked questions. A primary concern was wanting to know where tax money was going. The budget process, as handled by the Town of Christiansburg, was done behind closed doors. Council typically conducted a first and second budget reading with citizens having to access any information directly from the Town Manager. Ann found the response by the Town of Christiansburg concerning because council members also lacked detailed and timely information.

Ann monitored these meetings as a LWV representative, and a Finance Study was begun in order to study the issues more closely. This initiative sat in limbo for a few years because there were not enough LWV members residing in Christianburg to support the endeavor.

- Tacy Newell-Foutz

More recently, Tacy Newell-Foutz, who had become familiar with FOIA during her tenure on the local school board, began attending Town Council Meetings. Ann and Tacy found themselves being the only non-staff person(s) in the audience in council meetings without land use decisions on the agenda. What caused this apathy in the citizens of Christiansburg? Perhaps it was the lack of inclusiveness of citizens in government processes. Or, perhaps it was due to the reports we received of people being ridiculed and even threatened if they tried to obtain information or promote any change outside of a council member's motion. Tacy notes:

*“One of my first observations was how these public officials behaved. They derided other downtown property owners or business operators; but not directly. This was always indirect. Officials commented negatively about citizens who had interacted with town hall about complaints or concerns, generally indicating they were misinformed or misdirected. I listened to lifelong residents who cautioned me about attending these public meetings – it would hurt my business, and nothing would change, ever. It would come back to haunt me, someday, somehow.”*

People in the community started coming to Tacy for information on how to approach Town Council. Terry Ellen Carter was one such person. Tacy provided Terry Ellen with the information needed to bring her request for a noise ordinance before council. Although this request was denied, something good did come of it. Terry Ellen introduced Tacy to a new way of communicating: The Blog.

Tacy and Terry Ellen shared a blog space called ThinkChristiansburg.com in which each of them wrote their own individual articles. Tacy's first blog appeared on September 28, 2007 and covered a statewide “Main Street Essentials” training seminar. Soon, Tacy started presenting her observations, insights, and interpretations (based upon her experiences as a School Board member) of Christiansburg Town Council Meetings in that same blog. (She continues to do so.)

- Carol Lindstrom

Carol Lindstrom became involved when Tacy contacted a friend of Carol's about a townhouse development the Town was going to allow that would encroach in a National Historic District. Carol met Tacy and was introduced to 'blogging'. Carol started blogging in March of 2008 on the site depotdazed.com. While it was interesting to Carol, it did not become all that important until she tried to elicit help from the Town Police about a parking issue at her business and the responding officer provided her with the State Code indicating that she had no legal recourse on the issue. Having worked as a Child Abuse Investigator and a Forensic Mental Health Counselor, Carol knew how to read such documents. She noted that the first section of the codes had been deleted from the copy she was provided. Going to the internet to look up the full code, Carol discovered that she did, indeed, have standing.

Having heard about such things happening to other people and now happening to her, Carol decided that perhaps it was time to do more than just blog. Carol learned how to file FOIA requests, operate a scanner, and design a web page MyVaResources.com was created as an internet warehouse for all of the public documents that she received. For the first time in history, citizens of the Town of Christiansburg had internet access to Town Charter and Code, Budgets, Meeting Agendas, Minutes of prior meetings (5 years worth), Comprehensive Plan, Recreation Department Plans, and other documents.

Multiple other citizens, wishing to remain anonymous, approached the bloggers and Christiansburg

members of the League of Women Voters, Citizens reported incidents of intimidation, council decisions modified after they have been voted on and approved/disapproved, and denial of access to information either through the withholding of documents or through the failure of government to let them know what was available.

## **Prices Paid**

Carol Lindstrom's first FOIA requests were stonewalled, postponed, and ultimately resulting in the need to request help from elected State officials- with no results. Finally, emails sent to Virginia's U.S. Senators generated some results. Documents became available; however, when the documents were provided they included multiple copies of the same documents, effectively generating a fee that was about twice what it should have been. A few days after hearing back from U.S. Senators that the Town Manager had been directed to be cooperative, a knock on the door provided Carol with a copy of a law suit. Carol, Tacy, Terry Ellen, and Meghan Dorsett (someone who was not affiliated with the blogs or the FOIA requests at all) were all named in a \$30 million dollar lawsuit presented by a local developer who claimed that [one of the blogs on ThinkChristiansburg.com](#) was having a direct negative impact on his business. A [Roanoke Times article on this same topic](#) was published less than a month after the initial blog.

While Carol Lindstrom and Meghan Dorsett were eventually dropped from the lawsuit (it was found that the reason they had been added was because they had been seen at public meetings with the other two individuals), the suit against Tacy Newell-Foutz and Terry Ellen Carter continues. The ACLU has been representing Terry Ellen Carter while Tacy Newell-Foutz has a private attorney. In Circuit Court, the case was dismissed but was appealed by the developer to the Virginia Supreme Court which upheld the lower Court's ruling.. The developer is now appealing the Virginia Supreme Court Decision. The ACLU's argument has been that this was a SLAPP Suit (a Strategic Lawsuit Against Public Participation) and the case is being monitored all over the country. *The Roanoke Times* provided full coverage of this event, and many citizens responded with outrage. Unfortunately, many more citizens responded with fear. They feared speaking up and attending public meetings because they might be sued as well.

Membership in the League of Women Voters of Montgomery County grew in Christiansburg, which allowed the finance and public information study to progress and provided greater monitoring of meetings. The League also provided support and encouragement. More FOIA requests led to more documents being posted on the website. Additionally, Carol Lindstrom began making audio recordings, of public meetings and posting them on MyVAResources.com. Then, with a little bit of an investment in time and money, those became actual video files where any citizen with internet access can now watch the performance of their elected and appointed officials.

## **The Positive Results**

*Blog and Website Readership:* Blog readerships have grown to over 2000 regular readers for each of the two blogs. There are between 100 and 300 hits on the website each day from people looking for information. That audience for Town Council Meetings has grown significantly. With high profile issues such as budget or land use actions, Christiansburg has seen overflow crowds with people

standing in hallways and sitting on floors.

*Citizen's Referendum to Change the Date of Town Elections.* A series of Candidate Forums (1 by the League of Women Voters of Montgomery County, VA (LWVMCVA) and 3 by Tacy and Carol) were held prior to the May 2008 town elections. It should be noted that voter turnout was very high for a year in which the office of Mayor was not on the ballot. One of the issues that came up repeatedly at those forums was the question of moving town elections from May to November to increase voter participation and turnout. Newly elected councilman, Henry Showalter, brought the issue before Council, but the Town Council refused to consider it. The Mayor noted that if citizens wanted to change the date of the election, they could certainly obtain a petition and have a referendum on the ballot.

Henry Showalter, along with members of the LWVMCVA took the Mayor's challenge to heart and on Election Day, 2008, obtained more than twice the necessary signatures on a petition to change the date of the Town elections. This referendum will be on the November 2009 ballot. Along with being twice the required number of registered voters in the Town, it should also be noted that this number of signatures also represented more than twice the number of people who voted in the last Town election.

*FOIA Training and Public Information.* As the *Roanoke Times* and the bloggers continued to point out FOIA violations as they occurred, the Town of Christiansburg held a FOIA training session on June 3, 2008. This session was open to the public and well attended. Additionally, it was recorded and posted on the website (<http://myvaresources.com>) for several months. It remains available to the public upon request.

Despite having a website for over ten (10 years) the Town of Christiansburg had never posted information about public meetings or public documents online. They have now paid for a new website and some of the routine public notices are being maintained on it at this time. Additionally, RFP's and job postings are now found on the Town's website. (<http://christiansburg.org>)

A FOIA request of the Town's most recent Audit, yielded a letter from the Accounting Group that pointed to some issues in the certification levels of staff handling those documents. Further research yielded the information that these same issues had been noted in the previous audit also. It was recommended that the Town hire a CPA as Financial Officer. The Town of Christiansburg has advertised and budgeted for a Director of Finance who will be a CPA. The activities related to this job had previously been handled by the town Treasurer under the supervision of the Town Manager. Given that the Town Manager has also been serving in the capacity of Zoning Administrator, Subdivision Administrator, Purchasing Agent, and other positions within the town, the hiring of this individual and the transfer of the title Zoning Administrator to the Director of Planning, may make the Town Manager's job a bit easier.

Both the Town Charter and Town Code were reviewed by LWV members and found to be seriously out of date. The Town has committed to a recodification of the Town Code. The Town Manager specifically noted this would be a recodification (a line by line evaluation) rather than simply a review and revision. It should be noted that there was no evidence found in the budget to show this is likely to occur within the next year.

Previously, the notice board located within Town Hall held some notices of meetings but as it was located upstairs and behind some plants, it was a bit difficult to see. The Town has moved this message board downstairs and in an unobstructed location. They have also added an outdoor message board that is also unobstructed to provide that information for people who may be unable to come into Town Hall during normal operating hours. This was the result of the efforts of Donna Banks, reporter for the *Roanoke Times* and Ann Carter, Town Council member.

Each of the issues noted above were written about on the blogs, which included links to the town documents posted on the web page, MyVaResources.com. The windows are now open for sunshine to come in and the citizens have responded. Enough pressure was exerted upon town officials that changes have been made in how town business is conducted.

## **Where Do We Go From Here?**

While this has been a rather convoluted process, it was only through the overall experience that we learned that the FOIA request as a very important FIRST step. Many obstacles were placed in our paths: resistance, failure to provide requested documents, phone calls not returned, delays in providing access to documents, threats, and as an apparent last resort, a law suit. We received telephone calls and emails from other people warning us that they had been threatened, their businesses ruined, or they were forced to leave town because they had challenged the Town on something.

Obtaining the documents was not enough on its own merit to accomplish much of anything. When FOIA requests were met, they were flooded with duplicates and triplicates to make it financially impossible for the person requesting those documents. Pages were missing and in some cases whole documents were missing. Much of this was not fully realized until the participants began the process of scanning those documents, one page at a time, in order to be able to post them online. Further notification to the Town yielded more (but not all) of the requested documents. (It should also be noted that many of the documents were provided in draft form rather than the signed official copies that were requested.) We are still waiting for the Town Manager to sign some of those documents (Planning Commission Meeting Minutes), a wait that is now a year old. We hope to follow up on those when we finish dealing with all the issues revealed in the documents that were obtained.

Where the Town of Christiansburg had safely barricaded itself away from the sunshine, we started throwing back curtains, opening windows, and opening doors. The staff of the *Roanoke Times* provided us with the coverage to keep what we were doing in front of the public. We were inclusive and kept everyone who wanted to know informed through the use of blogs and the website. We did not buckle to pressure, rather finding that those activities designed to dissuade us actually encouraged us. We knew we were on the right path.

Using some of the information we obtained, individuals are now conducting other studies in areas such as stormwater management, land use, and voting records of local officials. More and more people are coming into the Town Council meetings, asking questions and quoting the Town's own code. People are standing up. Unfortunately, there are also those, who because of what they perceive as the Town doing to us (the Law Suit, although the Town was not a party to the suit), many people are afraid to speak up. For those people, the independent blogs and blog writers, become their voice. Citizens provide them

with their concerns and they try to find out the information that those citizens need. That information is also posted on the independent web site, MyVAResources.com and more blog articles are generated. Expanding the work:

Our involvement in this initiative can help other people and groups accomplish the same things that we have done in Christiansburg, VA. Continuing to do the things we have already been doing: blogging, FOIA requests, posting on website, researching State Codes and other applicable State and Federal documents is necessary in order to keep people informed and to be sure that materials are kept current. We offer our assistance in helping other LWV groups or members who may wish to get started with a blog or a website.

The FOIA information and monitoring website we have established is the first part of that goal. It is located at <http://vaopengov.org/CitInitTransparency.htm>. This site provides useful resources for implementing and monitoring FOIA Requests that anyone with a computer can access and use. We have also set it up so that the tracking documents and request forms can be printed and then copied for use by those without computer access. On these pages you will find:

- links to important Federal, State, County, City, and Town information;
- the official websites for all Counties, Cities and Town within the State of Virginia that could be found (many of these have public documents available online);
- instruction on how to obtain the Virginia FOIA Code on the Virginia General Assembly's Legislative Information System (internet). This same process can be used to obtain any State Code information;
- links to easier ways to access the Virginia FOIA Code;
- the basic steps of using FOIA to obtain information;
- details on how to use the monitoring survey tool;
- FOIA references where you can find information concerning your FOIA rights and the types of information that should be available to you.;
- additional sources of information to be used to verify the information received via your FOIA request;
- news articles by the *Roanoke Times* that show the chronology of the FOIA quest as it occurred in Christiansburg, VA;
- a link to the monitoring survey tool for LWV members in the state of Virginia (requires password); and
- a link to the monitoring survey tool for the public in the state of Virginia.

Why two different links to the monitoring survey tool? One thing that we have found with the blogs and other surveys is that local government or other groups may try to skew the data obtained by flooding you with responses that present the view they want presented. Needless to say, they were quite surprised when we let it be known that the IP addresses of the Town had been identified and that data

coming from those addresses was being kept in a separate file in order to compare to data coming from all other sources. That problem stopped almost automatically. Both sets of data will also be subjected to a basic statistical analysis to look for trends and patterns, but it is the data provided by LWV's groups/individuals that will be considered the most accurate. Additionally, having the two sets of data will allow for some comparisons that would not be possible otherwise. If a local LWV's group wishes to utilize non-league members to provide data, that is fine. We only ask that the data entry be done by a LWV's member and that the password not be shared with the public.

## Steps in the Process

- (1) *Know your FOIA rights.* Not all FOIA laws are the same. There is Federal FOIA that addresses all federal government documents, but each individual state has its own FOIA law. In Virginia access to current FOIA law is available through multiple avenues on the internet. Vaopengov.org is the website we have established to help people obtain FOIA information and to understand their rights under that law.
  - (a) The Virginia Coalition for Open Government link (found on the "Helpful Virginia FOIA Links" page) will give you access to current *FOIA Law and Facts*, the *FOIA Citizen's Guide*, possible future changes in FOIA Law (*2009 Legislative Roundup*), search enabled data bases of opinions of the Advisory Council, Attorney General, and the Courts in the Look Up Opinions section.
  - (b) The Virginia Freedom of Information Advisory Council provides a .pdf file of the *Virginia Freedom of Information Act, Records Exemptions, and Meeting Exemptions*. The two Exemptions sections are important for understanding some of the limits of FOIA.
  
- (2) *Any FOIA request must begin with a clear understanding of what question(s) you would like to have answered.* If you already have a topic in mind that is fine. If not, it is likely that simply scanning your local newspaper will alert you to possible areas to consider. Examples of some of the topic areas that we have considered are (you will note that these can be very specific or broad ranged):
  - (a) Where can I obtain a copy of the Town Charter or Town Code?
  - (b) How can I find out what citizen input was used in developing the Town Comprehensive Plan?
  - (c) Can proffers for a rezoning be changed after the public meeting?
  - (d) What Town financial reports am I entitled to under FOIA?
  - (e) When was the zoning on a particular property changed?
  - (f) What soil tests were performed by the Town prior to authorizing a development?
  
- (3). *Once you have identified your primary question(s), you have to begin to identify possible sources of the information that you need.* Your FOIA request must be specific as to what

documents/records you want to receive, so you need to develop a working knowledge of where that information can be found in order to request the correct documents .

- (a) If you are interested in a rezoning request, the Minutes from the Meeting of the Town Council or Board of Supervisors may provide you with very little information. State Code requires that those minutes contain a minimum amount of information (as noted in FOIA §2.2-3707). Requesting those Minutes will not necessarily provide you with information that was provided to the Planning Commission in forming their recommendation to the Town Council. You may find that you need to specifically request minutes from both of those groups and specifically request copies of staff analysis, plats, proffers list, and other such documents. I will note here that there are many Virginia jurisdictions that go far beyond those minimum requirements and will provide you with all related information. In fact, many jurisdictions have those on their web pages for easy access by any citizen.
  - (b) The Library of Virginia has a website ([http://www.lva.virginia.gov/agencies/records/sched\\_local/index.htm](http://www.lva.virginia.gov/agencies/records/sched_local/index.htm)) that provides clear descriptions of documents and how long the jurisdiction is required to keep those documents. It also includes the specific state codes that establish those mandates.
- (4). *Identify the level of government and/or departments from which to obtain records.* For instance, a review of a certain Town's Charter or Code is helpful only in determining if that Charter or Code is being applied. A closer look would require a review of the State Code that gives the power to the local jurisdiction. You may find that local Charter and/or Code are out of sync with State Codes. In those cases, it is the State Code that is applicable UNLESS there is a disclaimer statement in the State Code indicating that any changes do NOT supersede existing local Code.
  - (5). *Once you have identified the appropriate agency, you will need to find out to whom you should submit your request.* A simple phone call or email to the agency is likely to provide you with that information. Many jurisdictions have a specific person identified as the FOIA officer and all FOIA request go through that individual. This makes it much easier for the jurisdiction to insure that time lines are met and that the appropriate person is responsible for obtaining the information required.
  - (6). *Write your FOIA request.* We have provided a copy of the FOIA request form used by the Roanoke Times (with their permission) on our website ([http://vaopengov.org/FOIA%20study/req\\_audit\\_outline.htm](http://vaopengov.org/FOIA%20study/req_audit_outline.htm)). It is in a .pdf format that allows you to print it out and fill it in by hand, or fill out the form on your computer and print it for mailing, or send as an email attachment.
  - (7). *Document your process.* This can be done via index cards, a spreadsheet or by using the form we have provided to collect specific information: Level of government: State, County, City, or Town

- (a) Name of jurisdiction. (i.e., Town of Blacksburg or County of Montgomery)
- (b) Brief description of the documents requested.
- (c) Date request submitted.
- (d) Did you receive the requested documents within the five (5) day time frame established by state code? (Please do not count the day actually submitted as that would not be a full working day. Weekends and holidays are also excluded from the count.)
- (e) Did you receive notification of additional seven (7) days needed to comply with the request as allowed by state code within 5 days of the request? (Please do not count the day actually submitted as that would not be a full working day. Weekends and holidays are also excluded from the count.)
- (f) Did you receive the requested documents within the extended time frame established by state code? (Please do not count the day actually submitted as that would not be a full working day. Weekends and holidays are also excluded from the count.)
- (g) Please tell us about your experience with this quest for public documents. We want to hear about your perception of the process and any problems you may have found. (This can simply be a brief description of your experience or more detailed.)
- (h) Do you have any suggestions for any other studies of this type or for expansions to this study?

The data obtained from the FOIA request can then be put into the online survey tool we provide through the links on the vaopengov.org website. There are two such links, the one for the League of Women Voters does require a password which can be obtained by contacting Carol Lindstrom at vaopengov@gmail.com or by telephone at 540-382-6431/540-381-9064. Additionally, printed or written information can be mailed to Carol Lindstrom , 630 Depot Street NE, Christiansburg, VA, 24073. The second link is for the general public and other groups. It does not require a password.

Once the data has been added to the survey tool, an ongoing analysis will be done and reports will be generated. These reports will be posted to <http://vaopengov.org/CitInitTransparency.htm> to become public information. If LWV groups in the State of Virginia wish to have reports prepared specific to their jurisdiction, those can be provided .

OPTIONAL: Work with other groups to form a primary data collection center where information from your tracking sheets can be submitted for analysis as an individual group or as one large group. By using the survey links provided here or sending the data to us, it will be included it into a centralized data source.

Our report for the Citizen Initiative for Transparency Study focuses on open government efforts in the Town of Christiansburg, VA. The report goes into some of the history of our efforts to elicit documents

and information under the FOIA. The most common problems that we found were:

1. Citizens did not understand their rights under the FOIA.
2. Elected and appointed officials did not understand their responsibilities under the FOIA
3. There is a perception by citizens that government does not want them to know things.
4. There is a perception that retaliation will occur if people do ask for information.
5. Often, FOIA request were not complied with in a timely manner or, in some cases, at all.

Our primary goal was to establish a "Beginning Level" of monitoring that could be applied to any jurisdiction within the state of Virginia. Thus, we begin with an ongoing project to educate people about FOIA, resources for FOIA, and how to submit a FOIA request.

Our tracking system is one which is designed to monitor basic compliance as to whether or not the requested information/documents were provided and if they were provided in a timely manner under the laws of Virginia. We have included room on both written trackers, data input forms, and surveys for the requester to include personal observations about the experience and any problems that were noted. Thus, we hope to obtain information on the FOIA request experience from those who are experienced in the process as well as those for whom this may be a first time event.

Not all local governments will have the same issues. Therefore, we are establishing this as a 'pilot study' that will allow us a great deal of flexibility in expansion and inclusion of citizens. A subset of the project includes an area for LWV groups to begin their own, more specific studies. Another subset allows for input from individuals and other agencies. Using the basic structure for data collection and a centralized repository for data, we can then generate more specific studies, including survey forms that are modified for the specific issues of various areas. Where other groups or individuals not working with LWV groups are interested, we can generate the specific data collection tools that they require or simply generate a survey based upon any data collection instruments they choose to construct.

The additional tools that we have provided information on include independent blogs and a citizen-based website hosting public documents. Support is also available to help any individuals or groups apply those resources within their area of interest.

Now, it is up to each of you to decide if you wish to participate. We hope that you do. Thank you for any help you can provide as we continue to monitor and report on the status of FOIA and open government in Virginia. If you are interested in using a blog or webpage in your jurisdiction, we will be happy to help you get started. For further assistance, support, or questions, please contact:

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