

Report: Little sunshine in California government

By Brian Joseph, Orange County Register

Two new reports released in conjunction with Sunshine Week, a national initiative to promote open government, have found that it ain't exactly sunny in California.

The Washington, D.C.-based nonprofit Sunlight Foundation gives the California Legislature a "D" grade for its efforts to make bill and vote data available online. Meanwhile, the Golden State reform group California Forward is sharply critical of both state and local governments in its report "The State of Transparency in California: 2013."

California Forward, which has started referring to itself as CA FWD, finds the Legislature's transparency efforts a joke and lambasts local governments for releasing financial data that is essentially incomprehensible to average citizens. The report also asks why the home of Silicon Valley can't seem to use advances in technology to provide better government transparency.

"Technology is not a cure for the accountability issues in California, but it is the most expedient vehicle for engaging the public and encouraging honest evaluation of its performance," California Forward writes. "From top to bottom, California's public sector is lagging in the adoption of tools that were invented by the private sector right in its backyard."

The folks at Sunlight essentially came to the same conclusion. Sunlight developers recently launched an innovative Web application called Open States, which allows users to track pending legislation in every state legislature. While they were building the site, the developers found themselves

“struggling with the often inadequate information made available. Impossibly difficult to navigate sites, information going missing and gnarly PDFs of tabular data have become daily occurrences for those of us working on Open States. People are always curious to know how their state stacked up compared to others – in fact one of the most frequent questions we have been asked has been ‘so which state was the worst?’ That question got us thinking: How could we derive a measure of how ‘open’ a state’s legislative data was?”

The result was Sunlight’s Open Legislative Data Report Card, which gave a letter grade to each state legislature for efforts made to post information online. Sunlight says “each state was evaluated in six categories based largely on the Ten Principles for Opening Up Government Information,” standards based on an October 2007 meeting of 30 open government advocates and expanded by Sunlight itself.

Six other states joined California in receiving D grades (Indiana, Louisiana, Maine, Oklahoma, Rhode Island and Wisconsin). Nine states received A’s (Arkansas, Connecticut, Georgia, Kansas, New Hampshire, New York, North Carolina, Texas and Washington). Five flunked (Alabama, Colorado, Kentucky, Massachusetts and Nebraska).

The only positive thing Sunlight could say about the California Legislature is that its bill data is “machine readable.” Sunlight was especially critical of the California Legislature under the “Ease of Access” principle, stating that California’s site “is rendered entirely inoperable without Javascript. Site was considered slightly more difficult than average to use.”

California Forward was equally critical of open government efforts in the Golden State.

“The harried nature with which state budgets – and indeed many laws – are passed in the Legislature is more or less a punch

line in Sacramento,” California Forward wrote bluntly. “But it is a pox on our democracy.”

California Forward was specifically critical of a common Sacramento practice known as “Gut and Amend,” in which legislators remove the contents of a bill and replace the language with an entirely new proposal, often completely unrelated to the previous one. Gut and Amends can and often do dramatically change the intent of a bill and they frequently happen in the waning days or even hours of the legislative session, resulting in lawmakers approving legislation that hasn’t been vetted at all.

Last year, an initiative sponsored by California Forward, Proposition 31, would have required all bill proposals to sit for 72 hours before an official vote, but it failed. Currently, the Legislature can vote on proposals that aren’t even in print.

California Forward also questioned in its transparency report why state and local governments release budget information that is beyond the comprehension of all but a “handful of Capitol insiders and watchdogs.”

“Perhaps the worst example of lack of information is related to property tax,” California Forward writes. “Depending on the number of local governments that provide services, a homeowner’s tax payment may be split among a dozen or more entities, including the county, the city, school districts and a basket of special purpose districts. From the property taxpayer’s perspective, it is difficult if not impossible to find out which of the many local governments that provide services get the money. Californians should care about this since property tax is still the single largest tax financing local services.”

The report also notes that “little if any actionable data is available on pension and debt obligations.” This echoes an

August 2011 report by the Orange County Register that found that the state law prohibits the release of key pension data. In all, the Register found at least 500 provisions of the California Government Code that exempt specific records from disclosure and another 16 code sections that prohibit the release of broad categories of documents.

Sunshine Week, which runs through Saturday, was established in 2005 to specifically shed light on these kinds of issues.