

2013-2014 MONTEREY CIVIL GRAND JURY

INTERIM FINAL REPORT NO. 6

MONTEREY COUNTY WEBSITE ISSUES

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INFORMATION ACCESS AND THE NEED FOR RE-DESIGN

SUMMARY

On the 21st Century's Internet of People and Things, the Monterey County Government website at <http://www.co.monterey.ca.us/> is the electronic equivalent of the physical doors and windows of the County government offices. When these electronic doors are closed or the windows shuttered, neither the necessary information nor the required communication tools are available to the inquiring public or to County employees.

As Thomas Jefferson perceptively wrote "*Information is the currency of democracy.*" However, in the Monterey County website's present, partially dysfunctional state, many County website users cannot find, nor even become aware of what information is available behind these doors, nor what is required of its citizens by the County. Because of the wonders of modern computer technology, all that should be required of these citizens to use the Monterey County website successfully is Internet access and reasonable typing and simple computer skills.

Yet in the opinion of the Monterey County Civil Grand Jury ("CGJ"), the current website and its various subsections have been, for the past six or more years, in less than desirable condition due to major inconsistencies in access, design, presentation and outdated content. (To avoid confusion, the reader should note that references in this Report to "the website", refers to the Monterey County website, unless otherwise qualified).

The CGJ is aware from its interviews that attempts have been made over the past five or six years to correct the design and content flaws, and that from time to time patches of defective portions have been *and are currently being made*, on an *ad hoc* basis, even as this Report is being completed in the second quarter of 2014. As noted in more detail below, we also know a detailed study of the website design, specifications and standards, to be followed by actual implementation of the significantly revised website, is underway -- with a goal of completion by the end of 2014.

The purpose of this Report is not to criticize past or current efforts, but to point out the approaches we feel are needed to correct, *permanently*, these inadequacies. We also make suggestions and present possible solutions that might assist the County in creating and maintaining a far more useful website for the public *and* for County employees. In the process, we point out other California county websites which, to us, demonstrate much more effective presentations of governmental services and information than the current Monterey County website.

We explain in our Background and Recommendations, below, what we, as users looking for information, see as the current website problems and then we set out our possible solutions to them.

BACKGROUND

The CGJ's interest in this matter was first generated during the second half of calendar 2013 by our own extensive use of the Monterey County website as a means of trying to understand the relationships among different departments and other aspects of our County government. We have also used it to physically locate agencies while trying to identify and contact specific County personnel. Our own frustrating experiences seem a typical example of how a reasonably intelligent person might expect to be able to use the website to obtain contact information and to, for example, understand how to pay fines, tax bills, or generally meet one's obligations to the County.

We found, during the past ten months, that many serious attempted uses resulted in error messages or total lack of information, such as when a user sought to obtain information about County services or to locate phone numbers or email addresses of the County personnel or departments. For example, until we pointed out the errors, the website stated in late 2013 that two of the current members of the Board of Supervisors terms of office had expired in 2012. It also listed one major Department head, who had not been with the County for over three years but was still shown as in that position, among the many other types of factual errors or omissions.

Much of the data in departmental portions of the website still appear to date back as far as 2004, based on copyright and other notices of dates of last revision. Many pages appear, from the errors we found on them, not to have been reviewed since then by departmental personnel. Other sections simply do not appear at all -- except for an error message that the desired section is under revision. The initial opening countywide sections also appear to have major legal deficiencies in the area of required legal notices under current California and Federal Privacy and Data Protection laws.

At present many of the numerous departmental portions or sections of the website appear to be entirely developed and the content provided and maintained by the individual County departments themselves, but without reference to use of any common template or standard. For example, the Monterey County Sheriff's Office has a well-organized and functional departmental set of webpages, but these displays were obviously prepared and coded by a third party contractor, since the colors, theme and entire presentation method is totally different than other County departments. This is not to say that this is wrong or dysfunctional, in and of itself, but merely evidence of lack of any standard template or common rules of presentation followed or expected to be used on all the various County departmental sections of the website.

Furthermore, prospective visitors from outside the County may not accurately learn of the many natural features and events pertinent to our part of California if the website is not well organized. The County, thereby, potentially loses some of the critical economic activity that is part of its citizens' employment opportunities and the sources of tax revenues supporting the governmental agencies.

We are cognizant that a serious cross-departmental study and plan for revision and complete replacement of the entire website look and the information presented is currently underway and is now at the implementation stage. We understand that this effort was spearheaded by the Business Manager of the County Information Technology (IT) Department, working with appropriate IT and Public Information personnel from a majority of the other County departments. This review group of technical personnel has a stated goal of development, design and some standardization of policies relating to the entire website and its various departmental sections by the end of 2014. This commendable effort has already resulted in licensing of much needed third-party Content Management software by which insertion of new materials and revisions of existing information can be accomplished and controlled by the common standards to be enforced.

Unfortunately, from the facts discovered during our investigation, the CGJ still feels that whatever comes out of this current study and new standards may still leave the County with a less than a desirable website and information tool because of a combination of existing budgeting or fiscal policies, and a lack of any on-going central review of how the website sections will appear and work for the user.

We acknowledge, and want to make clear, that there should *not* be central control over what is *said* or *presented* by the various departments. But for ease of use there has to be some means of ensuring that the material posted follows an established common website template and agreed presentation policies, *and* that all website information presented is reviewed and revised for accuracy on a regular monthly or at least quarterly basis by each department. We address these deficiencies and suggest some possible solutions in our Recommendations below.

INVESTIGATIVE METHODOLOGY

In the process of investigating and fact finding for the purpose of these Recommendations, many CGJ members extensively used the Monterey County website to determine how to obtain information from and how to conduct business with the County as the website has existed over a period of the most recent ten months. We also accessed the websites of several other California counties, as described below, both to compare the presentation and interactivity of comparable websites, as well as to see how well they provided the user with desired information and permitted actions such as payments and other means of communication with the various county departments involved. We specifically reviewed the budget aspects of Placer County's website

by studying those provisions related to funding their website versus the present funding used in Monterey County budgets for its IT Department and the website.

We worked extensively with the Monterey County IT Department to determine how the present system is *supposed* to operate and what technical aspects of website operation and design appear to present problems and opportunities at present. We also learned a great deal for our investment in time, with the help of this well-organized Department staff, and we appreciate their assistance. We were impressed with how concerned the IT management is about these problems, how they are seeking cross-departmental input, and how solution-oriented they are.

Finally, we talked to various third party website developers, designers, artists and computer programmers to gain a better understanding of how websites should operate and what issues are likely to arise in this electronic and technical environment. This investigation was done without our disclosure of any current CGJ activities or this Report.

FINDINGS AND CONCLUSIONS

- F1.** We have been advised that the Monterey County website is hosted on the servers at the County IT Department. These hosting costs are borne by the County IT Department. With central direction and input as to the content desired from the County Public Information Officer (PIO), the IT department creates and maintains the home page and initial basic access and design features.
- F2.** Some of the County departments appear to create and maintain their own sections of the website, and some even host those sections elsewhere than on the Monterey County IT servers, at third party sites. The IT department staff of technicians, web developers and graphic artists is available for technical assistance to the County departments upon request, for a fee chargeable to the requesting agency.
- F3.** In our review process of the Monterey County website, we felt it valuable to compare our user experience with that website to our experiences with three other California counties, representing a cross section of size, population and economies. We were also interested in how the website activities were funded. We arbitrarily selected the Kern County, Marin County and Placer County websites as examples. Kern is twice the population of Monterey County but has similar sized businesses and agricultural activities, cities, and large unincorporated areas under county jurisdiction. Marin has half the population of Monterey County and fewer agricultural areas, but has similar major governmental concerns. Placer County was selected since it has nearly the same population, business and agricultural activities as Monterey County and has an excellent, well presented website that we felt Monterey County could learn from by example.

- F4. From this review we also learned that Placer County has created, and apparently maintained, an Administrative Services Department, *within which* IT exists as a General Fund Division with responsibility for maintaining and operating the Placer County website. While we do not suggest that the IT department should be part of another larger department, we do think it useful to quote and consider the clear purposes stated in the 2013-14 Placer Proposed Budget. It says:

“In order to maintain the level of service the County provides to its citizens, future investment in technology replacement will be an important consideration for ensuring the County’s continuity of operation. For example, progress on the County’s website redesign and functionality from a Department-centric site to a Public-centric site continues. Last year alone the website had over 2.4 million visits, resulting in more than 7.7 million pages being viewed. The website will focus on helping people accomplish their primary tasks quickly and easily. Content will be consolidated, organized, and user intuitive. Menus and navigation tools will be organized in a way that simplifies the use of the County’s website.”

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In our judgment, this budgeting approach, as opposed to Monterey’s Zero-based budgeting, creates an environment that is more conducive of cooperation and consistency of the website because of cost sharing, while this budget method also places on each department content responsibility and determining for itself what the citizens need from it. It allows the website to serve not only the public but also its county employees, in sections of the website created solely for them and not available to the public. On the other hand the Monterey County method of funding costs, quoted on its County website, discourages this cooperative environment.

- F5. The Monterey County Budget 2013-14 document describes the current method of funding the Information Technology Department (“ITD”) as follows:

“ITD is a zero General Fund Contribution department where its budget is solely based on the revenue generated through the services rendered to its clients.”

- F6. We also feel that the Marin and Kern county websites are more representative of what the CGJ believes the Monterey County website should look like and how it should function, once some standard principles of development and operation, and rules for responsibility for information accuracy, are adopted and applied. We acknowledge that this will take considerable time and patience on the part of the many people and departments involved.

RECOMMENDATIONS

- R1. This CGJ is not an advocate of complex sets of rules and procedures imposed on each of the County departments and agencies, since this creates time consuming and expensive

requirements that makes government less responsive to its citizens. However, in this situation there needs, at least, to be: (a) a commonly agreed upon set of written principles governing the creation and design, information presentation and templates to be used; (b) a provision for review by some designated party, such as the IT website head, for compliance before posting of new sections; and (c) a requirement that each department regularly review, and correct errors, in those materials that have been posted for accuracy and currency of the information. These principles need to be worked out by a representative committee consisting of managers of IT functions in each department, and the CAO or one of his deputies, and chaired by the IT department representative who is most likely to have the technical expertise necessary.

- R2. The guiding principle should make clear that it is up to each department to decide what public information *about its operations* is relevant and useful for posting. This then places the responsibility on departmental management for their portion of the County website. There is, however, certain minimum information that should always be there -- such as listing department functions and services available to the public, contact information in the form of telephone numbers and at least one central email address to reach the department, physical addresses of facilities, and perhaps a location map. Most departments should also list the names and functions of its personnel so the public can ascertain whom to contact within a given group.
- R3. In order to create and operate a departmental section of the website, these rules need to provide permission for each department to contract out the development and/or operation of their section of the County site where necessary or more cost effective, but that any such development/operation entity contractually be required to conform with the template and technical specifications adopted by the website study committee. The contracts entered into with third party developers must also obligate them to follow the County general website rules and procedures, including Privacy and Data Breach laws as previously established by County Counsel and the IT department for protection of the County and its citizens.
- R4. These rules should specify that the IT department, on behalf of the County, has the right to examine all developed materials and changes, other than merely updated data, *prior to posting or use*, and to certify or reject the proposed materials and changes for failure to comply with the common standards. New materials or sections that do not comply may need to be modified. In order not to delay important changes, time limits for review and compliance need to be established.
- R5. In all instances of development and operation of the various departmental website sections, including the initial entry page to the website, careful consideration needs to be given to compliance with the multitude of Federal and State Privacy and Data Breach laws. The cost of non-compliance in the form of penalties, fines and class action litigation

that might be incurred can be significant, to the point that in worst case situations, a major data breach of the County website and/or the IT department could bankrupt the County. We therefore suggest that a standing procedure for regular consultation with County Counsel be established, so that Counsel is aware of what legal notices are posted, what third party development and operation contracts exist or are contemplated, and that the departments are promptly apprised of the continual changes in these complex Privacy laws.

- R6. Finally, we believe that the Board of Supervisors and the CAO should consider changing the current Zero Basis Budgeting of the IT department, for its duties involving website presentation and development, by adopting the so-called Enterprise Funding method. Under this method, each department would be required to pay at least a portion of the cost of development and of changes to the ITD for each budget year (based on head count). This would ensure a stronger financial incentive for the County Departments to work with the IT department rather than with outside developers. In addition, in most cases it makes no sense for the various departments to electronically host their own sections of the website or to contract out such duties to third party vendors. It is also far more cost effective to have the IT department serve as the central contact point for the website and to have the obligation of maintaining the initial, opening pages, which pages likely have general comments on how the County is organized, much of which information will likely be provided by the CAO and the County PIO. (See, the example above of how the Placer County website handles this.)

RESPONSES REQUIRED

Pursuant to Penal Code Section 933.05, the CGJ requests Responses to *all* Findings and Recommendations from the following governing bodies:

- The Board of Supervisors of Monterey County

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