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Null Municipal Fiscal Transparency

Citizens face obstacles in accessing public information

Laura Isabel González, The Weekly Journal

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File Photo

Fiscal transparency in most of the municipalities of Puerto Rico is zero, which poses difficulties for citizens to access information with which they can evaluate their mayors' performances. This is stated in the new edition of the Municipal Transparency

Index (MTI), as part of the most recent study by the Center for Public and Corporate Governance.

The index carried out by the non-governmental entity was worked with a sample of 30 municipalities and in the general evaluation of transparency—which includes the fiscal and other criteria—only Caguas stands out. The previous index was published in 2016.

In the area of fiscal transparency, Caguas once again positioned itself with a score of 16 percent, the same number obtained in the previous study and which, even so is a low number. Meanwhile, Guaynabo obtained 2 percent in fiscal transparency and the rest of the 30 municipalities evaluated received zero.

"We find that the study reveals that there is no political will to advance a true effort aimed at adopting transparency as a guiding principle of good public governance," Eneida Torres, executive director of the Center for Public and Corporate Governance, told **THE WEEKLY JOURNAL**.

She explained that Caguas is the municipality with the highest grade in the general index, with 79.3 percent. The closest municipalities in this category are Bayamón and San Juan, but the level of general transparency barely reaches 21.7 percent and 13 percent, respectively.

Unfulfilled Laws

Torresm, along with Rafael Durand and Saúl Pratts, who are part of the team that led the study, explained that the present legislation to improve government transparency is not always followed through or it isn't firm enough.

Among the findings in this second investigation, they found that the Municipal Code, Act No. 107 of 2020, did not regulate the "mandatory nature of transparency."

The code is a compilation of laws organized in chapters that updates important provisions related to the powers of the mayor; organization, processes, and municipal management; essential services, community management, economic development, planning, and land use; and municipal finance.

They also found that Act 141 of Transparency and Expedited Procedure for Access to Public Information and Act 122 of Open Data approved in August 2019—to regulate access to public documents and open data—do not comply with international standards and are ambiguous and contradictory in terms of their application, especially to municipalities.

Access to Data is Vital

Durand and Pratts explained that the research has the purpose of evaluating the information available on the online portals of the 78 municipalities in Puerto Rico and showing how much immediate access citizens have to the data.

Government transparency requires citizens to have sufficient, reliable, timely, constant, accessible, and reusable information on public affairs without the need for a prior request.

"The only thing that the lack of transparency does is create opaque spaces in the municipal organization and allows corruption to take place and be generated," Durand stated.

Ahead of the Nov. 3 general elections, Pratts underscored that "transparency brings many benefits and is being adopted as an anti-corruption tool," which is why the index could be an efficient tool to evaluate administrations.

The researchers observed that the study offers "the opportunity to identify those responsible in public management and allows those affected by government actions to know not only the results of the administration, but also the public policies adopted, the mechanisms, the processes, and the inputs used in management."

The Results

The results of this research are made available today in the framework of the International Day of Access to Information, established by the United Nations Educational, Scientific and Cultural Organization (Unesco).

Torres reiterated that the study shares highly relevant information, especially since "municipalities have positioned themselves in the last decade as the entity closest to the citizen" in providing services and responding to emergency situations.

"There was a huge advance in Caguas. We were very surprised by the openness of the municipality for us to develop the study. After the investigation, we developed the second phase, which is part of the recommendations that we submit for municipalities to improve their platforms," Torres explained.

In 2016, Caguas also obtained the highest position in the general index, but with only 27.8 percent. Compared to the last study, San Juan dropped from 17.8 percent to 13 percent.

When analyzing the results, some municipalities lowered their position in the general transparency index. Such is the case of Bayamón, Rincón, and Guaynabo, with 27.8 percent, 14.4 percent, and 20.7 percent, respectively. In 2019–2020, their numbers were 21.7 percent, 12 percent, and 7.6 percent.

Likewise, other municipalities whose positions lowered were Carolina, 11.1 percent in 2016 and 7.6 percent now; Toa Baja, from 14.4 percent to 5.4 percent; and Ponce had 14.4 percent in 2016 and it now has 4.3 percent.

Moreover, Arecibo previously registered 6.7 percent and it is now at 0 percent. Patillas, whose qualification in past years was 10 percent, is also at 0 percent. Aguadilla dropped from 20.7 percent in 2016 to 5.4 percent in the most recent evaluation.

Jayuya, Patillas, Culebra, Vieques, Mayagüez, Las Marías, Ceiba, Río Grande, and Guánica are some of the other municipalities in the new study whose classifications in the general transparency index are down at 0 percent.

However, some municipalities showed improvement, although they are still lagging in the transparency index. Such is the case of Vega Baja and Trujillo Alto; in 2016, they both obtained 2.2 percent and now they have 12 percent and 8.7 percent, respectively.

Hormigueros also increased its percentage from 5.5 percent to 6.5 percent, and Arroyo went from 0 percent to 5.4 percent.

Reluctant to Cooperate

According to Torres, some municipalities were reluctant to provide the information requested for the study. They even referred the request to the auditors and other municipal branches and got no response.

Among the criteria used to classify municipal transparency, municipalities are considered to have an accessible digital portal, with a specific section on transparency and linked to the municipality's main website.

They also pointed out that the website should allow the structure of the contents to be viewed in one place, and to have an area for inquiries, suggestions, and complaints from citizens.

Another issue that is being investigated is what type of transparency municipalities use: active or passive.

"Active transparency is in which the municipality must be obliged to make public information available to citizens. When it is passive, it is when the citizens themselves request this information on their own initiative," Torres explained.

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