

REQUEST FOR CHARTER REVIEW COMMISSION ACTION

MEETING DATE(S): 09/01/2009

SUBMITTED TO: HB Charter Review Commission

SUBMITTED BY: Mark D. Bixby, Charter Review Commissioner *MDB*

SUBJECT: Amend charter section 303 (Meetings and Locations) or add new section to address Internet publishing of meeting agendas.

Statement of Issue: Improve transparency by publishing all meeting agendas on the Internet.

Recommended Action: Motion to:

Amend Huntington Beach charter section 303 (Meetings and Locations) or add new section as follows:

All meeting notices subject to the Ralph M. Brown Act shall also be published via the City's official Internet presence according to the same Brown Act timelines and shall include all contents of the agenda packet that are available at publication time.

Alternatives:

Extend the above recommended action to include some provision for online publication of late communications (see analysis below).

Analysis:

Current city Internet publication of agendas is fairly good, but timeliness of Internet publication and completeness of the online agenda packet can vary according to the legislative body.

This custom amendment requires Internet publication according to the deadlines of the Brown Act, and requires all applicable content available at the time of publication to be included in the online agenda packet.

REQUEST FOR CHARTER REVIEW COMMISSION ACTION

MEETING DATE(S): 09/01/2009

No provision is made to require online posting of “late communications” that arrive after the Brown Act deadlines, though staff should be encouraged to publish such communications online whenever feasible (in a perfect world with streamlined IT processes, late communications would be posted online the same day they are received). Because of the long lead time currently required for city council agendas, it is increasingly common for substantive staff content to be submitted as late communications. The only way for members of the public to know that late communications have been submitted (to any legislative body) is to poll the staff person(s) responsible for the agenda on a daily basis after publication. This is inefficient for the public and inefficient for staff, and not very transparent either since most members of the public probably don’t know how to go about this.

Agendas containing controversial issues can cause a large number of late communications to be received after initial publication of the agenda. So a charter provision requiring the publication of late communications could be burdensome. Perhaps a middle-ground approach would be to require online publication of a summary of late communications (similar to what the city clerk announces at the start of city council meetings) rather than all of the actual late communication content. This way the public would at least know whether late communications were available without having to poll staff, and if the public was interested in any specific late communications, staff could be contacted to request a copy.

If a charter clause were going to address late communications, I would choose a late communication publication deadline of the close of business on the last business day before the day of the meeting. I would not want to burden staff with a requirement for online publication of late communication on the day of the meeting (though again, it would be first-rate service from staff if that goal could be attained some day).

I look forward to discussing the late communication issue further with the rest of the commission, staff, and members of the public.

Note that this amendment applies to all bodies subject to the Brown Act, not just the city council.

This amendment is part of a group of amendments that require Internet publication of any content that requires public or news media notification. I wish it were otherwise, but newspapers are dying, and radio and TV news media rarely cover

REQUEST FOR CHARTER REVIEW COMMISSION ACTION

MEETING DATE(S): 09/01/2009

Huntington Beach city hall news. Thus the broader goal here is to get the city started down the road of using the Internet as a primary means of public notification so the city will be ready when print newspapers finally die.

I prefer the phrase “City’s official Internet presence” instead of “City’s official Internet web site” for the following reasons:

- “Web site” is specific Internet nomenclature and communications protocols which may or may not exist in the future. It’s much more flexible to say “Internet presence” instead which allows for future use of Internet functionality that hasn’t even been dreamed up yet and does not restrict publishing to a single technology (web sites).
- “Official Internet presence” also allows for distributed, outsourced publication that the city might wish to contract for (i.e. NetFile, Granicus, numerous code publication companies, etc) whereas “official Internet web site” could be interpreted to just mean content directly hosted by the web server www.surfcity-hb.org. Even though NetFile, Granicus, and the like are not the official city web site, they are however an extension of the city’s official Internet presence.