

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 500(c) (Regular Ordinances – Publication) to require Internet publishing of ordinances.

Statement of Issue: Maintain transparency by publishing all ordinances on the Internet.

Recommended Action: Motion to:

Amend Huntington Beach charter section 500(c) as follows:

(c) Publication. The City Clerk shall cause each ordinance to be posted in three places ~~designated by the City Council within the City~~ within the City as designated by the City Council by ordinance and to be published by title with a brief summary at least once within fifteen days after its adoption in a daily, semiweekly or weekly newspaper, published in the County or the City and circulated in the City, which is selected by the City Council for that purpose. Each ordinance shall also be published via the City's official Internet presence.

Alternate Action:

Amend the above recommended action to give the city clerk the option of publishing ordinances in a newspaper rather than making it a requirement.

Analysis:

The city currently does an excellent job of publishing ordinances on the Internet. It is the goal of this amendment to see that excellent job continue.

Note that there is a bill currently pending in the legislature, AB 715 (Caballero), which seeks to allow cities to opt-out of publishing ordinances in newspapers and instead rely on online publication. The alternate action above modifies the charter

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amendment to make newspaper publication optional in order to allow the city to take advantage of AB 715 if it should become law at some point in the future.

The amendment also adds language to designate the three places for physical posting by ordinance as inspired by Santa Clara charter section 815. Even though I am very deeply involved in civic issues, I confess that I do not know where all three places are. I know that one of the places is the city hall lobby. I also know that one of the places is the Central Library (only because my wife works there). But I have no clue about where the third place is.

Establishing the list of places by ordinance will help to ensure public knowledge of the locations.

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 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.