



ADMINISTRATIVE REGULATION

Office of the City Manager

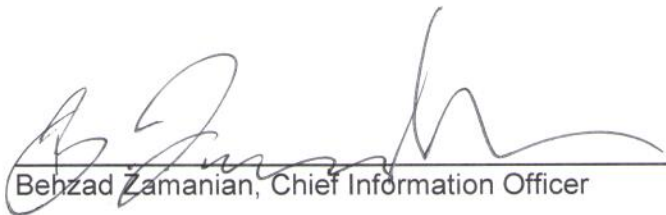
Number	AR 607
Sections	1 – 4
Effective Date	May 10, 2017
Responsible Dept.	Information Services
Review Date	April, 2019

SUBJECT: Digital Agendas and Due Process

1. **Purpose:** This policy assures that the use of digital agendas, and supporting tablets, will comply with all applicable laws concerning hearings and deliberating procedures involving due process, and the provisions of the Brown Act and the Public Records Act.
2. **Authority:** Charter of the City of Huntington Beach, Section 401.
3. **Definitions:**
 - 3.1 **Digital Agenda:** City Council, Board, Commission, or Committee agenda material published in a digital format.
 - 3.2 **Distributing Department:** The City department that is responsible for the creation and distribution, in digital format, of any particular agenda.
 - 3.3 **Member:** An individual empaneled on the City Council, other City boards, Commissions or Committees.
 - 3.4 **Message:** Electronic text or visual communication and attachments distributed via e-mail, websites, instant messaging, text messaging, Twitter, or comparable services.
 - 3.5 **Tablet:** A hand held, general-purpose computer with touch-screen capabilities.
4. **Policy:**
 - 4.1 **Tablets:** Members will be personally assigned a tablet including a protective case and charger. The tablet will be configured to run the City-approved digital agenda application with annotation capabilities, and allow access to the Internet and e-mail. Other applications such as iTunes, Apps Store, etc. that require a fee must be managed by each individual Member using a personal form of payment. The City of Huntington Beach will not provide technical support for applications that are not directly associated with delivery of digital agenda material, the use of e-mail or Internet connectivity.

Tablets (including protective case and charger) are to be returned to the City when a Member retires from City service.


- 4.2 Distribution of digital agenda material: The distributing department will process and publish digital agenda material for distribution five days prior to a regularly scheduled meeting (exceptions may apply for holidays). Members will receive a message alerting them when digital agenda materials are available for downloading onto the tablet. Members are solely responsible for electronically charging tablets, and downloading digital agenda materials.
- 4.3 Support: The distributing department will be the contact point for all agenda-related services and inquiries. The Information Services Department will be the contact point for technical service and support.
- 4.4 Messaging during meetings: Use of tablets to send messages by Members during public meetings or hearings subject to Brown Act provisions is prohibited, with the exception of messages sent/received under emergency circumstances from a family member or other personal contact.
- 4.5 Public Records Act/ Due Process: City records, whether paper or digital, are governed by the public disclosure requirements of the Public Records Act. Due process during deliberations on matters such as land use applications and grants, denial or revocation of permits and licenses, and the like require that all evidence be introduced during the deliberations. In the event that a message is received by a Member during a meeting regarding an agenda item, the content of the message must be disclosed and considered part of the public record.
- 4.6 Confidentiality: California law requires that certain information be treated as confidential and not be distributed to others inside or outside the City who do not have authorization to view such information. Members may occasionally receive confidential electronic information. Some examples of confidential information are: personnel records, internal investigations, information relating to litigation or potential litigation, attorney-client communication, information relating to labor negotiations, or information relating to confidential real estate negotiations. When Members receive confidential information, it should be marked "Confidential Information" to alert recipients to the nature of the information. Additionally, Members shall exercise caution in sending confidential information by any messaging system as compared to written memoranda, letters or phone calls, because of the ease with which such information can lose confidentiality by inadvertent or intentional diversion or re-transmission by others.



Behzad Zamanian, Chief Information Officer



Fred A. Wilson, City Manager



Approved As to Form