

**Open Government Amendment  
to the  
Pittsburgh City Charter**

*Proposed for the 2016 general election ballot*

*Revision date: June 30, 2016*

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## *Proposed Ballot Question*

**S**hall Pittsburgh's Charter be amended to delete Article 6: Community Advisory Boards (voided, Dec. 31, 2000) and substitute **Article 6: Open Government**, providing greater public disclosure; requiring public information, notices, and meetings be Internet accessible; setting applicable standards; creating a selectable notification process; and establishing an open membership Citizen Advisory Panel to which pending legislative and administrative actions must be explained and through which citizens can develop and provide information and comment before final approval?

# Open Government Amendment to the Pittsburgh City Charter

## Preamble

**W**hereas, *Article 6, Community Advisory Boards* was effectively rendered null and void on December 31, 2000, when City Council officially dissolved the Community Advisory Boards citywide; and

**Whereas**, the citizens of the City of Pittsburgh need and desire increased access to public records; to publicly available information concerning the City and their neighborhoods; and to information about what their government is planning to do, before it does it; and

**Whereas**, the people deserve a better opportunity to join and participate proactively in the decision making process of their community; to provide information and express their concerns to their public officials; and to more fully explain to their government what they want it to do; and

**Whereas**, the City has an obligation to provide those who may be affected by its actions with ample opportunity to have a say; the City needs a government structured to better ensure it works with and for all people; and the City can benefit from having a dedicated body for citizen involvement which can provide an enhanced conduit for communication between the people and their government; and

**Whereas**, in the time since the City Charter was first drafted and enacted in 1974, technological advances now enable opportunities for enhanced public access to records and information; for timely individualized notification on matters of concern; for more meaningful and effective involvement in monitoring and reviewing government actions; and for more productively providing comment and information to the government, in ways unimagined four decades ago; now

**T**herefore, Article 6, Community Advisory Boards is repealed in its entirety and is replaced with **Article 6, Open Government**, moving §§801, 802, and 810 of the Charter to become §§617(d), 617(e), and 601 and adding §§602-622; and

**Further**, Article 1, Home Rule Powers – Definitions is amended to add definitions applicable to the amended Article 6; and Article 3, Legislative Branch, §§318 and 320 are amended to provide corrections and clarifications relevant to Article 6, as amended:

*The entire “Article 6: Open Government” is to be added to the City Charter  
(underlining used on the petition to indicate added text has been removed here for easier reading)*

## **Article 6: Open Government**

### **601. Public right to inspect records** *(former §810, moved here, unchanged)*

City records, the disclosure of which would invade a person’s right to privacy, hinder law enforcement, endanger the public safety, or breach a legally recognized duty or confidence or the nondisclosure of which is legally privileged, or which have been prepared for or by the city solicitor for use in actions or proceedings to which the City is or may be a party, shall not be available for public inspection. All other city records shall be open for public inspection, but the officer, unit head, board or commission or other governmental agency of the City having the care and custody of such records may make reasonable regulations governing the time, place and manner of their inspection. For the purposes of preservation, copies of city records may be substituted for inspection in lieu of original records.

### **602. Online access to public records**

Records designated publicly accessible by law and as provided herein under Article 6 shall be made available for public inspection, review, and use via remote access technologies such as the Internet and other means as may become feasible and in wide usage.

- a. Records created after the effective date of this amendment that are open to public inspection and not otherwise restricted and such previously existing records which are in digital form or which have digital copies shall be made available and accessible online.
- b. The City shall establish a document conversion policy or program for previously existing, publicly inspectable records which exist as physical files (hard copy) but have no digital original or copy, including provisions for such documents to be translated into digital form for online access when copies of them are made or they are used by the City or accessed by City employees or its agents for members of the public.

### **603. Online conduct of public business and provision of forms**

- a. Online information and instructions provided for the conduct of public business and for interaction with the City must be readily usable by the general public and must be consistent with other official sources of the same information and instructions.
- b. Where feasible, City forms shall be available online and shall be in an acceptable digital file format that can be printed out to substantially resemble their regularly used physical counterparts. A secure means for online completion and submission of forms shall be provided where appropri-

ate and feasible; such process shall also include a means for the electronic payment of charges or fees where appropriate and feasible.

#### **604. Standards for public information**

**a.** For all City information – including but not limited to all documentation, communications, records, etc. which is of, for, or about pending and effective legislative and administrative matters; which concerns all other City activities; and which is related to those non-City activities and matters that require public permitting or involve public spaces, property, or services – the City shall adopt, implement, and maintain a unified standard which can render it machine or electronically readable and processable. Such standard shall address its form, structure, and handling and matters such as its mark up, indexing, and tracking for internal use and for providing public access and notification and shall apply to all City units of government; its agents, authorities, subsidiary bodies, boards, commissions, committees, etc.; and entities operating and/or managing city assets.

**b.** The City may either adopt state or federal information standards or adopt its own standards if of comparable or greater capability and/or if demonstrably more appropriate for City operations without reducing the ability for public notification and archiving and shall keep them updated as appropriate to incorporate and accommodate new technologies and practices.

**c.** Where a document contains text, a digital version containing searchable, electronically readable text shall be provided. Where a physical or digital record contains non-textual elements, including but not limited to visual images, audio, video, programmatic or other inclusions, extraneous markings, hand written notes, etc., the publicly accessible digital file shall also include an accurate textual description of them, including the full content of any notes, with other contextual references as appropriate.

**d.** Each digital record or copy made available to the public shall have a cover sheet or other inclusion or attachment which contains a notation indicating whether the complete set of documents in which the original is/was stored is available online and whether known related documents are available online or exist elsewhere. Such notation shall, at the minimum, reasonably identify the associated and related documents which are not yet online, either listing each such document individually or generally describing the offline documents by category or group and giving either their exact or approximate number. A disclaimer of accuracy shall explain how a person may verify the availability of other documents not yet online and how they may be accessed.

**e.** Each City unit of government and agency; its agents, authorities, and subsidiary bodies, boards, commissions, committees, etc.; and entities operating and/or managing city assets shall conduct and keep current an inventory of its publicly accessible information and records. The City shall develop and maintain an index and mapping of its database of publicly accessible

information and online records in a format(s) that shall be useful to and usable by the City and the general public.

f. The City shall use best practices to verifiably certify that each digital file placed online is a true and correct copy of the original, including any digitally converted text and non-textual portions with textual descriptions added or attached:

1. Where the original of a record is a digital record, a publicly accessible copy shall be made and verified consistent with the original and certified as such at the time of its creation.

2. Where a physical original or a certified or accepted true and correct physical copy of a physical record exists as the primary record, when a digital copy is made or if a digital copy already exists, a certified digital visual image of the physical record shall also be created of such scale and resolution as to: provide the best possible rendition which is prudent and feasible; yield all relevant detail and faithfully represent the original in its form and content; and offer an alternative means for verifying any text or non-textual content. A reasonable, timely effort shall also be made to verify and certify the digital copy's consistency with its physical original. Digital files that are not yet certified shall contain or have attached a specific notation to that effect, referring the reader to the corresponding digital image file and the original.

3. A readily available and usable means shall be provided for any user of any digital file, whether certified or not, to identify whether its content has changed, been altered, damaged, or corrupted.

g. Businesses, firms, agencies, organizations, associations, professional individuals and others normally engaged in the practice of preparing or regularly submitting communications, proposals, plans, presentations, comment, and other materials or forms of information or data to the City, whether for themselves or on behalf of others, shall accompany any hard or physical copy with a digital copy which is in compliance with the City's information policy and standards; individuals and organizations not normally making submissions to the City shall be exempt or provided with assistance to enable their compliance without causing hardship. The city shall provide written guidelines and such other instructional materials as may be needed to assist with compliance.

## **605. Information and communication technologies**

a. For the purposes of public access and involvement, the City shall use state of the art technologies where those technologies are in substantial public use and yield significant quality and usability at a reasonable cost; the City may also utilize those that have yet to attain substantial public use where they offer the City and public users significant advantages. In any case, the City shall continue to offer public access and involvement via older technologies as long as they remain in significant use and doing so is feasible and prudent. Except where a security risk necessitates otherwise, discontinuation of a technology for public notification or access to information shall

occur only after a determination of its level of current and projected use; an assessment of the security issues involved; identification of the costs to the city and individuals affected; a public hearing; and a reasonable period during which its users can migrate to other technologies.

**b.** The City's software and digital file formats shall enable free and open public access.

**1.** Software and digital file formats used by the City for public information and activity involving members of the public, including but not limited to, remote, interactive access to public meetings, hearings, proceedings, etc. shall be compliant with standards set by generally recognized standards agencies.

**2.** There must be functionally compatible software readily available to the public at no charge, either as open-source, public domain or as freely distributed copyrighted software which can be used by the end user without fee. Compatible software, though not necessarily as the same program, shall be available cross-platform for various computer architectures and operating systems in significant use, and there must be some version available of adequate functionality that is operable on older equipment which remains in significant use.

**3.** Digital file formats used by the City shall be machine readable and searchable; have complete, open, freely available specifications which disclose all functionalities of the format; and shall be free of any restrictions upon the creation and utilization of files or that would prevent or impede the free and open development or adaptation of alternative software capable of creating or fully utilizing such formats.

**4.** In no instance shall the requirement for online public access to public records be deemed fulfilled where such access would be provided through the use of digital file formats which are only accessible and usable with proprietary software which is of restricted availability and/or for which a fee is required.

**c.** As may be prudent and feasible, considerations involving the initial purchase, replacement, or major upgrade of software used by the City shall give priority to standards compliant, open source products which can adequately meet the identified needs and have licenses that assure unrestricted use, modification, distribution, and the creation of derivative works unencumbered by patents or other limitations.

**d.** In the letting of franchises to use public property or public rights-of-way for communications or distribution of information, either of which include the provision of broadcast or narrowcast audiovisual channels, individual programs on demand, or their equivalent as such future technologies may provide, the City shall require as part of the franchise agreement that, in addition to the allocation of one channel for educational purposes of the City of Pittsburgh School District, there shall be allocated a minimum of one channel for public access programming, one for noncommercial, adult and general educational programming, one for governmental purposes, and one for public participation in the matters of the City, with the channels to be made available at no charge to



the City for the use of and administration by the City or its designated agent; and shall also include that access to these channels shall be provided at no charge in properties where a connection can be activated and for those who are provided individual programs on-demand, the programming on the City channels shall also be offered on-demand at no additional fee. The City shall assure implementation of the designated uses of the channels assigned to it.

## **606. Notice**

**a.** All legally required public notices and advertisements of or related to any matter or process administered by or involving entities under the jurisdiction of Article 6 shall have added to its requirements that it also be posted, at the same time and for no less duration, within a section or area devoted to such notices and advertisements that is readily accessible through the City website and other online sites, media, or presences maintained by or for the City.

**b.** The City shall establish and offer a process of direct, individualized notification about all public City matters which are active or pending, including but not limited to legislative and administrative decisions or actions, regardless of whether or not public notice is otherwise required unless expressly exempted by law.

1. Such process should enable interested parties to select and register various criteria for matters about which they wish to be notified, to be matched and applied to indices provided under §604(a) for information that is publicly inspectable under §601.

2. The registrants shall be provided timely notice when the selected criteria are met; such notification shall occur at the time that the information is indexed, unless otherwise provided by the City's information policy.

3. The City shall use such media as may be appropriate and in significant use and make reasonable accommodations for those requiring alternative means of notification.

4. In such instances where the cost of individualized notification to a person or organization is not insignificant, the City may charge a fee to cover the cost, as long as provision is also made for reduced or adjusted fees based upon ability to pay and for an in forma pauperis waiver for those who cannot afford to pay.

**c.** Notification of matters that are to go before Council, including the pending introduction of legislation and proposed amendments, shall be given a minimum of 24 hours prior to their introduction or presentation, and after their introduction Council shall give public notice of the introduction within 24 hours. For administrative and all other matters, notice shall at a minimum be in adequate time to enable those notified to appropriately act or respond before a decision or action is to occur.

**d.** In addition to the requirements of §606(a), notice of proposed legislation shall consist of posting it or its title with an accurate abstract in a conspicuous public place readily observable by cit-

izens entering the building occupied by Council; posting the proposed legislation, or its title with an accurate abstract and a link to its complete text, in the notices section or area of the City; having a link to the position in the notices section from a brief and succinct descriptive reference that is prominently visible upon accessing the City's main webpage; entering the bill into the process for individualized notification as established under §606(b); and also by posting in the office of the city clerk. Such notices shall include a referral or link to the full text.

e. Placement of online public notice under §606(a) and provision of notice as appropriate under §§606(b-d) must have occurred in order for the City to have fulfilled requirements of public notification under the Charter, regardless of the origin or specific limits of any other applicable notification requirements.

f. Having successfully posted public notice under §§606(a, d-e) and exercised due diligence in providing individual notice under §§606 (b-c), the City shall not be held responsible for the end delivery of any such notices, except where proof of delivery may be otherwise required by law.

### **607. Public meetings, hearings, proceedings, etc.**

a. All meetings, hearings, proceedings, and other official activities of City Council, the administration, units of government, agencies, and other entities under the jurisdiction of the Charter which by law are to be open to the public shall be available to and accessible by the public for remote viewing, listening, and monitoring online at the time held and for later review using such means provided under §605 as may be appropriate.

b. Where the foregoing in their normal course may entail the submission of public comment, questions, discussion, etc., reasonable provision shall be made, as may be practical technically and operationally feasible, for direct interactive participation utilizing technologies for remote access as provided under §605.

c. The City shall implement measures to prevent abuses, to protect the security and integrity of the associated communications, and to assure accurate, verified identification of participants during their participation in remote comment, questioning, or discussion.

d. Meeting transcripts, exhibits, recordings and any other record, if made or provided, shall be maintained in compliance with §604.

e. Public hearings shall be scheduled as feasible at times of day to produce the greatest public participation and, when possible, at locations that are relevant to the subject of the hearing.

f. All Council regular, committee, special, and post agenda meetings; all City Council public hearings; all presentations made to Council, and all other instances where Council assembles as an official body shall be cablecast and distributed as feasible through other available technologies which are in general use.

**g.** Whenever Council or a governing or decision making body under the jurisdiction of the Charter receives direct or remote, live public testimony, comment, or presentations, the receiving body shall have a quorum of its members present.

**h.** Non-executive session meetings of governing or decision making bodies that come under the jurisdiction of the Charter shall be considered public for the purposes of this Article and required to comply with the requirements for notice, comment, and public participation.

### **608. Timely access to public information**

**a.** All available information pertaining to proposals before the City for legislative or administrative action shall be available to the public in such advance time as to enable members of the public to evaluate and make comment prior to the action.

**b.** When substantive changes are made to City matters for which public comment and/or notice is applicable and for such other situations where the City is a participating party to a decision process where substantive changes are made and public comment and/or notice is applicable, the notification and/or public comment process shall be reopened and re-scheduled to enable the timely provision of information that may fully inform the public of the change and its implications with such rescheduling providing a comparable opportunity for the public to act and to formulate and provide comment.

**c.** In any case where a public hearing is to be held, all information included in presentations related to the decision process along with the subject and purpose of the hearing and such other information as is substantively germane shall be made available and accessible to the public when the schedule for the hearing is set. If any such information becomes available after the hearing schedule is set or it is known or becomes known prior to the hearing that such information will become available in a reasonable time after the hearing is to be held, the hearing shall be canceled and a new hearing date shall not be set until after such pertinent information is made available. If new information or a new presentment of information, either of which could substantively affect or assist the public in its comment, should become available after the public hearing and before action on the matter, an opportunity for a new hearing shall be provided and given applicable public notice as provided under §§606, 607, and 608(b). All such information shall be made available and publicly accessible online, at all public libraries, and at such public buildings as may be appropriate.

**d.** Where a physical model or alternative means which can only be available at limited sites is used to convey information related to a proposed legislative or administrative action or to the subject of a public hearing, in addition to otherwise complying with §§608(a-c), it shall be made available to the public in such easily accessible, germane location(s) as appropriate. Images of such quality and number sufficient to adequately convey the visual information of a site specific presentation, an explanation of the images and presentation, and other related, easily reproduced germane

material, such as audio recordings, etc., shall be made available online, at public libraries, and other appropriate public buildings. Use of such other technically feasible means of presentation as may best enable the public and officials to experience and better understand relevant information, such as 3D computer modeling, interactive capabilities, or such other technologies as may become available, shall be encouraged and may be required.

e. Exercise of a waiver for urgent and emergency situations where immediate action is necessary to avoid significant adverse consequences shall be subject to the provisions in §§622(c-e).

### **609. Citizen Advisory Panel**

The Citizen Advisory Panel (CAP) shall be an official public participation body of the City having the purpose of providing members of the public with an opportunity to organize themselves to better monitor government activities; to investigate and make recommendations on the needs of the people; to inform, educate, and advise both the government and the public about matters affecting the City and its residents; and to otherwise serve as a conduit for enhancing communication between the people and their government and vice versa.

### **610. Organization and operation of the Citizen Advisory Panel**

The CAP shall adopt its own bylaws. Before being voted upon for final approval, the CAP bylaws and all subsequent amendment proposals shall be referred for review to the City Solicitor, who shall, within 10 days, provide comment and recommendations. The bylaws shall comply with the provisions herein and may address other matters not included.

a. The membership shall not be restricted in its number and, except where a conflict of interest exists as provided under §611, shall be open to residents, city property owners, city taxpayers of record, owners and/or operators of businesses in the city, and such others whom the CAP determines have legitimate concerns and/or interests that may be affected by or come under the jurisdiction of the City. Members must be real, natural persons who shall participate as individuals and not as a representative of any organization.

b. Officers of the CAP must be City residents who are members in good standing and in compliance with such other requirements as are set forth in the CAP bylaws.

c. Members of the CAP shall vote as follows:

1. Except as otherwise provided under §610(c) or §611, city residents shall be able to participate in votes on all issues and matters before the CAP, except that those voting upon bylaws, officers, and contractual matters involving the CAP must also be of legal age; non-resident property owners shall be able to participate in votes concerning issues affecting or related to properties within the City; non-resident city taxpayers of record shall be able to participate in votes concerning the City's taxing, spending, budget, and revenue related issues; non-resident business

owners and/or operators shall be able to participate in votes concerning or related to businesses and business operations within the City; non-residents with qualifying concerns may vote upon matters affecting them; and all members may participate in votes concerning public safety issues.

2. The election of officers shall be by secret ballot.

3. For ballot votes where there are more than two alternatives and only one is to be chosen, a method of preferential voting shall be used in which those voting indicate their order of preference for as many of the available choices as they wish, with no more than one level of preference indicated per alternative. Any alternative that receives the highest preference on a majority of ballots shall be selected. If none receives a majority, the number of the next lower preference indicated for each alternative shall be added to its higher preferences through successive rounds until at least one alternative reaches a number equal to a majority of the ballots cast, with the alternative having the highest such number being selected. In the case of a tie, the tied alternative with the highest count prior to the last added preference shall be selected.

4. To assure that those who are voting to make decisions have at least some minimum level of involvement, the CAP bylaws may establish minimum attendance and/or participation requirements for individuals to acquire and retain membership, position, or voting rights, provided there is a waiver for exceptional circumstances and the criteria are in compliance with a nondiscrimination clause in its bylaws.

5. Beginning 30 days after the initial meeting of the CAP, a member shall not be able to vote unless they have been enrolled as a member for the preceding 30 days and have attended at least one prior meeting as a member.

6. Under no circumstance may a CAP member use any form of intimidation nor the provision or offer of any form of enticement or inducement, whether explicit or implied or immediate or future, in order to influence another member's vote.

d. Each member shall submit to the CAP a signed membership form which identifies the person, contains their contact information, and provides pertinent information, such as that which may be relevant to potential conflicts of interest, etc.; which, for nonresidents, identifies their qualifying concerns and/or interests; and which indicates the applicant desires to be a member of the CAP for the year from signing, that they agree to comply with the CAP's rules and Conflict of Interest Provisions, and that they attest that the information they have given is true and correct. Membership must be renewed annually; initial submission must be accompanied by proof of identity, and members must keep current their information on file. A waiver of signature may be granted for valid cause.

e. The CAP shall not require membership dues. The CAP may assess mailing fees to cover costs for postage (when requested instead of electronic communications) provided there is a waiver for limited income. In cases where there is a need to cover part or all of the costs of a CAP activity

or event related to fulfilling its official role and duties, the CAP may request a free will donation to help cover the costs involved.

**f.** The CAP may engage in fundraising activities; may apply for and receive grants, donations, etc., provided the sources, amounts, and arrangements comply with the CAP's Conflict of Interest Provisions; and may administer its finances which shall be subject to audit by the City Controller.

**g.** The CAP may hire staff, provided the CAP has obtained or made assured provisions for the necessary funding.

**h.** In addition to standing and ad hoc committees defined by issue, function, etc. the CAP may establish subdivisions of the CAP that are defined by area for portions of the City.

**i.** Minutes shall be kept for all meetings and, after approval, shall be posted on the Internet, placed in print at the city libraries and community centers, and filed with the City Clerk.

**j.** Majority reports from the CAP may be accompanied by one or more minority reports when requested by a member in good standing, provided such minority reports are reviewed and approved, without concurrence being implied, by 20% of the CAP members present and voting or as set in the CAP bylaws. Reports must not be libelous or slanderous. The CAP Chair, a majority of the CAP Board, City Council, Council president, or the administration may request the City Solicitor review and rule on any questionable material, which the Solicitor shall do within 10 days. All majority and minority reports shall be: posted on the CAP website; made available in print at the City's libraries and community centers; presented to Council and the administration; and filed with the City Clerk.

**k.** The CAP bylaws shall include an anti-discrimination clause and conflict of interest provisions related to its operations.

**l.** The CAP bylaws may establish procedures for enforcing various requirements which apply within the CAP, provided there is a process for appeal.

**m.** The parliamentary reference for CAP meetings and organizational procedures not addressed by its bylaws and rules shall be the most recent edition of Robert's Rules of Order, Newly Revised or its successor.

### **611. Citizen Advisory Panel Conflict of Interest Provision**

**a.** For purposes of participation in the CAP, a conflict of interest shall in general exist when a person or entity to which a person is tied receives, stands to receive, is seeking, or plans to seek special approval or monetary or material gain (other than the general services provided all residents and assistance for educational purposes or low income) from any action, operation, or program of the City, its agencies, authorities, units of government, or that are under the direction, administration, or determination thereof. In addition, a conflict of interest shall be deemed to

exist where a person holds public office or a partisan political office or is an employee thereof or where an advantage may be gained for a business interest by disadvantaging a competitor.

**b.** The CAP shall adopt and implement a Conflict of Interest Provision regulating participation in the CAP and regulating funding or donations to the CAP. For such purposes the following shall in specific be deemed to have conflicts of interest: elected officials, board or commission members, and employees of the City, its agencies, and its units of government; officers, board members and employees of nonprofit organizations in receipt or pending receipt of funding from the City of an amount as may be addressed in the CAP bylaws; consultants, contractors, suppliers, vendors, individuals, and any other entities which do business with the City or have or seek contracts and employment with the City; litigants with material claims against the City; those having an elected, appointed, or staff position with a political party; registered lobbyists; persons or agents of interests seeking special approvals from the City or seeking or receiving subsidies, tax abatements, tax incremental financing, forgivenesses, or other monetary or material gain from public sources for themselves individually, their families, their businesses, or their real estate; individuals having arrangements or associations with the City which may otherwise be deemed to constitute a financial or other conflict of interest; and the employees and immediate family members of any of the aforesaid.

**c.** The CAP Conflict of Interest Provision shall address:

1. the responsibility to disclose potential conflicts of interest;
2. the process and procedures for assessing and determining the status of the various parties having conflicts of interest;
3. prohibitions of membership and restrictions on participation and funding;
4. situations when there may be participation without vote;
5. the criteria and process for granting waivers;
6. the handling of conflicts of interest which may arise with individual votes or issues for members not otherwise barred from membership or voting;
7. avoiding conflicts of interest in the acceptance of funding or donations;
8. funding or donations, either financial or in-kind, from organizations with a possible conflict of interest;
9. such other matters and circumstances as may involve conflicts of interest. nd circumstances as may involve conflicts of interest.

**d.** Where a conflict of interest arises for already seated CAP members, if the conflict is substantial and significant and will be ongoing, they shall remove themselves from membership, or, if the conflict is temporary and/or limited in nature as determined by the CAP board, they may be

asked to recuse themselves from participating in related discussions, or, at a minimum, they must disclose the conflict whenever they speak in a related discussion, and, in no case shall they participate in any votes related to the conflict.

e. The CAP shall have a standing Ethics Committee, the purpose of which shall include considering, reviewing, and advising the CAP board and the membership on matters of conflicts of interest.

## **612. Governmental Interrelations with the Citizen Advisory Panel**

a. Before introduction to Council, all legislative proposals, including substantive amendments prepared in advance, shall be presented and explained to the CAP or its appropriate committee(s) with an opportunity for questions and answers in meetings which Council and the CAP shall cooperatively schedule.

1. Proposals not so presented and explained before the CAP prior to an upcoming Council meeting shall have their introduction deferred subsequent to their presentation and explanation before the CAP.

2. In the event of a declared emergency or urgent situation where immediate action is required to avoid significant, substantive adverse consequences, an expedited introduction may be made to Council without first being explained to the CAP, provided that the CAP board is notified along with the reason for expediting the introduction when the decision to do so is made and that an explanation of the bill shall be given with an opportunity for a representative of the CAP to ask questions and receive answers prior to being taken up for deliberation by Council. Such expedited introductions shall be appealable as provided in §§622(d-e).

b. Council meetings shall include a regular period of sufficient time for the CAP to provide its reports and comments to Council.

1. Such reports and comments may be given by an individual representative or a delegation from the CAP;

2. The CAP may choose for each meeting whether such reports and comments will be given before or after the public comment period;

3. CAP reports and comments that are directed at specific legislation may be given at the time when the bill is taken up by Council.

c. A CAP representative shall be able to participate with voice, but not vote, in deliberations during non-executive session meetings of Council and other applicable bodies with its representative being changeable upon informing the meeting chair, provided the participation is not disruptive and does not impede the conduct of the meeting or its business.

d. The CAP shall be able to make organized presentations to Council and the administration which may involve one or more people and various presentation media.



**1.** The CAP may request and shall be given sufficient time, subject to availability, to make presentations during Council's regular, committee, post agenda, or special meetings. Should time not be available at a given meeting, then §612(d)(2) shall apply.

**2.** Council shall, upon the CAP's request, schedule post agenda or special meetings as needed to accommodate CAP presentations and/or discussion with Council, with the scheduling of such meetings to be within a reasonable time and at a germane location, and Council shall not vote beforehand upon matters to which the requested presentation or discussion is relevant, subject to §§622(c-d).

**3.** At the request of the CAP, the mayor and appropriate members of the administration shall be in attendance for CAP presentations and reports to and/or discussion with the administration, including when such are requested by the CAP to be held jointly with Council; should such attendance not be possible, the mayor and the CAP shall mutually arrange and expeditiously schedule such presentation, reports, and/or discussion; and, in either case, such shall take place before administrative decisions and/or actions on related matters may occur, subject to §§622(c-d).

**e.** The CAP may propose legislation and introduce bills to Council and the CAP's representative or a delegation designated by the CAP shall be given opportunity to explain and respond to questions or concerns about its proposal or introduction when taken up by Council. Council shall at the CAP's request explain to the CAP the reasons for its action on such bill or resolution.

**f.** The CAP shall be able to request meetings with and/or presentations by the administration or members of Council to discuss or to have explained to the CAP certain identified issues of concern which may affect the City, its residents, and taxpayers.

**1.** The subject of the requested presentation or meeting shall be clearly defined.

**2.** The meeting/presentation shall be scheduled and occur at a mutually agreed place and time, which, if so requested by the CAP, shall be before actions may occur upon or concerning matters relevant to the presentation or meeting, subject to §§622(c-d).

**3.** The CAP shall be able to mandate, by a majority vote of its board or of its members present at a general meeting, a meeting within two weeks with the appropriate head of an administrative unit of the City to discuss a specific problem.

**g.** The Mayor or Council may request from the CAP specific reports on CAP activities which shall be provided within an appropriate and reasonable time.

**h.** Council, individual members of Council, the Mayor, members of the administration, or their designated representative(s) may request to address the CAP, its board, or specific committee(s) of the CAP at its next meeting, or at a subsequent meeting if so requested, and shall be given time to make presentations and/or to discuss their concerns; if more time is needed than is avail-

able at a regular meeting, the addressing party and the CAP body which is to be addressed shall mutually schedule a special meeting for such purpose.

**i.** The CAP may associate, coordinate, and function in conjunction with other similar bodies.

**j.** The CAP shall have the ability to petition and submit comment in the CAP's name to all branches and agencies of all levels of government.

**k.** If approved by the School Board, an education committee of the CAP may serve and function as an official public participation body of the City Schools.

**l.** The CAP shall serve as a public participation body across the municipal government with the provisions of §612 applying as appropriate to all City agencies; units of government; authorities; boards; commissions; committees; advisory bodies; the City's publicly funded library; and entities operating City assets by lease or other arrangements, as pertains to their operations of those assets, to services provided in association with those assets, or as may affect other city concerns; and to their agents. Including but not limited to:

**1.** Prior to meetings, the agendas shall be submitted to the CAP or its appropriate committee(s) in sufficient time for it to request that a knowledgeable representative of the entity conducting the meeting explain and answer questions about the agenda items in advance of the meeting.

**2.** In accepting public comment, a representative of the CAP shall be able to give its report without a time limit.

**3.** Upon request of the CAP, provision shall be made for a special presentation by it, either at a regular meeting or, if necessary, in a separate meeting scheduled for such purpose at a mutually agreed upon time.

**4.** Questions from the CAP shall be accepted outside of meetings and answered in a reasonable, timely manner.

**5.** The CAP may request that a representative of applicable entities meet with the CAP or its appropriate committee for the purpose of presentations or to discuss issues of concern which may affect the City, its residents, and taxpayers; such shall be scheduled through mutual agreement and without undue delay, and such entities may initiate a similar request of the CAP.

**6.** At the CAP's request, any presentations, discussion, meeting, or the receipt of answers to questions shall occur before action on the matters to which they pertain, subject to §§622(c-d).

**7.** Upon prior request, a representative of the CAP shall be able to participate with voice but not vote in non-executive session meetings as per §612(c).

**m.** In such instance(s) where a party's compliance with §612 may result in deferral of official action(s) or unduly impede or add burdens as to obstruct the duties of any involved party, all par-

ties shall make expeditious accommodations as necessary to both comply and avoid unreasonable delay or burden.

n. To facilitate quicker resolution of conflicts, to avoid unresolved disputes, and to reduce reliance upon the courts, the CAP and the City may negotiate and maintain a mutually agreed upon process for the resolution of conflicts and disputes, while reserving to all parties the rights and remedies provided by state and federal law.

### **613. Other permissible Citizen Advisory Panel activities and associations**

a. The CAP shall be able to engage in activities for the purpose of outreach, membership recruitment, public education, and such other actions and activities as may benefit the CAP, the City of Pittsburgh, its residents, property owners, taxpayers, etc.

b. The CAP shall be able to make presentations to groups and members of the public; to hold investigative hearings and hearings for public comment; and to use all lawful means to investigate issues.

c. The CAP may join, participate in, support, and receive support from organizations, associations, and coalitions that further its purposes and activities.

### **614. City logistical support for the Citizen Advisory Panel**

a. The City shall provide staff and material support for: copying of CAP meeting materials (agendas, reports, minutes, etc.); copying and distribution of materials from the CAP for Council, the administration, and public posting; maintenance of the CAP membership roster; and, as requested, placement of meeting notices and ads for meetings and CAP public events.

b. At the request of the CAP and subject to availability, the City shall provide event and meeting space in reasonably central locations which are easily accessible from all parts of the city and for satellite meetings at city facilities in neighborhoods and shall provide display and public presentation equipment, chairs, tables, and other accommodations as are reasonable and appropriate.

c. The City shall provide sufficient office space for the CAP in a reasonably central location which is conveniently accessible to the public and served by transit; with appropriate utilities; with full telecommunications capabilities, including but not limited to broadband Internet connectivity or its successor; and with a compliment of office equipment and furnishings generally standard among fully functional offices.

d. The City shall upon request from the CAP provide advertising of CAP meetings and events, which may include a display ad in the local news section of daily newspapers published in the City and appropriate neighborhood publications, in addition to standard legal notices; the City shall include mutually agreed upon information about the CAP and how people can get involved with it in tax billings and in general publications of the City, its agencies, and units of government; and the

City shall provide for sending notices and reminders by email (and other popular technologies for notification) for CAP meetings, events, and activities to those indicating a desire to receive them.

e. The City shall provide the CAP with a website; computer and web services; mapping, data, communication, and information services; and such other applicable technologies and services as become available and may be needed for CAP purposes.

f. The City shall provide for the webcasting of CAP meetings, presentations, and other activities as requested by the CAP, and, upon the timely request of the CAP Chair or Board, shall provide for the cablecasting of any of the aforesaid.

g. The City shall provide insurance coverage for the attendance and participation of the general public at CAP meetings and its other activities, for the CAP related activities of CAP members, and for CAP property and such other insurance as may be reasonably needed for citizen involvement. Should coverage for a CAP fundraising activity exceed the cost of coverage for other City sponsored activities, Council may require its cost be deducted from the activity's proceeds along with other associated costs.

### **615. Implementation of the Citizen Advisory Panel**

a. The City Council President shall schedule the first meeting of the CAP to be held within a reasonable period not to exceed five months following the Election Board's certification of ratification of the amendment creating this Article and shall arrange for adequate space for the meeting at a readily accessible location.

b. The City Clerk shall place both display and legal ads in each of the daily newspapers published in the City giving notice of the first meeting of the CAP with a brief explanation and information about the CAP and an explanation of the Conflict of Interest Provision as it applies to the meeting, repeating the display ad in the local news section of the same papers' Sunday publication immediately preceding the meeting. The City shall also provide notice by such other means of notification as are in use at the time and shall include on the City website a notice for the first CAP meeting; a copy of the ratified amendment; an explanation and information about the CAP, the Conflict of Interest Provision, and other pertinent information.

c. The City Clerk shall be responsible for drafting an initial membership form, for receiving them, and for verifying eligibility of prospective CAP members before the initial meeting. The Clerk shall be responsible for providing initial voting credentials to those without a conflict of interest who are qualified to vote at the first CAP meeting. The Clerk shall thereafter maintain a roster of the CAP membership.

d. The first meeting of the CAP shall be called to order by the City Council President or an appropriate designee. The meeting agenda shall include:

1. the City Solicitor, who shall either serve as or appoint the meeting parliamentarian, shall read or give an adequate summary of §§609-614 and §§615(c-d) pertaining to the Citizen Advisory Panel, providing explanations and answering questions;
2. setting the quorum for CAP meetings until set in the CAP bylaws;
3. creation of a CAP Bylaws Committee;
4. election of interim officers;
5. determining the next meeting's time and date.

## **616. First Amendment Rights**

The right to engage in activities protected by the First Amendment to the U.S. Constitution shall be guaranteed in the city in areas open to the general public when they do not obstruct other permitted uses. The protection and guarantee of such constitutional rights shall be a condition of usage applying to all assignees, renters, lessees, permit holders, and others who may use a City owned facility or public space when and where such are open to the presence or attendance of the general public and shall be a stipulation in the sale of publicly held properties. Such protection and guarantee shall be required and apply whenever the City participates in any joint authority, public or private project or venture, or other matters with non-City entities where public access is involved. Delegation by the City of control or operation of public facilities or spaces through management or operating agreements with private or other public entities shall not preclude nor diminish the protection and guarantee of First Amendment rights as applied herein.

## **617. Public Disclosure**

- a. The Mayor, heads of City administrative units, City Council members, and governing members of City authorities, boards, and agencies shall publish and make available online through the City's website a calendar of their preceding day's non-personal activities and meetings, identifying with whom, the subject, and other relevant notations.
- b. Council members, the Mayor, and the members of their staffs, when meeting or in contact with lobbyists, with sales personnel, or with the principals (or their agents) involved in construction and real estate projects receiving public subsidies or requiring City approvals other than for simple building permits, shall be audio recorded, with the legally required notice of recording given, and whenever possible shall be video recorded with all such being securely retained and made publicly reviewable online along with any materials involved, all processed as provided under §§604 and 608.
- c. Exceptions to public disclosure under §§617(a-b) for all or portions thereof shall apply as exempted under §601 or where disclosure may result in retaliation or jeopardize a non law enforcement investigation prior to its completion or as may otherwise be provided by statute or a

City of Pittsburgh Disclosure Policy. Claims of exemption, including due to the presentation or discussion of nondisclosable or proprietary information, shall be referred to the City Solicitor for a determination and if held to be nondisclosable shall be securely archived and treated as may apply under §618.

**d.** *(former §801, moved with changes noted in bold)* All elected officials of the City shall, on or before January 15 of every year during their term of office, file with the City Controller a disclosure, ~~as of January 1 of that year, with the City Controller,~~ which shall be available for public inspection and shall contain the following information, **current as of January 1 of that year**:

1. the names of all business or non-profit corporations, associations, partnership, joint ventures, estates, proprietorships, trusts business activities, and organizations, other than religious organizations and religious corporations, with which the official has any connection as an owner, officer, employee, consultant, contractor, creditor, shareholder, member, partner, joint venture, trustee, beneficiary or participant, or in which the official has any financial or property interest in any form, whether a legal interest or equitable interest or otherwise, including for each, a statement of the nature of the connection or interest;

2. a brief description of all legal and equitable interests of any degree in real property held by the official;

3. a statement of the remaining amounts of any funds and contributions related to the officials most recent nomination and election, and by whom and how held; and

4. the names of all creditors of the official and debts as to which the official is co-signer, surety or guarantor in excess of \$1,000.

**e.** *(former §802, moved with changes noted in bold)* ~~In connection with every elected city office,~~ **Each candidate for nomination or election to city office and every the treasurer (or person acting as treasurer) of a political committee supporting or opposing a candidate for city office or otherwise seeking to influence either a nomination for city office and/or any city election or person acting as treasurer,** shall file a public preliminary account of receipts and expenses five days prior to the election. The preliminary account shall be in the same form and contain the same information as required by law to be filed following an election, except that the information shall be provided as of a time seven days prior to **the** election.

**f.** The City, in the venues used for presenting public information, shall provide access to a section or area for City fiscal and financial matters disclosing all aspects of its budgeting process, including past budget and financial records; an outline and step-by-step explanation of the budgeting process that is readily understandable by the lay public; tools used for or that would be useful for development of various aspects of the budget with an ability for members of the public and employees, regardless of their position, of the City or of other entities under the jurisdiction of the charter to develop and present budget proposals for parts of or as a complete prospective

budget for consideration in the budgeting process; and a running journal of expenditures of the City and other entities under the charter's jurisdiction, as applicable under Article 6, which includes a listing of each check or payment upon its issuance.

**g.** As part of its section or area for financial and fiscal matters, the City shall disclose all subsidies and support from public sources, monetary and in-kind above that which is provided to the public in general, that is provided to commercial and non-profit entities in the city or that is provided for real estate properties in the City, for the latter including but not limited to:

**1.** In a section on Tax Increment Financing, a listing of participating properties along with all agreements and associated records, identifying for each applicable property the original beneficiary; the amount provided the recipient; the total public payout upon completion; for each property and in aggregate for all such properties, the amount of taxes received each year and the portion diverted from the taxing bodies; a mapping which identifies each participating property and its status; a mapping of TIF districts; related statutes and ordinances; and information explaining the concept and process of Tax Increment Financing that is readily understandable by the lay public.

**2.** A section for tax abatements, a listing of each tax abatement which identifies each applicable property, the amounts abated, and the amounts paid in excess of the abatement; a mapping which identifies the designated district where abatement applies and that shows each participating property; the related statutes and ordinances; and other relevant related information.

**3.** A section listing special infrastructure installation and/or improvements beyond that required for normal maintenance and upkeep which is paid for all or in part by the City, whether from grants, general revenues, or other means, to provide for the use of specific properties.

**4.** A section listing tax exempt properties, identifying their appraised valuations; amount of accountable service load; amount of contribution, monetary and in-kind, to the City from their owner; and such other pertinent information related to their public benefit and costs.

## **618. Treatment of nondisclosable information**

**a.** For purposes of public access, if a record contains both disclosable and nondisclosable information, the nondisclosable information shall be deleted and the remaining record shall be disclosed unless the two are so inextricably intertwined that it is not feasible to separate them or release of the disclosable information would compromise or impinge upon the nondisclosable portion of the record.

**b.** Where information is held to be nondisclosable and is submitted for use as part of a decision making process which is open to public oversight or participation, the submitter shall identify the specific parts that are deemed nondisclosable. The decision making body is responsible for final determination of the following, which shall be disclosed and made available online to the degree that it does not jeopardize the nondisclosure or is not otherwise exempted:

1. the existence of the information which is held to be nondisclosable; its title, owner, and preparer; the type, general character, and nature of the information; the specific reasons for nondisclosure, including the name(s) of any third party(ies) requesting, requiring, or otherwise responsible for the nondisclosure and their involvement or relationship to the information and/or to the other parties involved; and all information contained in it that is disclosable;

2. whether it was generated using accepted standards and practices; if so, which; if not, what method or process was used; if the specifics of the method are held to be nondisclosable, then such substantiation or verification as may exist of the efficacy of the method employed; if none, that there is none;

3. how the information is related to the decisionable matter;

4. how the information is normally used in other instances and how it is to be used or is being used for the decision process;

5. the specific findings which are based or are to be based upon it, either all or in part; how those findings are affected by the information and the degree to which they are;

6. the degree to which the nondisclosable information and the findings based upon it each play(ed) a role in the decision process and its outcome, including but not limited to whether it is in the critical path, and thus is essential, or whether it provides supporting information or is used to corroborate other information;

7. whether any parts of the nondisclosable information contradicted the findings or conclusion of its own report or the decision making body's findings or conclusion;

8. any information from open sources which corroborates, contradicts or challenges the nondisclosable information and/or any related findings;

9. the rationale for using the nondisclosable information instead of open sources.

c. Where either facts, numbers, the process used to generate or determine them, or any other substantively involved or associated matter may be in dispute or there may be cause to question the credibility of them or their preparer or there may be substantial controversy surrounding the nondisclosable information for other reasons, the applicable decision making body shall request a release from the information's owner(s) to enable either public disclosure or independent verification of such part or parts as may be relevant to the concern(s); in the absence of such release, the nondisclosable information shall be disregarded as if it were not submitted, except that suspected fraud shall be referred to the appropriate authorities.

d. An applicable decision making body may, with just cause, hire a third party which it selects as its agent to perform an independent verification of disclosable or nondisclosable information, provided the third party has no ties or connections with any of the parties involved in the matter being reviewed. Such decision making body may require an applicant to pay for the third party verification as a condition of a proposal or application's consideration. If a third party verifica-



tion is done, all information that is disclosable from its findings shall be made fully available to the public and placed online, and such information that is nondisclosable shall comply with §618(b).

e. Nondisclosable information submitted to or generated by the City, including as part of any public decision making process or as provided under §617(c), shall be permanently retained by the City, which shall protect, catalog, and store it, maintaining adequate back up copies and keeping it immediately retrievable for use by applicable decision making bodies or by a court of competent jurisdiction, and at such time that it may be deemed disclosable, it shall be made available to the public.

f. Declarations or claims that information is nondisclosable, justifications thereof, and the information submitted as required under §618 shall be averred to be true and complete, under penalty of perjury, by the parties preparing it and by the parties submitting it.

### **619. Open government policies and regulations**

The City shall enact appropriate ordinances and establish, implement, and maintain policies and regulations covering its information, communications, remote participation, notification, public disclosure, and such matters, processes, and procedures as are necessary to assure open government in compliance with the applicable City Charter requirements.

a. Matters to be addressed by the City's open government policies and regulations shall include:

1. security of city information, encryption, storage, duplication and backup, and such other protections as may be required;
2. privacy concerns, including privacy of city employees; citizens' information that is not public, its protection, the means for doing so, and responsibilities for assuring such; and breaches of privacy and their mitigation;
3. public participation, abuses and reasonable protections therefrom, improper or disruptive conduct, disciplinary actions, appeals, etc. with relation to Article 6;
4. presentation of verifiable identity for acquisition of some or all public information, for public comment, for individualized notification, or for other forms of public participation; whether, when, and how such may apply; and such associated matters as user registration and sign-in for online access;
5. information for commercial use and purposes; information not online that is generated upon request; and applicable fees, if any;
6. the retention, preservation, and archiving of City information and communications, which if made outside the City's process for their creation and conveyance or transmission shall be copied to the City for inclusion;

7. implementation of the provisions of this article as quickly and effectively as feasible and prudent;

8. such other germane issues not addressed herein that may arise.

b. Such policies and regulations shall further provide that:

1. No fees shall be charged for publicly accessible, online information which is to be used for individual and noncommercial purposes nor for general participation, monitoring, and proactive citizen involvement in the City's governance, unless otherwise provided herein;

2. Should the City information base be made available by contract to providers of fee based information services including but not limited to information mining, evaluation, notification, searches, etc., such providers shall be required to provide in forma pauperis waivers and/or pro bono services related to that information for groups and individuals who cannot afford their fees.

c. The City shall adopt a Disclosure Policy, approved by Council, incorporating §§617(a-c) and addressing exemptions and other pertinent matters, including but not limited to: whistleblowing and protections for whistleblowers; anonymous suggestions and tips; instances where private individuals may be caused public embarrassment; ongoing, pending, and prospective investigations; subjects qualifying for executive session; and in cases where identity is withheld, how and when non-identifying information shall be disclosed where doing so is itself not exempted and does not jeopardize those whose identities are withheld.

d. The Pennsylvania Right to Know Law; the Pennsylvania Sunshine Act; the US Freedom of Information Act (5 U.S.C. §552, as amended by public law No. 104-231, 110 Stat. 3048); the American with Disabilities Act; other state and federal statutes, regulations, standards, and guidelines that are related to public access and involvement; and their successors shall serve, as far as their provisions may apply to the City or may be adapted and adopted by the City, as the minimum basis for the City in the development and implementation of its policies and regulations governing the provision of all public information, instructions, notice, involvement, participation, and opportunity for comment.

## **620. Open Government Oversight**

The Mayor shall appoint appropriate staff to exercise oversight of all matters related to the open government requirements of the City Charter and relevant City ordinances, policies and regulations, with responsibility for assuring that all entities covered by the foregoing are in compliance and for either providing or assuring the provision of the City's logistical support for its Citizen Advisory Panel.

## **621. Review and reporting**

- a.** The administration shall prepare and present an annual report to City Council identifying its efforts and activities related to the compliance with Article 6 and related City ordinances, policies, and regulations.
- b.** City Council shall conduct a biennial review of the City's open government ordinances, policies, and regulations to assess the level of compliance and determine needed changes and adjustments. The review process shall include at least one public hearing. Council may then approve changes by ordinance, consistent with the City Charter, or reaffirm the existing policies and regulations by resolution.
- c.** The City Controller shall perform an independent performance audit to review and assess the degree to which the city is implementing and complying with the Charter's open government requirements and related City ordinances, policies, and regulations and to recommend various means by which the city can more efficiently and more effectively do so. Such audit shall be completed and presented to City Council in conjunction with Council's biennial review process.
- d.** The City's Citizen Advisory Panel shall conduct its own review of the City's open government efforts and present its findings and recommendations to City Council during Council's review.

## **622. Jurisdiction, waivers, appeals, and mandamus**

- a.** Article 6 and its corresponding City code, regulations, and policies shall apply across the municipal government to the extent permissible by law, including to all City agencies, units of government, boards, commissions, committees, advisory bodies, and such other entities or agents as may have appointees of the City; to the City's publicly funded library; to entities acting for or on behalf of the City; and to entities that administer and/or operate City-owned or leased facilities and/or provide services to the public through arrangements with or under the auspices of the City.
- b.** In instances where there may be limited or no statutory basis by which to directly compel adherence to the requirements of this Article, the City shall use its power of appointments and/or include such provisions as needed to assure compliance as a condition of City participation, funding, contracts, leases, and/or other arrangements as may be appropriate.
- c.** In a declared emergency or urgent circumstances where the time needed to adhere to the requirements of Article 6 would cause substantial and significant negative or adverse impacts or harm, a waiver of such time dependent requirements may be exercised to avoid those consequences, provided that reasonable accommodations are made to meet the requirements at issue to the degree that may be possible and to meet such additional requirements which can otherwise be met and that notice identifying the needed changes is given to relevant parties through appropriate means with as much lead time as possible before any action is taken.

**d.** Expedited consideration or actions, either of which has or imminently may abbreviate or bypass the normally required notification, comment, public participation, or other required process and procedures shall be appealable to a court of competent jurisdiction by a party with standing, either individually or, where the matter appealed represents a pattern, as a class action. The Citizen Advisory Panel through its designated representative(s) may appeal those matters which affect it or its ability to perform as provided for by the Charter.

**e.** Where timeliness is a factor and a particular legislative or administrative action or decision has occurred or is about to occur which is subject to a provision of Article 6, an appellant may request the court stay, set aside, and/or enjoin the subject action. Upon timely appeal to a court of competent jurisdiction, the judge shall make a factual determination of the alleged consequences to be avoided; whether they were substantial and significant; the necessity of setting aside the specific requirements that were waived; whether there were reasonable alternatives to enable meeting any or parts of the waived requirements; and, giving weight to the requirements of Article 6, whether or not the exigencies of the situation were reasonably unanticipated and are compelling and of such significant and substantial nature as to necessitate the action or inaction that is being challenged. Where the appeal is upheld, the judge may stay or enjoin further action and may nullify approvals given under the waiver or otherwise compel fulfillment of the waived requirements.

**f.** In instances not otherwise addressed herein, where a situation is not urgent and a provision of Article 6 is not implemented or applied either in general or in specific, any City resident, property or business owner, the Citizen Advisory Panel through its representative(s), or other party with standing may petition a court of competent jurisdiction for a writ of mandamus to require compliance, provided:

1. they have first given 60 days notice of the deficiency to the City Solicitor, who shall render a determination and notify the petitioner(s) and applicable parties; and

2. if during such time the noncomplying parties have not remedied the deficiency, nor proceeded in good faith to do so, nor have they or the City provided adequate reason either why compliance is deemed unnecessary or why it is not required at the time.

**g.** Costs for appeals incurred by the prevailing side may be assessed by the court upon:

1. the City and/or other culpable parties, if found against;

2. upon the petitioner(s), if the filing is found to be intentionally disruptive, grossly frivolous, and without basis.

*Beyond this point, text that is to be added is underlined*

## **Article 1: Home Rule Powers – Definitions** *(additions underlined)*

### **102. Definition of certain terms**

"Digital file," "digital form," "digital record," or "digital copy" means a document or copy of a document as an electronically or machine readable file in which digits are used to represent specific information, where the textual content has each character of the alphabet, punctuation, symbols, etc. represented by an exact correspondence to a unique numeric encoding such that the file can be directly computer searchable for particular words or character arrangements, portions of its text readably selectable and extractable, and its textual information obtained for automated or other information processing; where any non-textual visual image, photo, or graphic content is numerically encoded such that it can be accurately recreated and reproduced in at least a comparable, corresponding appearance to its original use in the document; where any non-textual audio and/or video portion is numerically encoded such that the original can be accurately regenerated; and where any programmatic scripting, animation, or other type of document inclusions can be readily operated, run, or replicated.

"Digital file format" means the particular arrangement or encoding schema of data in a digital format which is storable and usable, operable, or readable by specific computer programs; the type of which is usually identified by unique or nearly unique letter extensions or suffixes.

"Online" means having or giving direct access, available from remote locations, through means of networked telecommunication in general usage which is widely and openly accessible to and by the public, including but not limited to the Internet and any such successor which may be developed.

"Webcast" or "webcasting" means the online presentation of the audio and visual record of an event both in real time as it is occurring and on-demand after its occurrence, and, if applicable, with the real time webcast having an ability for interactive participation by the recipient.

*Two Article 3 sections are to be amended  
(added text underlined, deleted text ~~struck-through~~)*

## **Article 3: Legislative Branch**

### **318. Time and notice required between introduction and final passage of legislation**

Council shall not take final action on any legislation until a minimum of seven days has elapsed from the date of its introduction, unless council finds and declares that an urgent reason exists requiring earlier final action, at that time explaining the reason for their determination and giving its justification, with such action being subject to §§622(c-e). Public notice of the introduction shall be given as per §§606(a, c-d). ~~Council shall give public notice of the introduction of legislation within twenty-four hours after it is introduced. Notice shall consist of posting the proposed legislation or its title with an accurate abstract in a conspicuous public place readily observable by citizens entering the building occupied by Council; and also by posting in the office of the city clerk. Upon a substantive amendment to pending legislation, Council shall recommit it unless waived for earlier action, and, if so waived, public comment shall be reopened prior to any action, with such waiver remaining appealable under §622(c).~~

### **320. ~~Citizens r~~ Right of residents to be heard**

Council shall grant a public hearing to residents of the City:

a. On pending legislation, if they deliver a petition requesting a public hearing to the city clerk no later than three days, after notice of the introduction of the proposed legislation or after a substantive amendment to it, signed by at least twenty-five ~~qualified electors who reside in the City~~ residents of age 18 years or older, which includes a statement that all petitioners intend to attend the public hearing. Council shall not vote on nor take any action upon the proposed legislation until a public hearing is held in response to a properly submitted petition.

*The existing Article 6 is to be deleted in its entirety and replaced*

## **Article 6: Community Advisory Boards**

### **601. DESIGNATION OF COMMUNITY ADVISORY BOARD DISTRICTS**

~~Within one year after the effective date of this charter, the mayor shall submit to council a recommended division of the City into community advisory board districts for the purpose of establishing community advisory boards. The division shall be in accordance with the following criteria:~~

- ~~a. In designing districts, the mayor shall consider areas of the City recognized as neighborhoods because of historical, geographic or other factors.~~
- ~~b. Each community advisory board district shall consist of an entire voting district or contiguous undivided voting districts. Council may reject or adopt the mayor's recommendations but shall adopt, by ordinance, only a division recommended by the mayor.~~

### **602. ESTABLISHMENT OF COMMUNITY ADVISORY BOARDS**

~~Council shall, by ordinance, designate and establish a community advisory board, after receipt of a petition for establishment of a community advisory board for a district designated by ordinance under section 601 which is signed by the qualified electors residing within the district at least equal to ten percent of those who voted in the last preceding municipal election.~~

### **603. ORGANIZATION OF A COMMUNITY ADVISORY BOARD**

~~An ordinance establishing a community advisory board shall prescribe its organization, including the number of board members and other offices as stated in a general ordinance adopted in accordance with this section. Various community advisory boards may have different number of members, and community advisory board districts may contain differing populations, but throughout the City each elected member of a community advisory board shall represent approximately the same number of residents of a community advisory board district. Following each federal census, the mayor shall promptly review each community advisory board district and recommend changes to council in the number of elected members of community advisory boards needed to maintain equality. Council shall then amend the appropriate community advisory board ordinance so that equality is maintained in this regard. In addition to elected members, each community advisory board shall have delegated board members appointed or elected by community organizations of the district. The number of delegated board members and the recognition of community organizations shall be as stated in the general ordinance, which shall also provide for periodic review of the recognition of community organizations. A delegated board member shall have a vote equal to that of an elected board member.~~

## **604. ELECTION AND QUALIFICATIONS OF COMMUNITY ADVISORY BOARD MEMBERS**

~~Each elected member of a community advisory board shall be chosen at a municipal election to serve for a term of two years. An elected member shall take office on the first Monday of January following the election. No member of a community advisory board shall have held, with the year immediately preceding commencement of a term, any other elected position with the city, county or state governments. No person who was a candidate for city or county office may be a member of a community advisory board until after the expiration of one year following the election in which that person was a candidate. Elected community advisory board members shall reside in the community board district which they serve.~~

## **605. POWERS AND DUTIES OF COMMUNITY ADVISORY BOARDS**

~~The powers and duties of each community advisory board shall be:~~

- ~~a. to review and advise council and the mayor on proposed zoning changes in the district;~~
- ~~b. to review and advise council and the mayor on the social and physical plans for the district;~~
- ~~c. to review and advise council and the mayor on the distribution of city services to the district;~~
- ~~d. to meet annually with the mayor and council to discuss problems, needs and public affairs of the districts;~~
- ~~e. to mandate, by a majority vote of all its members, a meeting within two weeks with the appropriate head of a major administrative unit of the City to discuss a specific district problem. Council may, by ordinance, give additional powers and duties to community advisory boards. Each community advisory board shall hold public meetings, after reasonable public notice within the district, not less than four times each year to afford an opportunity to district residents to make known their views and needs.~~

## **606. PROCEDURES OF COMMUNITY ADVISORY BOARDS**

~~Council shall, by general ordinance, prescribe procedures for the exercise of the powers and duties of community advisory boards.~~

## **607. FUNDS AND EXPENSES OF COMMUNITY ADVISORY BOARDS**

~~Community advisory boards shall receive no grants from city tax funds and community advisory board members shall serve without compensation. Community advisory boards may, however, accept donations and grants from any other source.~~



## **608. REVISION OF COMMUNITY ADVISORY BOARDS**

Council may, upon receipt of a petition with signatures as required in section 602, amend the appropriate ordinance to revise the organization and procedures of a community advisory board. District boundaries shall be revised only as provided by section 601.

## **609. DISSOLUTION OF COMMUNITY ADVISORY BOARDS**

Council may, by ordinance, dissolve all community advisory boards as of the end of any fiscal year. A particular community advisory board shall be dissolved only by a petition signed by the same number of qualified electors residing in the community advisory board district required by section 602 and an ordinance adopted after a public hearing by council with public notice to that community advisory board district.

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## **Article 8: General Provisions**

### **801. DISCLOSURE OF INTERESTS**

~~Moved to §617(d). All elected officials of the City shall, on or before January 15, of every year during their term of office, file a disclosure, as of January 1 of that year, with the controller, which shall be available for public inspection and shall contain the following information:~~

~~a. the names of all business or non-profit corporations, associations, partnership, joint ventures, estates, proprietorships, trusts business activities and organizations, other than religious organizations and religious corporations:~~

~~—1. with which the official has any connection as an owner, officer, employee, consultant, contractor, creditor, shareholder, member, partner, joint venture, trustee, beneficiary or participant; or~~

~~—2. in which the official has any financial or property interest in any form, whether a legal interest or equitable interest or otherwise: stating as to each name, the nature of the connection or interest:~~

~~b. a brief description of all legal and equitable interests of any degree in real property held by the official;~~

~~c. a statement of the remaining amounts of any funds and contributions related to the officials most recent nomination and election, and by whom and how held; and~~

~~d. the names of all creditors of the official and debts as to which the official is co-signer, surety or guarantor in excess of \$1,000.~~

### **802. CAMPAIGN CONTRIBUTION AND EXPENSES**

~~Moved to §617(e). In connection with every election city office, each candidate for nomination or election, and every treasurer of a political committee or person acting as treasurer, shall file a public preliminary account or receipts and expenses five days prior to the election. The preliminary account shall be in the same form and contain the same information as required by law to be filed following an election except that the information shall be provided as of a time seven days prior to election.~~

### **810. PUBLIC RIGHT TO INSPECT RECORDS**

~~Moved to §601. City records, the disclosure of which would invade a person's right to privacy, hinder law enforcement, endanger the public safety, or breach a legally recognized duty or confidence or the nondisclosure of which is legally privileged, or which have been prepared for or by~~

~~the city solicitor for use in actions or proceedings to which the City is or may be a party, shall not be available for public inspection. All other city records shall be open for public inspection, but the officer, unit head, board or commission or other governmental agency of the City having the care and custody of such records may make reasonable regulations governing the time, place and manner of their inspection. For the purposes of preservation, copies of city records may be substituted for inspection in lieu of original records.~~

## **811. SEVERABILITY**

In the event this charter or its amendments cannot take effect in ~~its~~ their entirety because of the judgment of any court of competent jurisdiction holding invalid any provision, the remaining provisions ~~of the charter~~ shall be given full force and effect as completely as if the provision held invalid were not included.

## **812. EFFECT OF CHARTER ON EXISTING LAWS**

Subject to pertinent enabling legislation authorizing a home rule charter, this charter and its amendments shall supersede any existing charter and all acts or parts of acts, local special or general and all ordinances and resolutions of the City to the extent that they are inconsistent or in conflict with this charter as amended. All existing acts or parts of acts and ordinances affecting the organization, government and powers of the City, not inconsistent or in conflict with this charter shall remain in full force and shall be construed as if enacted under this charter, but as of the date of their original enactment. No contract existing on the effective date of this charter or its amendments shall be affected by it. Council by ordinance or resolution may supersede any act of the general assembly insofar as permitted by pertinent enabling legislation and this charter.

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