



## ADMINISTRATIVE REGULATION Office of the City Manager

<b>Number</b>	<b>AR 607</b>
<b>Responsible Department</b>	<b>City Clerk's Office</b>
<b>Established/Effective Date</b>	<b>March 29, 2012</b>
	<b>May 10, 2017</b>
<b>Lastest Revision Date</b>	<b>October 1, 2023</b>
<b>Next Review &amp; Reauthorizatoin Date</b>	<b>October 1, 2025</b>

### 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, Sections 401 and 310
3. **Applicability:** City Council, Board, Commission, Committee (BCC), all City departments and personnel.
4. **Definitions:**
  - 4.1 **Digital Agenda:** City Council, Board, Commission, or Committee agenda material published in a digital format.
  - 4.2 **Distributing Department:** The City department that is responsible for the creation and distribution, in digital format, of any particular agenda and related material.
    - 4.2.1. The City Clerk's Office shall be the distributing department responsible for meetings for the City Council, Successor Agency to the Redevelopment Agency, Public Financing Authority, and Huntington Beach Housing Authority.
    - 4.2.2. The Community Development Department shall be a designated distributing department for Planning Commission meetings.
    - 4.2.3. Each staffing department to City Boards, Commissions and Committees shall be responsible for creating and distributing their respective agenda packet in Legistar and via email.
  - 4.3 **Member:** An individual empaneled on the City Council, other City Boards, Commissions or Committees.
  - 4.4 **Message:** Electronic text or visual communication and attachments distributed via e-mail, websites, instant messaging, text messaging, social media, or comparable services.
  - 4.5 **Tablet:** A handheld, general-purpose computer with touch-screen capabilities.



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### 5. Policy/ Procedures

- 5.1 Tablets: Members of the City Council and Planning Commission will be individually 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 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) must be returned to the City when a Member retires from City service. The City shall be neither responsible nor liable for any personal information stored in the tablets.

- 5.2 Distribution of digital agenda material: The Distributing Department will process and publish digital agenda material for distribution as required by the Brown Act 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 or received via email by staff liaison. Members are solely responsible for electronically charging tablets and downloading digital agenda materials.
- 5.3 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.
- 5.4 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.
- 5.5 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



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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.

### 6. Responsibilities

- 6.1. The Information Services (IS) Department shall be responsible for issuing each City-issued tablet per the City Manager's Office direction. IS Division shall install an appropriate level of cyber security measures, troubleshoot any technical problems in a timely manner, and provide ongoing technical service and support.
- 6.2. The Distributing Department shall be responsible for compiling and uploading the digital agenda packet that includes but is not limited to Request for Council Actions (RCAs), BCC staff reports, and supporting materials into the agenda management system. They will ensure indicating confidential information/documents as such (See Section 5.5 above).
- 6.3. The Distributing Department shall be the main point of contact for all agenda-related services and inquiries.
- 6.4. The City Manager's Office shall be responsible for identifying and determining which elected and appointed officials and City staff are to be issued a City tablet for this specific function.

Robin Estanislau, City Clerk  
Initiating Department

Michael Gates, City Attorney  
Approved As to Form

Al Zelinka, City Manager

#### Review Schedule

REVIEW DATE	DEPT. HEAD INITIAL	CITY MANAGER SIGNATURE