

Complete Text of the

**Open
Government
Amendment**

to the

**Pittsburgh
City Charter**

DRAFT Open Government Amendment to the Pittsburgh City Charter

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Proposed Ballot Question

Shall Pittsburgh's Charter be amended to delete Article 6: Community Advisory Boards (voided, Dec. 2000) and substitute Article 6: Open Government, providing information, notification, and access standards; greater public disclosure; Internet access to public information, notices, and meetings; individual notification on desired topics; and an open membership Citizen Advisory Panel to which prospective legislative and administrative actions must be explained and through which citizens can develop and provide information and comment before those actions occur?

Text Key

Underlined text = new wording being added

~~Struck through~~ text = deleted material

Normal text (in Charter sections) = existing wording that remains

The Preamble and *italicized text* are not inserted into the Charter's Articles.

Preamble

Whereas, 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 not just an elite few; 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, technological advances occurring since the City Charter was first drafted and enacted in 1974 now enable opportunities for enhanced public access to records and information, 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 three decades ago; now

Therefore, Article 6, Community Advisory Boards, is repealed in its entirety and is replaced with Article 6, Open Government, moving Section 810 of the Charter to become Section 601 and adding Sections 602-620; and

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

Article 6, Open Government

601. Public right to inspect records

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

All records designated publicly accessible under Section 601 shall as provided herein be available to the public for inspection, review, and use via remote access technologies such as the Internet and other subsequent technologies as may in the future become feasible and in wide usage.

a. All records created after the effective date of this amendment which are by law open to public inspection and all previously existing, publicly inspectable records which exist 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 are made of them or they are used by the City or 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 appropriate 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) of, for, or about pending and effective legislative and administrative matters; concerning all other City activities; all documentation, communications,

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records, etc.; and related to non-City activities and matters which require public permitting or involve public spaces, property, or services, the City shall adopt, implement, and maintain a unified standard of mark up, indexing, and tracking for its internal use and for providing public access and notification. The City may either adopt state or federal standards or adopt its own standards if of comparable or greater capability or if demonstrably more appropriate for City operations without reducing the ability for public notification and archiving. Such standards shall apply to all City units of government and agencies and shall be updated as appropriate to incorporate and accommodate new technologies and practices.

b. 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.

c. 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 access them.

d. Each City unit of government and agency 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.

e. 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, when a digital copy is made or if a digital copy already exists, a certified digital visual image 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. 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, or become corrupted.

f. Businesses, firms, agencies, organizations, associations, and professional individuals 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 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 prudent and feasible.

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 have complete, open, freely available specifications and shall be free of restrictions upon the creation and utilization of files or that would prevent the free and open development or adaptation of alternative software capable of creating or using 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, and distribution.

d. In the letting of any franchise 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 that a minimum of one channel each for government activities, public access programming, and noncommercial, educational programming shall be made available at no charge to the City for the use of and administration by the City or its designated agent as part of the franchise agreement; that access to them shall be provided to members of the public as part of all product or service levels, tiers, or packages offered by the franchisee; and for those provided individual programs on-demand, that the programming on the City channels shall also be offered on-demand at no additional fee.

606. 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 nondisclosable. The decision making body is responsible for final determination of the following, which shall be disclosed to the degree that it does not jeopardize national security or public safety or violate the nondisclosure and shall be made available online:

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 in the critical path and is thus essential or whether providing supporting information or used to corroborate other information;

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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 substantive controversy surrounding the nondisclosable information for any other reason, the applicable decision making body shall request a release from the information's owner(s) enabling 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 the parties involved in the matter being reviewed. Such 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 verification 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 Sec. 606(b).

e. Nondisclosable information submitted to the City as part of any public decision making process 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 the applicable decision making bodies or by a court of competent jurisdiction, and at any time as it may become disclosable, it shall be made fully available and placed online.

607. Notice

a. All legally required public notice and advertisement of or related to any matter or process administered by, involving, or under the jurisdiction of any City unit of government or agency shall have added to its requirements that it also be posted, at the same time and for no less duration, upon the City website in a section devoted to public notice. Such section shall be logically organized, readily usable by the general public, and directly accessible by a primary navigation link available throughout the City website, and shall also be identified and accessed through its own subdomain and/or one or more short, easily remembered and entered Internet addresses. In addition, the non-executive session meetings of agencies, units of government, and entities operating City assets shall be considered public and required to comply with the requirements for notice, comment and public participation under this Article.

b. The City shall also establish additional notification processes using such media as may be appropriate and in significant use, including but not limited to email lists to which members of the public may subscribe without fee.

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c. The City shall establish and offer a process of individualized notification about City matters which are currently active or pending, including legislative and administrative decisions or actions, regardless of whether public notice of such is otherwise required by law or regulation. Such process should enable interested parties to select and register various criteria to be matched and applied to indices provided under Sec. 604(a) for information that is publicly inspectable under Sec. 601. 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. The City shall make reasonable accommodations for those requiring alternative means of notification. 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.

d. Notification of matters that are to go before Council shall be given prior to introduction; for administrative and all other matters, notice shall be in adequate time to enable those notified to appropriately act or respond before a decision or subsequent actions may occur.

e. Placement of online public notice under Sec. 607(a) and a reasonable attempt to provide notice under Sec. 607 (b) and (c) shall have occurred in order for the City to have fulfilled requirements of public notification, regardless of the origin or specific limits of such requirement.

f. Having successfully posted public notice under Sec 607(a) and exercised due diligence in providing individual notice under Sec. 607 (b) and (c), the City shall not be held responsible for the end delivery of any such notices, except where proof of delivery may otherwise be required by law.

608. 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 via webcast and such other means as may be appropriate.

b. In such instance where the submission of public comment, questions, etc. is applicable under Sec. 608(a), reasonable provision shall be made for direct participation online, including but not limited to interactive communications integrated as part of an original webcast and/or via such other telecommunications as may be appropriate, to offer an opportunity for both oral and text transmission. A person submitting text comment prior to or during the public comment session shall be permitted to request a specific, willing individual to read the text comment (or a portion thereof if reading the entire text would exceed the time allotted each individual for comment); the submitter may alternatively defer that selection to the chair, who may choose to read the text. Public discussion or question and answer sessions, if any, shall also be open to remote participation as provided herein via such means as may be appropriate.

c. The City shall establish a registry through which individuals and groups may obtain verifiable identification for the purpose of participation in remote comment, questioning, and discussion. The City shall further implement security measures to protect the integrity of the associated communications and to assure accurate, verified identification of participants during their participation.

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

e. In addition, 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 also be cablecast.

609. 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, consider, and make comment prior to the action, excepting in cases of a declared emergency where it is necessary to take immediate action.

b. In any case where a public hearing is to be held, all information included in presentations related to the decision process and 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. All such information shall be made available and publicly accessible online, in print at all public libraries, and at such public buildings as may be appropriate.

c. 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 Sec. 609(b), 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 the site limited presentation, an explanation of it, 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.

d. Where at any time a substantive change is made to a proposed or planned administrative matter to which public comment and notice is applicable and the decision for which the city is a participating party, the public comment process shall be reopened and its commensurate scheduling applied.

610. Citizen Advisory Panel

There is established a Citizen Advisory Panel (CAP), as the City's primary public involvement body with 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, and to otherwise serve as a conduit for enhancing communication between the people and their government and vice versa.

611. 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. Membership shall be open to residents, property owners, city taxpayers of record, business owners and/or operators, and people whose interests otherwise come under the City jurisdiction, except where a conflict of interest exists as provided under Sec. 612. Members must be real, natural persons who shall participate as individuals and not as a representative of any organization. The CAP may create different membership classifications or categories as may be appropriate.

b. Members of the CAP shall be able to vote as follows:

1. Unless provided otherwise under Sec. 611(b) or 612, city residents shall be able to participate in votes upon bylaws, officers, and all issues and matters before the CAP; 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, and 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; all members may participate in votes concerning public safety issues; and members voting on contractual matters involving the CAP must be of legal age.

2. 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 an allowance is made for waivers for exceptional circumstances and the criteria are in compliance with a nondiscrimination clause in its bylaws.

3. 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 30 days next preceding the vote and have attended at least one prior meeting as a member.

4. Voting rights or provisions may be adjusted or changed in the CAP bylaws, or a waiver may be passed on a per vote basis of any participation requirements if approved for the particular vote by 90% of the members present and able to vote. Those permitted by waiver may vote, provided they comply with all other criteria for voting which are in force at the time.

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

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- c.** Each member shall submit to the CAP a signed membership form which fully identifies the person; which provides information deemed pertinent, such as for contact or that may be relevant to potential conflicts of interest; which indicates that the person desires to be a member of the CAP for the year from signing and both attests and agrees to compliance with the CAP's Conflict of Interest Provisions; which is accompanied by verifiable proof of identity; and the information of which is kept current by the member. A waiver of signature may be granted for valid reason.
- d.** The CAP shall not require membership dues. The CAP may assess fees to cover costs for postal mailings (when requested instead of email). In cases where there is a need to cover part or all of the costs of CAP activities and events related to fulfilling its official role and duties, the CAP may request a specific donation or assess a small fee designed to cover the cost involved, provided such donation or fee is freewill or waiveable for low income and special needs.
- e.** The CAP may engage in fundraising activities which are not in the direct performance of its official role or duties, with fees or requested donations that are intentionally higher than the costs being possible. The CAP may apply for and receive grants, donations, etc. In all cases, income sources, amounts, and arrangements must comply with the CAP's Conflict of Interest Provisions. The CAP's finances shall be subject to audit by the City Controller.
- f.** The CAP may hire staff as long as the CAP has raised, obtained, or made assured provisions for the necessary funding. The City of Pittsburgh shall assume no liability for claims of CAP staff for wages, damages, etc. unless otherwise provided for by City ordinance.
- g.** Officers of the CAP must be City residents and CAP members in good standing and have complied with all minimum requirements for attendance and participation.
- h.** In addition to standing and ad hoc committees defined by issue, function, etc. the CAP may establish subdivisions of the CAP defined by area for portions of the City.
- i.** Minutes shall be taken for all meetings. After corrections and approval, they shall be posted on the Internet and be made available in print at libraries and community centers in a timely manner. A copy shall be filed with the City Clerk.
- j.** Majority reports shall be accompanied by minority reports upon the request of any member, provided, after review of the final minority report, the request is approved, without concurrence being implied, by a minimum vote of those present and voting which shall be set in the CAP bylaws. Reports must not contain legally libelous or slanderous material; the CAP Chair, majority of the CAP Board, Council, or Council president may request the City Solicitor review and rule on any questionable material, and the Solicitor shall do so within 10 days. All majority and minority reports shall be posted on the CAP website; shall be made available in print at libraries and community centers; shall be filed with the City Clerk; and shall be provided to Council and the administration.
- k.** The CAP bylaws shall include an anti-discrimination clause and conflict of interest provisions as related to its operations. The CAP bylaws may also establish procedures for enforcing various requirements which apply within the CAP, provided there is a process for appeal.

I. 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, or another widely recognized authority on parliamentary procedure if so designated in the CAP bylaws.

612. Conflict of Interest Provision of the Citizen Advisory Panel

a. For purposes of participation in the CAP, a conflict of interest shall in general exist when a person receives, stands to receive, is seeking, or plans to seek monetary or material gain other than the general services provided all residents or for assistance for educational purposes or low income from any action, operation, or program of the City its agencies, authorities, or units of government or that are under the direction, administration, or determination thereof. In addition, a conflict of interest shall exist where an advantage may be gained for a business interest by disadvantaging a competitive interest.

b. The CAP shall implement a Conflict of Interest Provision regulating funding or donations to the CAP and regulating participation in the CAP by: the 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 in excess of \$1000 per annum or such other amount as may be set in the CAP bylaws; consultants, contractors, suppliers, vendors, and individuals doing business with the City or seeking contracts and employment with the City; litigants with material claims against the City; individuals employed by or holding an elected or appointed office within a political party; registered lobbyists; persons or agents of interests receiving real estate subsidies, tax abatements, tax incremental financing, forgivenesses, or other monetary or material gain as applicable under Sec. 612(a) for their interests in real estate property, except for owner occupied residential properties; individuals having arrangements or associations with the City which may be deemed to constitute a significant financial conflict of interest; and the employees and immediate family members of any of the aforesaid. None of the aforesaid may join or participate in the CAP until and unless allowed by a Conflict of Interest Provision enacted by the CAP as part of its bylaws or as provided in Sec. 611(b)(4).

c. The CAP Conflict of Interest Provision shall address: the status of the aforesaid; prohibitions of membership and restrictions on participation and funding; responsibility to disclose; situations when there may be participation without vote; the criteria and process for granting waivers; avoiding conflicts of interest in the acceptance of funding or donations; the handling of conflicts of interest which may arise with individual votes or issues for members not otherwise barred from membership; and such other matters and circumstances as may involve conflicts of interests. Furthermore, the aforesaid and their associated organizations as identified herein may not provide funding or donations, either financial or in-kind, to the CAP until and unless a Conflict of Interest Provision addressing contributions is implemented and so allows.

d. Until such time as addressed in the CAP bylaws' Conflict of Interest Provision, in such instances where a conflict of interest as covered under Sec. 612(a) or (b) should arise for already seated CAP members, such members shall remove themselves from membership or, if the conflict is temporary and limited in nature as determined by the CAP board, shall recuse themselves for any votes related to the conflict.

613. Governmental interrelations with the Citizen Advisory Panel

a. All legislative proposals, including substantive amendments, shall be presented and explained to the CAP or appropriate committee(s) of the CAP, with an opportunity for questions and answers, no later than the evening before its introduction to Council.

1. The CAP may set a regular adjournment time of meetings held for such purpose. Council and the CAP shall cooperatively schedule sufficient meetings each week to adequately satisfy anticipated needs. Where proposals are not presented and explained before adjournment, their introduction to Council shall be deferred and additional meetings shall be scheduled and held in the week before the next Council meeting to remove the backlog.

2. In the event of a real, present or imminent emergency where immediate action is required to avoid significant consequences, legislation may be introduced in Council without having been explained to the CAP by the evening before, provided the CAP board is notified and given an opportunity for the bill to be explained to a special CAP meeting before Council meets; if not possible due to the exigencies of the situation, the CAP officers shall be notified and a CAP representative or a delegation appointed by the CAP shall be allowed to ask questions and make comment upon the bill's introduction and during discussion of it in Council; the provisions herein shall also apply to any last minute amendments.

3. Abuse of the emergency provision for non-emergencies or failure to otherwise comply with the provisions of Sec. 613(a) shall be appealable to the Court of Common Pleas, which, upon a finding of such, shall enjoin or set aside any actions on the bill and otherwise require compliance.

b. As a regular feature of Council meetings, the CAP shall be given time as needed for its reports and comments to Council which may be made by an individual representative or a delegation from the CAP, and the CAP may choose for each meeting whether to be before or after the public comment segment except that upon request prior to the opening of the meeting, the CAP may give reports and make comments directed at specific legislation at the time the bill is taken up by Council on its agenda.

c. Except during closed executive sessions, a representative of the CAP shall be given voice but no vote when Council meets, sitting with Council or, during Council general meetings, at the table to the front and left of Council or in a comparably convenient location. The person representing the CAP may change between or during a meeting as authorized by the CAP.

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, or special meetings.

2. Council shall, upon the CAP's request, schedule post agenda meetings as needed to accommodate CAP presentations and/or discussion with Council. Scheduling of such post agenda meetings shall 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.

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 the administration or jointly with Council and when

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such attendance is impossible shall mutually arrange with the CAP to expeditiously schedule the presentation which shall take place before administrative decisions and/or action on related matters may occur.

e. The CAP may propose legislation and introduce bills to Council and its 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 explain the reasons for its action on such to the CAP.

f. The CAP shall be able to request presentations by, or meetings with, the administration or members of Council to explain or discuss issues of concern which may affect the City, its residents, and taxpayers. The subject of the requested presentation or meeting shall be clearly defined. The requested parties shall make a reasonable attempt to address the request in a reasonably scheduled time, which, if so requested by the CAP, shall be before actions upon matters to which the presentation or meeting is relevant.

g. 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.

h. Council may request from the CAP specific reports on CAP activities which shall be provided to Council within two weeks of the request or the next Council meeting thereafter if there is no meeting on the date two weeks after the request, or at a mutually scheduled time.

i. Council, individual members of Council, the Mayor, 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 a subsequent meeting if so requested, and shall be given time to make presentations and/or to discuss their concerns, except that if more time is needed than can be made available, the CAP body which is to be addressed shall schedule a mutually agreed upon special meeting for such purpose.

j. The CAP may associate, coordinate, and function in conjunction with other similar bodies. Associations within the city with membership provisions similar to the CAP's may be designated to participate in the CAP. If the CAP establishes an education committee, then such committee may serve as a public involvement body with the City Schools, if such an arrangement is made with and approved by the school board. 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. All City agencies, units of government, and entities operating City assets shall, in accepting public comment, allow for comment by the CAP without a time limit and shall make provision for presentations by the CAP either at a regular meeting, provided sufficient advance request has been made to place it on the agenda, or, if necessary, in a special meeting at a mutually agreed upon time. A representative of the CAP shall be able to participate with voice but not vote in non-executive session meetings of such agencies, units, and entities, which shall also accept questions from the CAP outside of meetings and in a reasonable, timely manner answer them; and if requested shall make arrangements for their representative(s) to meet with the CAP or its applicable committee to discuss issues of concern which may affect the City, its residents, and taxpayers. The CAP representative may be changed between and/or during meetings upon authorization from the CAP. Upon request of the CAP, the above provided presentations, discussion, or answering of questions shall occur before actions are taken on the matters at issue. Such agencies,

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units, and entities may request an opportunity to meet with or make a presentation to the CAP or appropriate committee(s) of the CAP, the arrangements for which shall be reasonably scheduled and mutually agreed.

l. In such instance(s) where a party's compliance with Sec. 613 may result in deferral of official action(s) or unduly impede or add burdens as to obstruct the duties of any involved party, all parties shall make expeditious accommodation as necessary to both comply and avoid unreasonable delay or burden.

m. To facilitate quicker resolution of conflicts, avoid unresolved disputes, and 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.

614. Other permissible Citizen Advisory Panel activities

a. The CAP shall be able to make presentations to groups and members of the public; to hold hearings for public comment; and to engage in all lawful activities to investigate issues.

b. 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.

615. 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, as needed; 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, to 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.

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e. The City shall provide a website and such computer and webservices as may be needed (including but not limited to: email, calendaring, groupware, bulletin board, webcasting, listserve, etc.) and such other applicable technologies and communication services as become available.

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.

616. Implementation of the Citizen Advisory Panel

a. Upon the election board certifying ratification of this amendment, Council President shall schedule the first CAP meeting for a weekday evening other than a Friday or legal holiday, to fall on or after the tenth (10th) day, and before or on the sixteenth (16th) day, after the first scheduled date for publication of the meeting notice. A weather emergency makeup date shall also be scheduled. The first CAP meeting shall be held in City Council chambers, or, if it is determined that a larger space may be needed, Council President may arrange for adequate space at another readily accessible location.

b. No later than the first business day after Council President sets a date for the first CAP meeting, the City Clerk shall place both display and legal ads in each of the daily newspapers published in the City for the earliest available publication date, such ads giving notice of the first meeting of the CAP with a brief explanation and information about the CAP and with the text and an explanation of the Conflict of Interest Provisions which shall apply to the meeting. A repeat of the display ad shall be placed in the local news section of the same papers' Sunday publication most closely preceding the CAP meeting. The City shall upon certification also post upon the City website a notice for the first CAP meeting; a copy of the ratified amendment; an explanation and more complete information about the CAP, the CAP Conflict of Interest Provisions, and other pertinent information deemed relevant to the CAP and public participation.

c. The City Clerk shall be responsible for drafting an initial membership form and for receiving and verifying them from prospective CAP members before and during the initial meeting and until an officer of the CAP is elected who can receive them, after which time the Clerk shall be relieved of such responsibility by delivering the forms to the CAP; the Clerk shall also be responsible for providing initial voting credentials to those qualified to vote at the first CAP meeting.

d. The first meeting of the CAP shall be called to order by the City Council President, who shall, as the first order of business, preside over the nomination and election of a temporary chair, who shall serve until the election of the chair or interim chair. At Council President's discretion, introductions among attendees may be made before the temporary chair's election or left for the temporary chair to call. The next orders of business shall be:

1. the City Solicitor shall read Sections 610 through 615 and 616(c) and (d) of the City Charter, pertaining to the Citizen Advisory Panel, providing explanations and answering questions;

2. setting the quorum for CAP meetings until set by bylaws;

3. election of a CAP Bylaws Drafting Committee and possible adoption of interim bylaws;

4. election of a Nominating Committee for Officers and possible election of interim officers;

5. setting of the next meeting time and date.

e. Upon the election of interim officers, the CAP shall assume its full role, rights, obligations, and duties as provided by the Charter.

617. Quorum requirement for comment, hearings, and presentations

Whenever Council or the governing or decision making body of a City unit of government or agency receives direct or remote, live public testimony, comment, or presentations given by individuals, groups, organizations, or the CAP, a quorum of such receiving body shall be present and should a quorum cease to exist at anytime, the presiding official shall recess the proceeding until a quorum shall be present.

618. City open government policies and regulations

The City shall establish, implement, and maintain policies and regulations covering its information, remote participation, notification, and such matters, processes, and procedures as are necessary to assure open government.

a. Such policies and regulations shall address:

1. abuses and reasonable protections therefrom, improper or disruptive conduct, disciplinary actions, appeals, etc. with relation to Article 6;

2. 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;

3. information for commercial use and purposes, and information not online that is generated upon request, including applicable fees, if any;

4. implementation of the provisions of this article as expeditiously and effectively as reasonably possible;

5. such other 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 for groups and individuals who cannot afford their fees.

619. Minimum basis for City open government policies and regulations

The Pennsylvania Sunshine Law, 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, and other state and federal statutes, regulations, standards, and guidelines that are related to public access and involvement 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 govern-

ing the provision of all public information, instructions, notice, involvement, participation, and opportunity for comment.

620. Jurisdiction and enforcement

a. Article 6 and its corresponding City policies and regulations shall apply to all the City's agencies, its units of government, and such other entities or agents as may have appointees of or be funded, all or in part, by or be acting for or on behalf of the City, including but not limited to entities who administer and/or operate City facilities and/or provide services to the public through arrangements with the City. In instances where there is no statutory basis to compel compliance with this Article, such requirements as needed to assure compliance shall be included by the City as a condition of City participation, funding, contracts, leases, and/or other arrangements as appropriate.

b. Except where otherwise addressed herein, where a provision of Article 6 is not implemented or applied either in general or in specific, any resident, property owner, or 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 or designee, who shall render a determination and notify the responsible parties; and

2. if during such time the noncomplying parties have neither remedied the deficiency, nor proceeded in good faith to do so, nor provided valid reason why compliance at the time is not required.

c. Where a particular legislative or administrative action or decision has occurred or is to occur which is subject to a provision of Article 6, a request to stay and enjoin due to noncompliance may be filed with the court by a party with standing or as a class action.

d. The court shall give weight to the requirements of the Article and shall only set them aside where the exigencies of the situation were reasonably unanticipated and are significant, substantial, and extreme.

e. Costs 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 grossly frivolous, harassment, or primarily disruptive in purpose.

Article 1: Home Rule Powers - Definitions

102. Definition of certain terms

The following definitions are added:

"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; 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.

Article 3: Legislative Branch

Article 3, Sections 318 and 320(a) are amended as follows to render them consistent with Article 6 as amended, additions being underlined and deletions with a line through them:

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 and, at such time, identifies said reason and explains its justification. 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; posting the proposed legislation, or its title with an accurate abstract and a link to its complete text, in the notices section of the City website; having a link to the position in the notices section from a brief and succinct descriptive reference that is prominently visible upon accessing the main webpage; entering the bill into the process for individualized notification as established under Sec. 607(c); and also by posting in the office of the city clerk. A substantive amendment of legislation before Council shall, for the purposes of public notice and comment, be equivalent to a new introduction.

320. CITIZENS RIGHT 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, 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~~ to enact, amend, postpone, table, refer, or withdraw the proposed legislation until a public hearing is held in response to a properly submitted petition.

DRAFT Open Government Amendment to the Pittsburgh City Charter (1/24/09)

On December 31, 2000, City Council dissolved all Community Advisory Boards citywide, rendering the current Article 6 below ineffective. This Amendment repeals the following:

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;~~

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~~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.~~

Severability and Conflicts

In the event this amendment cannot take effect in its entirety because of the judgment of any court of competent jurisdiction holding invalid any provision, the remaining provisions of the amendment shall be given full force and effect as completely as if the provision held invalid were not included. Any Pittsburgh City Charter provision, Council resolution, City ordinance, or any policy, rule, regulation, or provision governing any City unit of government or agency, or any part or parts thereof, which may be conflicting with the provisions of this Amendment is hereby repealed in so far as the same may affect or may be affected by this Amendment.