Ordinance amending Chapter 2 of the San Francisco Administrative Code by adding Article XII, Sections 2.96 through 2.100, to define "published" as required by San Francisco Charter Article XVII to: (1) establish requirements for publishing notices; (2) establish standards for and define the "City's Official Website Homepage"; (3) establish procedures for standardizing and defining notice and publication requirements for future proposed ordinances; and (4) authorize the Clerk of the Board of Supervisors to adopt regulations to implement this Article.

NOTE: Additions are single-underline italics Times New Roman; deletions are strike-through italics Times New Roman. Board amendment additions are double-underline; Board amendment deletions are strikethrough normal.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Administrative Code is hereby amended by adding Article XII, to Chapter 2, to read as follows:

ARTICLE XII. PUBLICATION OF NOTICES.

SEC. 2.96. FINDINGS.

(a) San Francisco Charter Article XVII, defines "Notice" to mean publication (as defined by ordinance), and a contemporaneous filing with the Clerk of the Board of Supervisors or other appropriate office. Charter Article XVII further empowers the Board of Supervisors by ordinance to define the term "Published" and requires the Board of Supervisors to seek a recommendation from the Clerk of the Board of Supervisors before adopting such an ordinance. The Clerk of the Board of Supervisors participated in the drafting of this ordinance.

(b) The City has greatly expanded its use of electronic media to provide information to the public, and individuals' access to those media has also expanded greatly. In adopting this Article XII...
the Board of Supervisors intends to: (1) maximize use of electronic media as a cost effective means of
publishing notices; (2) provide uniform implementation of Charter Article XVII’s “publication”
requirement to the extent that implementation of this Article XII does not conflict with notice or
publication requirements specifically imposed by federal or State law or by the San Francisco Charter
or applicable City ordinances; (3) provide City agencies with a standard notice and publication
procedure that future City legislation can incorporate; and (4) establish a mechanism to ensure that
drafters of all future legislation that addresses publication and notice consider the use of this standard
notice and publication procedure.

SEC. 2.97. DEFINITIONS.

(a) “City’s Official Website Homepage” shall mean the first screen that opens at sfgov.org or
any successor City official internet address.

(b) “Department’s Website Homepage” shall mean the first screen that opens at the
Department’s website address.

(c) “Notices” shall mean all notices to the public required under the Charter.

(d) “Published” shall mean posted on the City’s Official Website Homepage, on the applicable
Department’s Website Homepage, and at the Main Branch of the San Francisco Public Library, as
more fully described in Section 2.98, provided that the Department shall cause a summary of the
Notice to be published in the "Official Newspaper" as set forth in Administrative Code, Chapter
2, Article IX. The summary shall contain enough information to enable a person of average
intelligence to determine whether he or she needs to review the information and materials
more fully on the Website Homepage.

SEC. 2.98. PUBLICATION REQUIREMENTS.

(a) The City Librarian shall designate a place in the Main Branch of the Public Library,
accessible to the public, for the posting of Notices in hard copy. The City Librarian shall cause such
Notices to be posted promptly upon receipt. For purposes of this subsection (a), “posting” may include placing a notice in a file that is readily identifiable and available to the public.

(b) The Department of Technology shall place on the City’s Official Website Homepage a “Notices” section which shall include links to Notices of all City departments. The Department of Technology shall cause such Notices to be posted promptly.

c) City departments shall (1) transmit Notices to the Department of Technology for posting on the City’s Official Website Homepage; and (2) post Notices on the Department’s Website Homepage, either directly or through the Department of Technology, as applicable. The Department of Technology shall cause such Notices to be posted promptly upon receipt. The Department of Technology shall cause such Notices to be posted promptly upon receipt to be accessible via the Notices section placed on the City’s Official Website Homepage.

d) This Article is not intended to change (1) the duration of, or time during which City, State or federal law requires an official or agency to publish or post a Notice; (2) the identity of the official or agency responsible for publishing or posting a Notice; or (3) publication or posting requirements that City, State or federal law otherwise impose on City officials or agencies.

e) The publication requirements established in subsections (a), (b), and (c) above shall be deemed satisfied if the City has substantially complied with the requirements, meaning the Notice has been posted at the Main Branch of the Public Library, and on either the City’s Official Website Homepage or the Department’s Website Homepage.

SEC. 2.99. REVIEW OF PROPOSED ORDINANCES.

The Clerk of the Board of Supervisors shall review all future proposed ordinances that have been introduced that contain notice and publication requirements, and may recommend to the sponsor of the legislation that the proposed ordinance incorporate the notice and publication requirements as set forth in this Article XII, to the maximum extent consistent with federal and State law. The Clerk’s
failure to perform this review on any ordinance shall not invalidate the ordinance, or form the basis for any legal challenge to the ordinance.

SEC. 2.100. REGULATIONS.

The Clerk of the Board of Supervisors, in consultation with the City Librarian and/or the Director of the Department of Technology, to the extent the Clerk deems appropriate, may adopt regulations, consistent with this Article XII and Charter Section 16.112, governing the operational procedures for implementing the provisions set forth in this Article XII.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: VIRGINIA DARIO ELIZONDO
Deputy City Attorney
Ordinance amending Chapter 2 of the San Francisco Administrative Code by adding Article XII, Sections 2.96 through 2.100, to define "published" as required by San Francisco Charter Article XVII to: (1) establish requirements for publishing notices; (2) establish standards for and define the "City's Official Website Homepage;" (3) establish procedures for standardizing and defining notice and publication requirements for future proposed ordinances; and (4) authorize the Clerk of the Board of Supervisors to adopt regulations to implement this Article.

November 04, 2010 Rules Committee - CONTINUED

December 02, 2010 Rules Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

December 02, 2010 Rules Committee - RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

December 07, 2010 Board of Supervisors - PASSED, ON FIRST READING
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

December 14, 2010 Board of Supervisors - FINALLY PASSED
Ayes: 11 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Elsbernd, Mar, Maxwell and Mirkarimi

File No. 101191

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 12/14/2010 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

December 21, 2010
Date Approved