

TO: HONORABLE CITY COUNCIL

ATTN: POLICY AND SERVICES COMMITTEE

FROM: CITY MANAGER DEPARTMENT: CITY MANAGER'S OFFICE

DATE: SEPTEMBER 9, 2008 CMR: 366:08

SUBJECT: RECOMMENDATION TO CITY COUNCIL FOR APPROVAL OF A PILOT PROGRAM INVOLVING "OPEN CITY HALL" ONLINE SERVICE.

RECOMMENDATION

Staff recommends that the Policy and Services Committee recommend to City Council approval of a pilot program involving "Open City Hall" online service as an additional means to further engage the residents of Palo Alto in the decision making process and adhere to one of Council's top four priorities (Civic Engagement) for this year.

BACKGROUND

On May 19, 2008, members of the City Council discussed a Colleague's Memo (Attachment B) requesting support for a pilot program involving "Open City Hall" online Civic Engagement Initiative. At the meeting, Council passed a motion (7-2) to bring the item to the Policy and Services Committee to identify and clarify any policy or implementation issues to include: 1) working with the City Clerk and the City Attorney's offices to ensure adherence to the Brown Act and other legal requirements; 2) identifying who will be responsible for framing and posting the questions for public feedback; and 3) coming up with an initial budget for the pilot program and funding source. Additionally, the Council wanted to ensure that staff time and resources would be effectively used in the proposed program to address the issue of civic engagement.

On August 13, 2008, City staff met with two staff members of Peak Democracy, the parent company of "Open City Hall," via web conference. The meeting allowed staff members, particularly those new to the project, to better understand the proposed program and to ask clarifying questions. Staff received a demonstration of an improved version of the "Open City Hall" online program and discussed with members of Peak Democracy the concerns that were raised during the City Council meeting.

DISCUSSION

Key features to the updated "Open City Hall" online service include:

- 1) **‘Neutral and Maybe’ Options** – Peak Democracy staff has created “Neutral” and “Maybe”, alongside the Yes/No options on the forum, to allow posters to voice their uncertainties regarding an issue. Posters would be allowed to submit comments along with these newly added options.
- 2) **Tally Tab** – The service has included a ‘Tally Tab’ that allows viewers to see an overall percentage tally of the public’s opinion on the issue.
- 3) **Change in Fees** – The cost of using the service has changed from a charge of \$50 per issue/question posted to a monthly flat rate, which will be explained in further detail below.

Based on concerns brought up by the City Council, staff engaged in a discussion with the members of Peak Democracy to further understand the proposed program’s procedures and implementation issues. The following are the questions and answers that came out of web conference:

Who will draft and post the questions to the website?

The proposed method for drafting the questions is to insert the word “should” in front of the titles of the agenda items that are to be posted on the forum for public discussion. For example, “Should Council approve [title]?” The City Manager’s Office will be responsible for the process of coordinating the questions and emailing them to Peak Democracy to upload onto the website.

Will there be a cut-off time to submit comments?

Yes. Staff can determine a cut-off time for the online public commenting submissions.

How will the comments be monitored?

Those who wish to post a comment must sign up for an account with a legitimate email address. Posters would then need to login with their account information in order to participate in the forum. Posters can choose to reveal their identity or remain anonymous. Peak Democracy implements their own procedures to monitor the comments submitted on the forum. Once a poster submits a comment, Peak Democracy staff reviews the comment to ensure that the content is appropriate for posting. If the moderator feels the language of the comment is inappropriate, the moderator will send the poster an email requesting changes. Once the moderator receives an acceptable submission, the moderator will post the comment on the public forum. Peak Democracy staff monitors the “Open City Hall” forum around the clock and will have up to a 4 hour turn around time for all comments submitted.

How long will the postings be kept online?

Staff can determine the length of time postings stay on the forum.

Is there a limit to the number of characters/words that posters are allowed to submit?

No, there is no limit to the length of a poster’s comment. Additionally, posters are allowed to upload videos of up to 2 minutes in length to the forum. An option to submit photographs has not yet been added to the forum but is expected to be made available in the near future.

Elements of the Pilot Program:

- 1) Hosting – The public forum will be hosted on OpenCityHall.com, a website created by Peak Democracy staff to host city forums. The format of OpenCityHall.com is very similar to the developer’s current website, OpenTownHall.com, which is used by elected officials to poll their respective constituents on specific issues. A link will be provided through the City’s website to direct the public to OpenCityHall.com. Having the forum hosted on a website outside of the City’s official website would make a clear separation of the City’s involvement in moderating and controlling the forum. This would help to address the public’s potential concerns that the City may interfere with the opinions posted on the forum.
- 2) Marketing – In order for the pilot program to be an effective tool for civic engagement, Palo Alto residents must be widely aware of the program’s existence and purpose. Therefore, staff seeks input from the Policy and Services Committee regarding potential channels to market the pilot program to the public. Strategic outreach needs to be done in order to engage the public and encourage participation in the forum.
- 3) Questions – As part of the pilot program, staff will use agenda items that occur after the ‘Consent Calendar’ as discussion questions on the forum. Staff will revisit the effectiveness of this method during the pilot program.
- 4) PA Weekly – Distribution and availability of comments submitted through the Peak Democracy/Open City Hall forum must be consistent with the terms of a 2003 settlement between the City of Palo Alto and the Palo Alto Weekly related to electronic communications. The City Attorney’s office has had ongoing discussions with the Weekly on whether the Open City Hall comments must be printed and distributed in hard copy to each Council Member and the public. The outcome of those discussions will shape the distribution and availability policy for comments submitted through the OpenCityHall.com online forum.
- 5) Council Members – Peak Democracy recommends that Council Members refrain from posting. The City Attorney recommends that the Council adopt a policy prohibiting posting by Council Members directly on the Open City Hall site. The City Attorney raised issues of Due Process and a potential violation of the Brown Act if Council Members comment on upcoming agenda items in this format. Of course Council Members would be encouraged to view the site to see the public’s opinions.

POLICY IMPLICATIONS

The recommendations in this report are consistent with current City Council policies.

RESOURCE IMPACT

The OpenCityHall.com online service costs include the following:

- One time start up fee: \$5,000
- Flat rate per month: \$200 (unlimited number of posted items)

A 6 month pilot period would cost the City \$6,200. Additional staff time would be required in order to implement the service.

ATTACHMENTS

ATTACHMENT A: Elements of Pilot Program to be Monitored
ATTACHMENT B: April 7, 2008 Colleague’s Memo
ATTACHMENT C: Peak Democracy Presentation

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