

FILE NO. 101191

[Administrative Code - Publication Requirements]

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-underlined;  
Board amendment deletions are ~~strike through 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

1 the Board of Supervisors intends to: (1) maximize use of electronic media as a cost effective means of  
2 publishing notices; (2) provide uniform implementation of Charter Article XVII's "publication"  
3 requirement to the extent that implementation of this Article XII does not conflict with notice or  
4 publication requirements specifically imposed by federal or State law or by the San Francisco Charter  
5 or applicable City ordinances; (3) provide City agencies with a standard notice and publication  
6 procedure that future City legislation can incorporate; and (4) establish a mechanism to ensure that  
7 drafters of all future legislation that addresses publication and notice consider the use of this standard  
8 notice and publication procedure.

9 **SEC. 2.97. DEFINITIONS.**

10 (a) "City's Official Website Homepage" shall mean the first screen that opens at sfgov.org or  
11 any successor City official internet address.

12 (b) "Department's Website Homepage" shall mean the first screen that opens at the  
13 Department's website address.

14 (c) "Notices" shall mean all notices to the public required under the Charter.

15 (d) "Published" shall mean posted on the City's Official Website Homepage, on the applicable  
16 Department's Website Homepage, and at the Main Branch of the San Francisco Public Library, as  
17 more fully described in Section 2.98, provided that the Department shall cause a summary of the  
18 Notice to be published in the "Official Newspaper" as set forth in Administrative Code, Chapter  
19 2, Article IX. The summary shall contain enough information to enable a person of average  
20 intelligence to determine whether he or she needs to review the information and materials  
21 more fully on the Website Homepage.

22 **SEC. 2.98. PUBLICATION REQUIREMENTS.**

23 (a) The City Librarian shall designate a place in the Main Branch of the Public Library,  
24 accessible to the public, for the posting of Notices in hard copy. The City Librarian shall cause such

1 Notices to be posted promptly upon receipt. For purposes of this subsection (a), "posting" may include  
2 placing a notice in a file that is readily identifiable and available to the public.

3 (b) The Department of Technology shall place on the City's Official Website Homepage a  
4 "Notices" section which shall include links to Notices of all City departments. The Department of  
5 Technology shall cause such Notices to be posted promptly.

6 (c) City departments shall ~~(1) transmit Notices to the Department of Technology for~~  
7 ~~posting on the City's Official Website Homepage; and (2) post Notices on the Department's~~  
8 ~~Website Homepage, either directly or through the Department of Technology, as applicable.~~  
9 post Notices on a "Notices" page accessible from the Department's Website Homepage. The  
10 Department of Technology shall cause such Notices to be posted promptly upon receipt. to be  
11 accessible via the Notices section placed on the City's Official Website Homepage.

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

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

20 **SEC. 2.99. REVIEW OF PROPOSED ORDINANCES.**

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

3 **SEC. 2.100. REGULATIONS.**

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

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

10 By: \_\_\_\_\_  
11 VIRGINIA DARIO ELIZONDO  
12 Deputy City Attorney  
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