

Everything You Need to Know About Online Compliance

CSDA Legislative Representative Dillon Gibbons and
Sloane Dell'Orto, Chief Strategist at Streamline



Open Data

What it is: a California law defining what the term “open data” means, for content posted to an agency website.

AB 169 (Maienschein) - https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB169
(Added by Stats. 2015, Ch. 737, Sec. 1. Effective January 1, 2016.)

Government Code Section: 6253.10. If a local agency, except a school district, maintains an Internet Resource, including, but not limited to, an Internet Web site, Internet Web page, or Internet Web portal, which the local agency describes or titles as “open data,” and the local agency voluntarily posts a public record on that Internet Resource, the local agency shall post the public record in an open format that meets all of the following requirements:

- (a) Retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search applications.
- (b) Platform independent and machine readable.
- (c) Available to the public free of charge and without any restriction that would impede the reuse or redistribution of the public record.
- (d) Retains the data definitions and structure present when the data was compiled, if applicable.

What to do about it: if your content doesn't fit the requirements of (a) - (d), then just don't call it “open data” ;)

Section 508

What it is: a Federal law requiring that various technology (including websites) be accessible to people with disabilities. Although it technically only applies to any agencies using federal monies, in reality even private companies (like Target.com) have been sued ... successfully.

Officially called Section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794 (d))
Section 1194.22 refers to web based intranet and internet information and applications
<https://www.section508.gov/content/learn/standards/quick-reference-guide#1194.22>

Most Web interoperability issues deal with the design of Web pages and how effectively they work with assistive technology (such as screen readers, screen magnifiers, Braille readers, alternate input devices). Assistive technology cannot be employed effectively to convey equivalent information to a user with disabilities if these provisions are not met.

What to do about it: You can use online testing software (like <http://achecker.ca>) to check for Section 508 compliance - it will list known issues, and even point out other areas for improvement. Then reach out to your website vendor for help if your site isn't compliant - or just use Streamline Web and let us worry about it for you!

Public Records Act

What it is: a law passed by the California State Legislature and signed by the governor in 1968 requiring inspection or disclosure of governmental records to the public upon request, unless exempted by law. California Government Code §§ 6250 through 6270.5. Online requirements (so far) come through two recent additions:

SB 272 (Hertzberg) - <https://leginfo.legislature.ca.gov/> - search SB 272 in upper right
Enterprise System Catalog Required by Government Code Section 6270.5 (a) In implementing this chapter, each local agency, except a local educational agency, shall create a catalog of enterprise systems. The catalog shall be made publicly available upon request in the office of the person or officer designated by the agency's legislative body. The catalog shall be posted in a prominent location on the local agency's Internet Web site, if the agency has an Internet Web site.

AB 2853 (Gatto) - <https://leginfo.legislature.ca.gov/> - search AB 2853 in upper right
This Bill (signed into law) amends Government Code Section 6253 to add:

(f) In addition to maintaining public records for public inspection during the office hours of the public agency, a public agency may comply with subdivision (a) by posting any public record on its Internet Web site and, in response to a request for a public record posted on the Internet Web site, directing a member of the public to the location on the Internet Web site where the public record is posted. However, if after the public agency directs a member of the public to the Internet Web site, the member of the public requesting the public record requests a copy of the public record due to an inability to access or reproduce the public record from the Internet Web site, the public agency shall promptly provide a copy of the public record pursuant to subdivision (b).

What to do about it: For the SB 272 Enterprise System Catalog, you can review the law and create a spreadsheet (or other document) of all systems your agency uses that aren't exempt ... or you can use the free catalog tool built by Streamline (www.getstreamline.com/sb272) . Whichever you do, make sure to post a link on your website in a prominent location, as the watchdog organizations are looking for them!
For AB 2853, if you post anything considered a public record on your website, you may be able to save a lot of time and money by sending PRA requests to your site instead of printing copies. w00t!

The Brown Act

What it is: officially known as the Ralph M. Brown Act, authored by Assemblymember Ralph M. Brown and passed in 1953, that guarantees the public's right to attend and participate in meetings of local legislative bodies.

Government Code Section 54954.2 requires website posting of agendas: (a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency's Internet Web site, if the local agency has one. If requested, the agenda shall be made available in appropriate alternative formats to

persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.

AB 2257 (Maienschein) - Amends the agenda posting requirements for a meetings occurring on and after January 1, 2019, of a legislative body of a city, county, city and county, special district, school district, or political subdivision established by the state that has an Internet Web site, the following provisions shall apply:

(A) An online posting of an agenda shall be posted on the primary Internet Web site homepage of a city, county, city and county, special district, school district, or political subdivision established by the state that is accessible through a prominent, direct link to the current agenda. The direct link to the agenda shall not be in a contextual menu; however, a link in addition to the direct link to the agenda may be accessible through a contextual menu.

(B) An online posting of an agenda including, but not limited to, an agenda posted in an integrated agenda management platform, shall be posted in an open format that meets all of the following requirements:

- (i) Retrievable, downloadable, indexable, and electronically searchable by commonly used Internet search applications.
- (ii) Platform independent and machine readable.
- (iii) Available to the public free of charge and without any restriction that would impede the reuse or redistribution of the agenda.

What to do about it: If you have a website, be sure to post your agendas at least 72 hours before each meeting. By 2019 be prepared to post the most recent agenda to the home page. (Or use Streamline Web's agenda reminder and automatic home page meeting posting feature.) :)

Financial Transaction Reports

What it is: California Government Code Section 53891 and 53893, requiring local government agencies to submit a specific financial transaction report to the State Controller's office by April 30th of each year.

Upon the completion of the report the legislative body shall either post it in a conspicuous location on its Internet Web site, or cause copies of the report to be prepared and the clerk of the legislative body shall furnish a copy to any person requesting it. A charge not to exceed twenty-five cents (\$0.25) for each copy may be imposed.

What to do about it: Visit http://www.sco.ca.gov/ard_locinstr_districts_forms_fy1516.html and be sure that your agency is complying and submitting the report each year. Make sure to post it on your website, if you have one.

Compensation report

What it is: Required by Government Code 53891, each local agency must provide a report of all compensation for the preceding fiscal year, by April 30th.

Website posting required by Government Code Section 53908: (a) If a local agency, that is required to report to the Controller under Section 53891, maintains an Internet Web site, it shall post, in a conspicuous location on its Internet Web site, information on the annual compensation of its elected officials, officers, and employees that is submitted to the Controller under Section 53891. (b) A local agency may comply with subdivision (a) by posting, in a conspicuous location on its Internet Web site, a link to the Controller's Government Compensation in California Internet Web site.

VETOED: Possible additional requirement: AB 779 (Garcia) - This bill would have required a new compensation report for governing board members by adding Government Code Section 53909. (a) A city, county, city and county, or special district shall, on or before April 30 of each year, post compensation information in a conspicuous location on its Internet Web site that contains the names, positions, and total compensation, including a breakdown of the types of compensation provided, **of each elected official** within that entity for the previous calendar year. If a city or special district does not have an Internet Web site, it shall compile this information and make that information readily available upon request. (b) For purposes of this section "total compensation" includes payments for salaries, **overtime, unused vacation time**, stipends, pension contributions, retirement contributions, health premium contributions, automobile allowances, phone allowances, and technology allowances. Any other type of compensation that the city, county, city and county, or special district provides shall also be included and specified. "Total compensation" does not include reimbursements or payments for work-related travel expenses.

What to do about it: Visit http://www.sco.ca.gov/ard_locinstr_gcc_reporting_spdists.html for instructions, and complete your reports annually. If you have a website, post the report on your site as well, or post a link to <http://publicpay.ca.gov/> instead. As for AB 779, even though it didn't pass, keep an eye out for more bills like this, and stay involved with CSDA to help advocate against these kinds of potential requirements.

Google's Mobile Friendly Update

What it is: Affectionately known as "Google Mobilegeddon," it's a recent update to Google's search algorithm that penalizes sites that are not mobile friendly when a search is conducted on a mobile device. For example: Acme Park & Recreation District has a website that is really pretty, but not responsive or mobile friendly. A potential visitor searches for them on their desktop and the Acme website comes up in the first few results. That same visitor hops in their car and searches again on their smartphone or tablet, and the Acme site is nowhere to be found in the search results.

What to do about it: You can test your site at <https://www.google.com/webmasters/tools/mobile-friendly/> - and if your site isn't mobile friendly, reach out to your website vendor for help ... or just use Streamline Web and let us take care of it for you. :)



CSDA is working hard to protect special districts – get involved! Join the grassroots efforts, sign up for the blog and newsletter, and reply to surveys sent your way. For more info: Dillon, (916) 442-7887 or dillong@csda.net

If you'd like more information on Streamline Web or the free SB 272 tool, contact Sloane Dell'Orto, (916) 900-6619 or sloane@getstreamline.com



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