

**ORDINANCE NO. 2009-1082**

**AN ORDINANCE AMENDING CHAPTER 2 ARTICLE IV  
OF THE CODE OF ORDINANCES FOR THE CITY OF ORANGE BEACH, ALABAMA  
TO ADD A NEW SECTION ENTITLED "INFORMATION TECHNOLOGY AND  
WEBSITE DEVELOPMENT"**

**BE IT ORDAINED** by the Mayor and the City Council of the City of Orange Beach, Alabama that Chapter 2, Article IV, of the Code of Ordinances be amended to add a new section to be entitled "Information Technology and Website Development" as follows:

**Section 1. Information Technology and Website Development**

1. There is hereby established a department to be known as the Information Technology Department ("the Department") that shall be responsible for providing computer hardware and software support to the City, as well as website development and maintenance. The IT Director shall report directly to the City Administrator.

2. **Website.** The purpose of the City's website is to provide information to the public about the work, actions, and ordinances of local government and government-related community programs, activities, services, meetings, events, and issues. The Department may, from time to time, create one or more websites consistent with this purpose to provide:

- (a) Convenient transaction options for a variety of City pay-services.
- (b) To provide on-line access to various City of Orange Beach forms and applications.
- (c) To provide downloadable copies of various City documents, reports and informational publications.
- (d) To provide links to related websites that connect City residents and guests to the broader community.
- (e) To provide timely public information about government meetings, services, programs and events.
- (f) To provide information that enables the citizens and guests of the City to have effective access to local government.
- (g) To educate citizens and guests about government procedures and processes.
- (h) To provide citizens and guests with information on the City's departments and their functions.
- (i) To expand community awareness of decision-making processes of local government.
- (j) To provide information to residents and guests during emergencies.
- (k) To assist other City departments in the delivery of services, programs and information.
- (l) To provide access via hyperlinks to information concerning:
  - i. historical, cultural and educational institutions (including the Baldwin County School District);
  - ii. Other not-for-profit organizations which provide services to the citizens and guests of the City (e.g., public transportation, healthcare, etc.).

3. **Website Content.**

- (a) Websites will include information directly supporting the above-stated objectives. Examples include a welcome from the Mayor and the City Administrator, biographies of each Council Person, schedules of public meetings of Boards and Commissions, frequently asked questions, history, etc.
  - (b) The City strives to present current and accurate information on its website, but cannot guarantee the accuracy of all information on the website. Information on the website is not official public record. In the event of a discrepancy between the information on the website and official information or public record maintained by the City, the official information or public record shall prevail.
  - (c) Materials and information on the website are provided as a public service and intended to afford general guidelines on matters of public interest. Accordingly, the information on the website is not intended to serve as legal, accounting, tax or other professional advice. Except for the third-party materials described herein, the materials and information on the website are generated, compiled, or assembled at public expense and are freely available for non-commercial, non-profit use, provided the user keeps intact all associated copyright, trademark, and other proprietary notices.
4. Only the IT Director, and persons who have been authorized by the Director, may create, add or modify the City's websites. It shall be unlawful for any unauthorized person to:
- (a) modify or attempt to modify any information stored on the City's system;
  - (b) to defeat, circumvent or attempt to defeat or circumvent any security features of the City's system; or
  - (c) To utilize the city's system for any purpose other than its intended purposes.

**5. Web Link Guidelines**

- (a) The City website shall be used to provide information by and about the City government. Local municipalities, and civic associations and non-profits that are recognized in the community may request a web link.
- (b) All applications for a web link shall be submitted in writing to the City Administrator on such forms as the Administrator may require. Applications from non-profits must also include proof that the non-profit is duly incorporated and in good standing under the laws of the state of Alabama, or that the company has otherwise been authorized to do business in Alabama.
- (c) Approval shall be in the sole discretion of the Administrator; once approved web links may take up to six weeks to complete. Placement of the link is at the sole discretion of the IT Director.
- (d) Web link requests that are outside the guidelines, or that have been denied by the Administrator, will be referred to the City Council for approval. Links to websites may be terminated if the City Administrator determines in his or her sole discretion that the linking party ceases to meet the criteria as outlined in this ordinance.
- (e) Prohibited Links. Only links approved by the City Administrator are allowed on the city's websites. Links to personal websites (those created by individuals), links to commercial websites, to sites associated with, sponsored by or serving a candidate for any political office, by a non-municipal political party or organization, or any ballot proposal not initiated by the City, and links to websites with obscene or objectionable images or text are prohibited.
- (f) Web links and pointers are provided solely for the users' information and convenience. Links from the City's website to other sites on the Internet do not constitute an endorsement by the City of those links or their contents. The City is not responsible for the content, quality, or accuracy of any off-site materials referenced or linked through the City's website. .

- (g) When a user selects a link to an outside website, they are leaving the City's website and are subject to the privacy and security policies of the owners / sponsors of the outside website.

**6. Accessibility Policy.**

It is the policy of the City that information and services on the website are designed to be accessible to persons with disabilities.

**7. Privacy Policy.**

Users are not asked to provide personal information to visit the City's website, download City publications, or use City e-mail communications. Personal information may be required in order to transact business with the City. Information secured through connections to the City's website may be used to conduct statistical analyses of user activities, such as measuring interest in City information and how it is provided. The City may collect and store non-personal information, including, but not limited to:

- (a) Name of the domain from which the user accessed the Internet;
- (b) Type of browser and operating system used to access the website;
- (c) Date and time the website is accessed;
- (d) Page from which the user came and the pages accessed on the website;
- (e) User's system IP addresses.

**8. Notice to the City of Orange Beach.**

Communications made through the City website shall not be deemed to constitute legal or official notice to the City, its agencies, officers, employees, representatives, or agents with respect to any existing, pending, or future claim or cause of action against the City, or any of its agencies, officers, employees, representatives, or agents where notice is required by federal, state, or local law. No communications to the City made through the website shall be deemed to constitute legal or official notice for any purpose.

**9. Disclaimer.**

Neither the City, nor any of its officers, agents, servants, employees or elected officials warrant the accuracy or timeliness of any information provided on the website and shall not be responsible for information contained in third-party hyperlinks. City websites are provided solely as a public service. Users are responsible for checking the accuracy, completeness, content, currency, suitability, and timeliness of all information. The City makes no representations, guarantees, or warranties, expressed or implied, as to the accuracy, completeness, content, currency, suitability, or timeliness of the information provided through its website. The City specifically disclaims any and all liability for any claims or damages that may result from providing the website or the information it contains, including any websites maintained by third-parties and linked to this website.

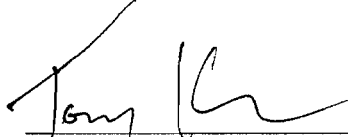
**10. Severability.**

If any section, phrase, sentence or portion of this Article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.


**11. Effective Date.**

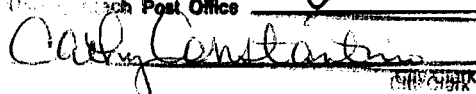
This Ordinance shall become effective after passage and publishing as required by law.

**ADOPTED** this 3<sup>rd</sup> day of March, 2009.

  
\_\_\_\_\_  
Tony Kennon, Mayor

ATTEST:

  
\_\_\_\_\_  
Cathy Constantino, MMC  
City Clerk

The City Clerk of the City of Orange Beach, Alabama hereby  
certifies that the foregoing Ordinance  
dated 2009-1082  
dated 3/9/09 in three (3) public places, viz:  
Orange Beach City Hall \_\_\_\_\_  
Orange Beach Public Library \_\_\_\_\_  
Orange Beach Post Office \_\_\_\_\_  
  
\_\_\_\_\_  
Cathy Constantino