



OpenGov, Inc.  
955 Charter Street  
Redwood City, CA 94063  
United States

Expiration Date	12/31/2017	Prepared By	Greg Balter
Contract Effective Date	1/1/2018	Title	Account Executive
Contract End Date	11/10/2021	Email Address	gbalter@opengov.com

#### CUSTOMER INFORMATION

Customer Name	City of Milpitas, CA	Bill To Name	City of Milpitas, CA
Contact Name	Will Fuentes	Bill To Address	455 E. Calaveras Blvd.
Phone	408-586-3111		Milpitas, CA 95035
Email Address	wfuentes@ci.milpitas.ca.gov		United States

This Amendment No. 1 is entered into between OpenGov, Inc., with its principal place of business at 955 Charter Street Redwood City, CA 94063 (“OpenGov”), and you, the entity identified above (“Customer”), as of the Effective Date above.

This Amendment No. 1 shall supersede as indicated certain terms and provisions of the Software Agreement between the City of Milpitas, CA (the “Customer”) and OPENGOV, INC. (“OpenGov”), effective November 11, 2016 (the “Agreement”). This Amendment No. 1 includes and incorporates the OpenGov Terms and Conditions attached as Appendix A, B, C and D to the original Agreement and the OpenGov Open Town Hall product shall be deemed a “Software Service” for purposes of the Agreement. By signing this Amendment No. 1, Customer acknowledges that it has reviewed, and agrees to be legally bound by, this Amendment No. 1.

The Customer will be taking the additional purchase of OpenGov Open Town Hall to the Milpitas City Council for official approval on January 16, 2018. If this is not approved, then the OpenGov Town Hall line item purchase becomes void, the City will continue to be subject to the original Agreement signed between Milpitas and OPENGOV, INC. effective November 11, 2016, and this Amendment No. 1 shall be of no force and effect.

Now therefore, the Customer and OpenGov mutually agree to the following modifications to the Agreement.

**1. Page 1, “Order Details” of the Agreement shall be amended to add Open Town Hall software services as follows:**

#### ORDER DETAILS

Description	OpenGov Intelligence™ allows customers to easily create and share internal operational reports, combining unlimited financial (e.g., general ledger, chart of accounts, current year and month spending, transactions, and balance sheet) and non-financial data (performance metrics, operational data, census data, custom financial projections, etc.) from numerous sources to help governments make better financial decisions and operate more efficiently. OpenGov Intelligence™ includes the features of OpenGov Transparency, allowing multiple years of City financial and non-financial data to be publicly accessible by residents through an online portal.
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In consideration of the Customer adding the new Services identified as OpenGov Open Town Hall to the Agreement, the Customer shall pay OpenGov, Inc. an additional fee of \$9,260.96 for the period from January 1, 2018 until November 10, 2018. Customer shall also pay OpenGov an additional annual fee of \$10,800.00 for each one (1) year period from November 11, 2018 until November 10, 2021 in connection with OpenGov Open Town Hall. Preserving the integrity of a public forum (online or in-person) is important to building public trust in the forum, its outcome, and the associated government agency. Open Town Hall uses a battery of real-time software and human protocols (conducted by our support staff) to monitor for inappropriate user activity that does not meet the policies of a particular client agency. This inappropriate activity may include, but is not limited to, profanity, personal attacks, and impertinent responses (such as advertising), as well as systematic fraud perpetrated by users who create fake registrations to post duplicate or multiple responses (in order to amplify their influence on a forum). Open Town Hall not only detects inappropriate activity, it also rectifies it via a honed reconciliation procedure with client agencies that is diplomatic and legal, and thereby minimizes escalating issues with problematic users.

The Open Town Hall software for detecting systematic fraud analyzes about 45 variables associated with each user response; and this algorithmic analysis is augmented with OpenGov staff support. Only analyzing IP address is insufficient as it will result in numerous false positive and negative indications that will anger users who are incorrectly accused of fraud.

**2. Page 1, “Fees” of the Agreement shall be amended and restated as follows to provide the complete list of products, combined pricing for all products and updated billing dates:**

Product	Effective Date	End Date	Total Price
OpenGov Intelligence and Transparency *already paid*	11/11/2016	11/10/2017	\$19,290.28
OpenGov Intelligence Deployment (Tier 1 Deployment) *already paid, one-time*			\$2,700.00
OpenGov Intelligence and Transparency *already paid*	11/11/2017	11/10/2018	\$19,290.28
OpenGov Open Town Hall	1/1/2018	11/10/2018	\$9,290.96
OpenGov Open Town Hall, Intelligence and Transparency	11/11/2018	11/10/2019	\$30,090.28
OpenGov Open Town Hall, Intelligence and Transparency	11/11/2019	11/10/2020	\$30,090.28
OpenGov Open Town Hall, Intelligence and Transparency	11/11/2020	11/10/2021	\$30,090.28

Billing Frequency            Annual  
Grand Total            \$140,842.36

Billing Date	Amount Due
January 1, 2018	\$9,290.96
November 11, 2018	\$30,090.28
November 11, 2019	\$30,090.28
November 11, 2020	\$30,090.28

The paragraph beginning and entitled “Welcome to OpenGov! On page 1 of the Agreement shall remain in full force and effect.

**3. Additional terms and conditions related to Open Town Hall software service.**

In addition to Appendices A, B, C and D to the Agreement, the following terms and conditions shall also apply to the Open Town Hall software service:

- a. Scope of Work: The Scope of Work attached hereto as Exhibit 1 is hereby incorporated by reference and shall govern the Open Town Hall software. For purposes of Exhibit 1, OpenGov agrees that OpenGov shall have the rights, duties and obligations of “Peak Democracy”, and Customer agrees that Customer shall have the rights, duties and obligations of the “Client.”
- b. Use of Data: OpenGov acknowledges that Customer reserves the right to use, reproduce and retain any public data generated by Open Town Hall under the Agreement with respect to Customer. Specifically, Customer has the right to retain statements posted by users, the date/time it was posted, and, if the registered user agrees to display it, the name of the user who posted the statement for Customer’s records retention purposes.
- c. No Tracking or Advertising: OpenGov will protect Customer’s efforts to broaden civic engagement without interference from political campaigns or other special interests, and accordingly OpenGov will not:
  - i. Display any message, communication or advertisement sponsored by any third party to any user on any website, email, regular mail, browser, phone or any other device;
  - ii. Require any user to accept messages or advertising from any third party as a condition of use in any privacy policy, terms of service or other agreement; and
  - iii. Collect any information from any user without Customer’s prior approval. Customer hereby authorizes OpenGov to collect users’:
    1. Responses to Customer’s requests for feedback;
    2. Contact information for determining the neighborhood of the user’s residence or business, and for contacting the user under the Customer’s direction;
    3. Demographic information as approved by Customer; and
    4. Browser ID (cookies) and remote IP address only as necessary to support the user’s interaction with Open Town Hall.
  - iv. Distribute, sell, license or share users’ personal identifying information unless required to do so by law.

**4. Except as herein stated, all other provisions of the Agreement shall remain in full force and effect.**

**SIGNATURE**

Customer: City of  
Milpitas, CA

OpenGov, Inc.

Signature \_\_\_\_\_

Signature \_\_\_\_\_

Name \_\_\_\_\_

Name \_\_\_\_\_

Title \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_



# OPEN TOWN HALL

## Exhibit A: Scope of Work

Peak Democracy Inc. provides Open Town Hall - a cloud-based online citizen engagement platform that increases participation and builds public trust in government. Peak Democracy also provides a comprehensive online engagement support service.

This document summarizes the functionality of Peak Democracy's Open Town Hall software platform and engagement support service.

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# Scope of Services

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## Forum Support Services

Peak Democracy will provide the following support services:

### Training

Via web conferencing, web-based documentation including videos, an administrator guide, and other resources, Peak Democracy staff will provide training on how to use the service.

### Best Practices

Peak Democracy staff will provide advice and documentation on best practices for government online forums – including best practices on how to maintain civil and legal forums as well as best practices on how to optimize the quality and quantity of user participation.

### Site Theme

Peak Democracy staff will make the Clients' forums match the look of the Client's website by customizing images, colors and fonts. The Client can also designate a name for its service such as "Open City Hall," "Open County Hall," or another custom name.

### Heat Maps

Peak Democracy staff will post maps on the Client's forum that correspond to shape or KML files provided by the Client.

### Engagement Consulting

Peak Democracy staff will work with the Client staff to suggest options for how the Client may strategically engage the public online, on any issue, before or after the Client and/or Peak Democracy begin to develop content for an engagement.

### Copy Writing

Peak Democracy staff will create content for the Client that is jargon free, easy to understand, and concise for the Client's online engagements.

### Topic Development

Peak Democracy staff will help the Client's staff craft topic content, and post topic content on the Client's website.

### Topic Marketing

Peak Democracy staff will work with the Client staff to market topics via techniques such as press releases, posts on social media, HTML-formatted email announcements to subscriber lists, and other methods.

### Technical Support

Peak Democracy staff will provide technical support to the Client's staff. This support will be available via email, phone and web conferencing.

### Community Assistance

Peak Democracy staff will provide a help desk for the Client's user community. This assistance will be available primarily via links on the forum to email, and when necessary, via phone.

### Forum Monitoring

Peak Democracy staff (in conjunction with Peak Democracy's software) will monitor user registrations and content posted on the Client's service.

### User Authentication

Peak Democracy staff (in conjunction with Peak Democracy's software) will authenticate all users that register. This authentication includes, (1) confirming that each registrant's email address is active, (2) geocoding each registrant's street address, and (3) monitoring each registrant's name, IP address as well as browser cookies.

### Issue Reconciliation

If Peak Democracy software and staff detect activities or content that potentially violates the Client's guidelines for civility, then Peak Democracy staff will work with the Client's staff to reconcile the issue.

### Information Technology Services

Peak Democracy will provide the following Information Technology Services:

#### Implementation

At the Client's discretion, Peak Democracy will implement the service on either: (a) an iframe on a webpage within the Client's website, or (b) a dedicated website domain established by the Client.

In case (a), the frame around the Open Town Hall portal is directly under the Client's control. Peak Democracy will provide an HTML snippet, which the Client must embed on the Client's page without modification.

In case (b), the Client may provide the following elements

- Custom Domain - Client purchases the domain
- Custom Favicons - Client provides links to favicons that the Client has designed and produced.
- Custom Frame:
  - HTML for top and bottom margins - Client designs and produces the HTML which implements these margins. Note that all CSS must be in-line. CSS in external stylesheets costs extra.
  - Style (e.g., color) for left and right margins. Client provides CSS attributes for the left and right margins.

## Hosting

Peak Democracy will host the Client's service on a server provisioned by Peak Democracy.

## Performance

Peak Democracy will provide network bandwidth between its servers and the Internet at levels that are comparable to popular consumer web services.

## Availability

Peak Democracy will continuously monitor the Client's service for availability.

## Access

Peak Democracy will maintain access to the Client's service 24 hours a day, 7 days a week.

## Backup

Peak Democracy will maintain daily backups of the Client's service.

## Web Browser Support

Open Town Hall supports the versions of Firefox, Chrome, Safari, Internet Explorer and Microsoft Edge that are supported by their respective providers.

## Records Retention

Peak Democracy will retain the Client's service for the Client's record retention period via Amazon.com's S3 storage service that provides 99.999999999% durability. The Client's staff can also download its forum content in PDF and CSV format for the Client's own storage, archive and analysis.

## Open Town Hall Service Level Agreement

During the Term of the applicable Open Town Hall Agreement (the "Agreement"), the Open Town Hall user interface will be operational and available to the Client at least 99.9% of the time in any calendar month (the "Open Town Hall SLA"). If Peak Democracy does not meet the Open Town Hall SLA, and if the Client meets its obligations under this Open Town Hall SLA, the Client will be eligible to receive the Service Credits described below. This Open Town Hall SLA states the Client's sole and exclusive remedy for any failure by Peak Democracy to meet the Open Town Hall SLA.

## Definitions

The following definitions shall apply to the Open Town Hall SLA.

"Downtime" means, for a domain, downtime as reported by the pingdom monitoring service in default configuration targeting that domain.

"Monthly Uptime Percentage" means total number of minutes in a calendar month

<ul style="list-style-type: none"> <li>Monthly Uptime Percentage</li> </ul>	<ul style="list-style-type: none"> <li>Days of Service added to the end of the Service term (or monetary credit equal to the value of days of service), at no charge to the Client</li> </ul>
<ul style="list-style-type: none"> <li>&lt; 99.9% - &gt;= 99.0%</li> </ul>	<ul style="list-style-type: none"> <li>3</li> </ul>
<ul style="list-style-type: none"> <li>&lt; 99.0% - &gt;= 95.0%</li> </ul>	<ul style="list-style-type: none"> <li>7</li> </ul>
<ul style="list-style-type: none"> <li>&lt; 95.0%</li> </ul>	<ul style="list-style-type: none"> <li>15</li> </ul>

minus the number of minutes of Downtime suffered in a calendar month, divided by the total number of minutes in a calendar month.

"Service Credit" means the following:

The Client must request the service credit. In order to receive any of the Service Credits described above, the Client must notify Peak Democracy within thirty days from the time the Client becomes eligible to receive a Service Credit. Failure to comply with this requirement will forfeit the Client's right to receive a Service Credit.

The aggregate maximum number of Service Credits to be issued by Peak Democracy to the Client for all Downtime that occurs in a single calendar month shall not exceed fifteen days of Service added to the end of the Client's term for the Service (or the value of 15 days of service in the form of a monetary credit).

The Open Town Hall SLA does not apply to any services that expressly exclude this Open Town Hall SLA (as stated in the documentation for such services) or any performance issues that resulted from the Client's equipment or third-party equipment, or both (not within the primary control of Peak Democracy).

#### Data Use

Public data appears on our public website. It includes statements posted by users, the date/time it was posted, and, if the registered user agrees to display it, the name of the user who posted the statement. Public data can be readily downloaded by anyone in PDF or CSV (spreadsheet) format. These are public data, and no one has any ownership rights over those data.

Providing the public with the ability to access and download public data practically eliminates all PRR/FOIA requests to gov staff (thereby saving staff time), and it also provides transparency that builds public trust in government.

Contact Information is comprised of a registered user's name (when not shared publicly as described above), street address and email address, as well as optionally collected demographic information (e.g., age, gender).

In contrast to public data, contact information is not made available to the public via our service's public user-interface. Registered users own their own contact information. Only registered users can access, modify and delete their contact information through our user-interface. Peak Democracy protects our registered users' contact information, and never shares it with anyone in accordance with our privacy policy (see more at <http://www.peakdemocracy.com/privacy>).

However, you can configure your portal to ask (at the time of registration) users to share their contact information with their government - this is a typical opt-in approach on the web.

If a Public Record Request is made that includes contact information, Peak Democracy Inc. defers to its Client government agency. If the Client government agency instructs Peak Democracy that we are required by law to release contact information to the Client government agency, then we comply. To be clear, we only work through and on behalf of our Client government agency regarding PRRs.

## Work Products

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### The Open Town Hall Portal

Peak Democracy will provide the Client with one Open Town Hall portal and grant administrative access to that portal for an unlimited number of full or part time employees of the Client. The Open Town Hall portal will support these features:

- Ten Ways to Guide the Dialog
- Ten Ways to Glean Common Interests
- Additional Features
- Forum Administration

#### Ten Ways to Guide the Dialog:

Open Town Hall features ten kinds of topics, each designed to guide the public dialog toward broad public interests.

#### FORMAL FEEDBACK

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Description	Guidance
Structured like a council or commission meeting, each user submits one or multiple on-topic statement(s) per topic.	Users are restricted to one or more statements as determined by the Client, per topic to preclude any one person from dominating the forum. Peak Democracy monitors every statement to ensure it is on topic. If necessary, staff can post a response, either publicly or privately, on a statement.

#### FEEDBACK WITH SUPPORT

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Description	Guidance
Users submit one or multiple on-topic statement(s) per topic, which other users can support. Readers can sort statements by support.	In addition to Formal Feedback guidance, the links posted by social media share buttons bring friends back to participate in the topic, not to support the sharer's statement. The support count can also be hidden to preclude the perception of a vote.

## IDEAS

Description	Guidance
Structured like a workshop or charrette, each user submits ideas which other users can comment on.	Peak Democracy monitors all ideas and comments to ensure they remain on topic and in compliance with the Client's guidelines for civility.

## POLL

Description	Guidance
Users select a preferred option from a list of options	The options are defined by the Client to be in the broad public interest, and are labeled 'positions' not 'votes'. The links posted by social media share buttons bring friends back to participate in the topic, not to support the sharer's position.

## BUDGET

Description	Guidance
Modeled after participatory budgeting workshops, users allocate \$100, \$500 or a percentage to a set of priorities	Users asked to prioritize items pre-defined by the Client to be in the broad public interest, with a limited budget. Users are also allowed to supplement those items with their own statement.

## PRIORITY LIST

Description	Guidance
Users drag items up or down to prioritize them in a list.	Users are allowed to prioritize items pre-defined by the Client to be in the broad public interest, and to supplement the list with their own statement

## AREA PLAN

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Description	Guidance
Users place land use place-types (e.g., open space, commercial, etc.) on a map to indicate preferred land use.	Users asked to use place types pre-defined by the Client to be in the broad public interest. Users can also describe their suggested land use strategy through their own statement.

## SURVEY

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Description	Guidance
Users complete a traditional survey.	Users are guided through a series of questions designed by the Client. Responses are constrained to lie within parameters defined by the Client for each question. Each question/survey element can be one of eleven types: Textbox, Text area, Multiple Choice (only one answer), Multiple Choice (multiple answers), Numeric, Select, Message, Page Break, Priority List, Matrix of Choices (only one answer per row), Matrix of Choices (multiple answers per row).

## BLOG

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Description	Guidance
A blogger (staff) writes topical posts designed to pique interest in the project.	Users can write comments on the post's topic and on other users' comments. Users are required to post comments on the post's topic.

## PHOTO

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Description	Guidance
Users share photos	Users share photos and can comment on the photo they provide in addition to 'liking' other photos.

## ANNOTATION

Description	Guidance
Inspired by wiki-media, users may 'mark-up' or annotate a text or image based document.	Users may annotate a text and/or image based document created within Open Town Hall that reflects a real policy document, a design for a space, or something else. Users may provide annotations specifically where administrators allow them to provide input. These annotation places allow for additional content to be placed within the document by the administrator to further inspire users in their feedback.

### Ten Ways to Glean Common Interests:

Peak Democracy features ten 'Insights' that are publicly available analysis tools that reflect common interests back to the community. Not just back-end analysis tools (that are only available to staff), Insights are available to all members of the public, enabling everyone to better understand the broad public interests in their own community, and thereby build consensus.

### WORD CLOUD

Description	Reflected Interests
An interactive set of words sized to reflect their frequency in the submitted statements. Clicking a word displays all statements containing that word.	Shows interests expressed through frequently used words found across many statements.

### SEARCH

Description	Reflected Interests
A form used to select statements from authors in specific cities or statements containing a user-defined phrase.	Shows how interests vary from city to city, and how interests are expressed through a key phrase.

### DEMOGRAPHICS

Description	Reflected Interests
A clickable bar graph displaying the number of users by age, gender or frequency of participation.	Shows how interests vary by age or by gender. The frequency of participation graph reflects how the interests of 'frequent flyers' (residents who frequently participate in Open Town Hall) differ from those participating for the first time.

## MAP

Description	Reflected Interests
An interactive map displaying regions within the Client's jurisdiction: council districts, planning districts, bull's eye circles around a project, transportation corridors, focus areas, neighbourhoods, etc. For Tally, Budget and Priority List topics, hovering over regions also displays the tally, average allocation or average priority of users from that region.	Shows how interests vary by place, e.g., distance from a project or a neighbourhood.

## FILTER

Description	Reflected Interests
Filter responses in a survey topic by selecting answers to survey questions to determine how respondents responded to other questions.	Shows additional insights in feedback across sub-groups of participants to identify trends.

## TALLY

Description	Reflected Interests
Tally of positions over all participants	Shows trends in preferred position across all participants.

#### AVERAGE ALLOCATION

Description	Reflected Interests
The amount allocated to items in a Budget topic, averaged over all participants.	Show trends in Priorities over all participants, given limited resources.

#### AGGREGATE AREA PLAN

Description	Reflected Interests
An interactive map displaying all place types as located by all participants. Specific categories of place types (e.g., open space, industry, commercial development) can be selectively displayed.	Shows where participants would like to see open space, industry, commercial development, etc.

#### AVERAGE PRIORITY

Description	Reflected Interests
The priority rank of all items averaged over all participants.	Shows trends in Priorities over all participants.

#### CONNECTED STATEMENTS

Description	Reflected Interests
<p>“Users who support this statement also supported these statements”. Borrowed from Amazon.com’s shopping feature: “Users who bought this book also bought these books”. A clickable listing or graph of statements, connected with other statements by users who support multiple statements.</p>	<p>Shows interests grouped by similar content. Since two statements are connected when someone supports them both, connected statements tend to have similar content (like the books listed in Amazon’s shopping feature).</p>

GALLERY

Description	Reflected Interests
<p>Photos receiving the most ‘likes’ in a photo topic.</p>	<p>Shows favorite photos.</p>

Additional Features:

In addition, all topic types have access to added features and services.

Feature / Service	Benefits
<p>All topics can be embedded in the agency’s official website</p>	<p>This creates a formality (like council chambers) which encourages statements that are on topic and civil.</p>
<p>Name Not Shown For each topic, the Client can require participants to display their full name next to their publicly displayed content, or allow them to display "Name not shown." In either case, full registration is required, and full authentication is conducted by Peak Democracy.</p>	<p>To build participation</p>

Users can post video, images, files and other media types with statements.	To build participation
Responsive design for tablets and phones.	To build participation
Integrates with social media	To build participation
Topic marketing services	To build participation
Translation via Google translate	To build participation
All public data downloadable via PDF and CSV (spreadsheet) files	To facilitate review and analysis

### Open Town Meet:

#### Open Town Meeting (beta release):

Open Town Meeting (OTM) is a powerful way to collect live audience feedback that can help guide discussions, give voice to participants who don't want to speak publicly, and assess a crowd's sentiments to build consensus.

OTM looks like an interactive slide presentation, connecting the presenter's computer (typically projected on a screen to the audience) with participants' mobile devices. The presenter displays a sequence of questions, grouped together into slides. As participants answer the questions, the presenter has the option to display responses in real-time.

### Forum Administration:

In addition, Peak Democracy provides these back end tools to create and manage topics and to monitor and build participation. Note that Peak Democracy and staff both have access to these tools. Peak Democracy typically takes an active role in forum administration, at the discretion of the Client.

### PEAK NETWORK

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Description	Purpose
Search tool that enables administrators to search by key word across all topics launched by all Peak Democracy Clients. Search parameters can also include population, agency type, topic type and phase.	Topics in the search results can be copied into the administrator's portal with a single click. This helps the administrator design a new topic by providing easy access to existing topics that have common objectives, and to use them as a starting template with a single click.

### TOPIC EDITOR

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Description	Purpose
Simple editor for creating new topics and managing existing topics, including their name, question, introduction, closeout statement, list of public officials who are listening and configuration of the various input tools: Tally, Budget, Priority List, Area Plan, Map selection etc.	To enable the admin to easily create and/or manage topics, preview draft topics in private mode with other admins (including Peak Democracy), and launch topics.

### FORUM EDITOR

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Description	Purpose
Simple editor for grouping topics into forums: categories of topics around similar themes.	To enable users to easily navigate to topics of interest.

## ANNOUNCEMENT

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### Description

### Purpose

A button to announce topics and topic updates to current subscribers

To notify subscribers of key developments in the forum topics.

## USER SURVEY

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### Description

### Purpose

First time users will be surveyed on their satisfaction with the service.

To build participation by monitoring user satisfaction and improving the service to meet user requirements.

## PARTICIPATION REPORTS

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### Description

### Purpose

Cumulative visitors, participants and subscribers

To build participation by tracking it and its correlation with outreach efforts.

## MONITORING THE MONITOR

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### Description

### Purpose

Real-time monitoring of Peak Democracy's monitoring of statements.

To provide the admin with an overview of Peak Democracy's monitoring process, including a list of statements that are civil versus not civil and their status in the statement resolution protocol.

## *Additional Work Products*

### Topic Introductions

Peak Democracy staff will be available to write the topic introductions that guide the dialog and frame the topic. Peak Democracy staff will also be available to review and/or edit the Client's drafts at the Client's discretion.

### Marketing Templates

Peak Democracy staff will provide the client with templates that can be used to market each topic, including drafts of press releases, announcements for emails or newsletters, and examples of posters or fliers for the client to use as templates.

### Email Announcements

Peak Democracy staff will be available to draft emails that announce new topics and updates to existing topics. Upon the Client's approval, Peak Democracy staff will distribute those announcements to subscribers.

### Comment Monitoring

Peak Democracy staff and software will monitor every comment to ensure each comment complies with the Client's guidelines for civility. If Peak Democracy staff believes that a comment may not meet those guidelines, the comment is moved off the forum onto a separate section of the forum (The 'off forum' section) and the Client is asked whether the statement violates their guidelines for civility. If the the Client confirms that the statement violates the guidelines, then Peak Democracy staff contacts the author (see below). If the Client decides the statement does not violate the guidelines, then Peak Democracy moves the statement back 'on forum' to the public page.

Non-English comments will be translated into English using Google Translate before monitoring; all interactions with the author will be in English. In no case does Peak Democracy edit or delete any comment without the author's approval.

### Emails to Disruptive Authors

When the Client acknowledges that a participant's statement violates the Client's guidelines for civility, Peak Democracy staff will draft an email to the participant inviting him or her to edit their statement to comply with those guidelines. Upon the Client's approval of that draft, Peak Democracy will send it to the author and keep the Client apprised of any changes or emails received from the participant.

### Topic Reports

Peak Democracy will be available to generate a PDF and/or a spreadsheet of all comments and other public input from participants. The Client and/or members of the general public can also download these same documents from the Open Town Hall forum.

## Obligations of the Client

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Drawing on our experience from more than 2,000 forum topics, Peak Democracy is available to assist the Client in executing each of these tasks.

### Before the First Topic

Before launching the first topic, the Client will:

- Approve the guidelines for civility.
- Formulate the initial outreach strategy.
- Select a home page for the forum, either on the Client's website or on one provisioned by Peak Democracy.
- Embed Open Town Hall as described in the section above titled Implementation.

### For Each Topic

For each topic, the Client will:

- Select the topic for public input.
- Provide background information.
- Approve any topic introduction written by Peak Democracy.
- Approve any marketing materials distributed by Peak Democracy.
- Review statements that Peak Democracy identifies as potentially uncivil. For each such statement, the Client classifies it as either meeting or failing to meet the Client's guidelines for civility. For each uncivil statement, the Client approves all emails sent by Peak Democracy to the author.

Though it is not strictly required, it is highly recommended that the Client posts an 'outcome statement' at the conclusion of each topic which summarizes the decision made or the action taken. If possible, the outcome statement should describe how input from Open Town Hall was incorporated into the decision process. Our experience tells us that when Clients post outcome statements, residents receive confirmation that their participation is worthwhile, they therefore continue to participate, and public trust in government grows.

## Performance Standards

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### Turnaround Time for Comment Monitoring

Peak Democracy software will monitor all comments immediately as they are entered by users. Peak Democracy staff will monitor all comments: 95% of comments will be monitored within 20 minutes of posting during business hours (8am – 5pm Pacific Time), and 95% of comments will be monitored within 12 hours of posting off business hours.

### Turnaround Time for Service Requests from Client

Peak Democracy will respond to all service requests: 95% of all service requests will be responded to within one hour of receipt of the request via email or phone during business hours.

### Turnaround Time for Service Requests from Other Users

Peak Democracy will respond to all service requests: 95% of all service requests will be responded to within four hours of receipt of the request via email during business hours.

### Records Retention

Peak Democracy will maintain all input from users on Amazon.com S3's storage designed to provide 99.99999999% durability.