

ATTACHMENT 3

OTHER CITIES' POLICIES REGARDING USE OF PERSONAL ELECTRONIC DEVICES DURING MEETINGS

Gilroy:

External communication by Council Members during meetings (whether through cell phones, laptops, or other devices) creates the perception that private communications are influencing the outcome of decisions. This contradicts Gilroy's Open Government Ordinance. If a Council Member must engage in external communication for personal purposes, the Council Member should excuse themselves from the meeting.

Lake Elsinore:

No City Council member shall communicate via cell phone, personal computer or other such electronic device during a City Council meeting or Closed Session Meeting.

Lathrop:

The City Council's use of electronic communication devices, such as cell phones and smart watches, during a City Council meeting may lead to the public's perception that a Councilmember is not paying attention to the subject matter at hand or that a Councilmember is receiving information relative to the subject matter at hand that other Councilmembers and members of the public are not receiving, either one of which is inimical to good government and transparency. Therefore, a Councilmember's use of electronic communication devices (including cell phones and smart watches), other than for the purpose of accessing agenda materials that are on a Councilmember's city issued I-pad/tablet device or lap top computer, is prohibited at the dais during City Council meetings and Closed Sessions. In the event of an urgent family/ personal matter, a private landline will be dedicated for City Council family members and close relatives to reach the City Clerk's office for immediate assistance, and or to reach a member of Council while the meeting is in session.

Palm Desert:

- A city official participating in a public meeting shall not use an electronic communications device to communicate with another city official participating in the same public meeting, or any other person with respect to matters that are the subject of the public meeting. While not strictly prohibited, use of an electronic communications device by a city official while participating in a public meeting to communicate with persons other than another city official participating in the same public meeting on matters that are not the subject of the public meeting is highly discouraged, except in emergency situations. Therefore, while participating in a public meeting, a city official may: (a) send or receive e-mail and text messages to and from family members or family caregivers where absolutely necessary for the care of that family member, in the reasonable discretion of the city official; and (b) send or receive e-mail and text messages that must be sent or received to address urgent business matters of the city official, that do not involve city business, in the reasonable discretion of the city official.
- The use of electronic communications devices by a city official participating in a public meeting to access the Internet is prohibited, with the following exception:

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the Internet may be used to access the agenda packet and all documents that compose that packet for the public meeting that the city official using the electronic communication device is participating in.

- The federal and California constitutional guarantee of due process require that all relevant evidence considered during hearings or deliberations that take place during public meetings on matters that involve protected rights such as land use applications and permit and license grants, denials or revocations ("hearing"), be introduced into and made part of the public record. Therefore, any information sent or received by city officials on electronic communications devices prior to or during a hearing that the public official relies on in making his or her decision ("material information"), must be disclosed and made part of the public record. Public officials shall disclose material information prior to the close of the public hearing or public comment portion of the hearing, whenever practicable, and in every event, before any action is taken on the item at the hearing.

Petaluma:

The use of portable electronic communications and data devices, including, but not limited to, laptop computers, cell phones, tablet computers, pagers, and similar devices, by members of City legislative bodies subject to the Brown Act during the public meetings of the body shall generally be limited to viewing publicly available agenda materials and materials contained in the record before the entire body.

Use of portable electronic communications and data devices by members of City legislative bodies subject to the Brown Act during public meetings of the body shall comply with the requirements of all applicable laws and City policies...due process rights of interested parties in City legislative body proceedings, and the following City policies and procedures.

Members of City legislative bodies subject to the Brown Act may not use portable electronic communications and data devices at public meetings of the body in any manner or for any purpose prohibited by law or City policy. In particular, but without limitation, electronic communications and data devices may not be used at public meetings by City legislative body members in any of the following ways:

- in violation of the requirements of the Ralph M. Brown Act, such as by sharing communications among a majority of the legislative body privately and separate from the public discussion at the meeting.
- in violation of the requirements of the California Public Records Act, such as by transmitting to a majority of the legislative body information connected with a matter subject to consideration at the meeting, which information is not available to the public.
- in violation of due process rights of interested parties at adjudicatory hearings, such as by consideration of information not a part of the hearing record, or by use

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of an electronic communications and data device so as to result in inattention to the record and/or proceedings before the body.

- during a meeting of the body, receive electronic communications from, or send electronic communications to, any person, (including, but not limited to, members of the public, city staff, other legislative body members, and parties to city proceedings) except as permitted...below.
- use an electronic communications or data device to access the internet or other file-sharing means, except as necessary to access electronic agenda material for that meeting that is similarly available to all members of the body.

Members of City legislative bodies subject to the Brown Act may use electronic communications and data devices at public meetings of the body to receive and send communications regarding emergencies, such as family emergencies. Members receiving/sending such communications should coordinate with the member presiding over the meeting as needed under the circumstances so as to respond to the emergency as needed and to ensure compliance with open meeting, open records, due process and other applicable laws, rules and policies, including this policy.

Santa Monica:

During City Council meetings, Councilmembers shall not use electronic communications of any type, including texts and emails, to communicate among themselves.

Saratoga:

The City Council uses computers at the dais for agenda materials. Council Members should limit their use of computers to matters pertaining to the meeting and comply with the City' s Electronic Communications Policy (for example, no e-mailing or other communication during the meeting except in cases of family emergencies). In using computers at the dais Council Members should be respectful of their fellow Council members, staff, and the public. Council Members should not base decisions on information acquired through the internet during a Council meeting unless the information and its source is shared with the entire Council and the public as part of the meeting before the decision is made.

Yorba Linda:

During a public meeting, the City Council shall be banned from the use of all cell phone, texting, and emailing abilities to discuss any item on the City Council Meeting agenda.