



STAFF REPORT

AGENDA NO: 10a

MEETING DATE: February 3, 2020

To: Honorable Mayor and City Council

Date: February 3, 2020

From: Kathleen Kane, City Attorney – (650) 558-7204

Subject: Consideration of a Council Policy Governing Use of Electronic Devices During Public Meetings

RECOMMENDATION

Staff recommends that the City Council consider adoption of a Council policy governing the use of electronic devices by Councilmembers and Commissioners during public meetings.

BACKGROUND and DISCUSSION

Personal electronic devices, such as smartphones and tablets, have become ubiquitous. They are used for both professional and personal purposes and can provide instant access to key information. They also can remove the need to produce or carry large amounts of printed material. A Commissioner recently asked staff if they could access the agenda packet through their iPad rather than having a printed copy. The Council does not currently have a formal policy on use of electronic devices by decisionmakers during public meetings. The purpose of this item is to provide guidance on the appropriate use of such devices.

While convenience and conservation of paper are valid concerns, transparency of decision-making in public meetings must be maintained. Any use of personal electronic devices should not be allowed to create the actual or perceived possibility that decisionmakers are accessing information that is influencing their votes but that is not shared with the public. In order to deal with this issue, some cities with adequate budget have issued city-owned tablets to Councilmembers and Commissioners. They are monitored by the City and have only the packet materials on them at the time of the meeting. The budget impact of that can be significant, however. In Burlingame's case, it would mean purchasing approximately 30 tablets.

Alternatively, the Council could consider the policy in the attached resolution. The policy states that use of personal electronic devices is allowed, but only to access the public agenda packet during the meeting. If other information relevant to the agenda is accessed during the meeting, it must be disclosed and entered into the public record. Decisionmakers should not receive any third-party communications or text each other about agenda items. If a communication is received, it must be made part of the public record as well. Finally, decisionmakers should understand that by using their personal devices during a meeting, any communications or information accessed may become subject to discovery and Public Records Act requests. By using such devices in a meeting, decisionmakers agree to allow the City to access those devices to the degree necessary to protect

the City from liability or penalty. While we avoid wherever possible accessing a private device directly, a decisionmaker's personal decision to use such a device should not be allowed to impose costs on the City's taxpayers generally if the decisionmaker then refuses to cooperate in the City's defense.

FISCAL IMPACT

There is no impact on the City General Fund associated with this decision.

Exhibit:

- Resolution