



CITY OF FORT BRAGG

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COUNCIL COMMITTEE ITEM SUMMARY REPORT

MEETING DATE: NOVEMBER 09, 2022
TO: FINANCE AND ADMINISTRATION COMMITTEE
FROM: PEGGY DUCEY, CITY MANAGER & CRISTAL MUNOZ,
ADMINISTRATIVE ANALYST
AGENDA ITEM TITLE: Receive Report on Policy Governing the Use of
Electronic Devices during City Council and Other Public
Meetings

BACKGROUND AND OVERVIEW:

The ubiquitous use and popularity of electronic communications have changed the way people interact with each other, including with public officials during public meetings. Thanks to technology, residents and public officials can now have private access to public officials during meetings when a vote is being taken.

The continued expansion of e-communications has resulted in text and email communications during City Council and Planning Commission meetings, including intrusion during closed session discussions. These communications undermine the spirit of transparency during government proceedings, as well as potentially violate the Brown Act. A policy addressing the use of electronic devices for text messaging or e-mail messaging, during its meetings is necessary to support transparency during public meetings where official actions take place.

When e-communications happen during open public meetings, it undermines the integrity of the meeting since not all participants are hearing the same information. Furthermore, under the Public Records Act, public records include “any writing containing information relating to the conduct of the public’s business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics,” (Govt. Code 6252(e)) and are presumed to be open to the public and must be disclosed unless a specific provision of the Act or other law exempts them from disclosure. This definition would include messages sent or received by public officials from electronic devices, including City Councilmembers, Planning Commissioners, and any other public official or City employee.

This Policy will address electronic communications between the following persons:

- Councilmembers or Planning Commissioners sending messages between themselves;
- Staff communicating between themselves or with Councilmembers or Planning Commissioners;
- Members of the public communicating with City Councilmembers, Planning Commissioners, or staff.

RECOMMENDATION:

Staff recommends that the Committee consider the importance that the public has the full and undivided attention of Councilmembers and Planning Commissioners during public meetings subject to the provisions of the Brown Act, all cell phones will be turned off. There shall be no electronic communication or any other similar platform for information gathering during City Council, Planning Commission, or other public meetings, including closed session meetings.

- a. For emergency purposes, there will be a landline available to communicate with Councilmembers and Planning Commissioners should an emergency arise.
- b. At the end of every public meeting, Councilmembers or Planning Commissioners who receive individual E-Communications such as texts or emails from the public shall forward the individual E-Communication to the City Clerk for distribution.

This policy will ensure the legal duty of Councilmembers and Planning Commissioners is not to violate the Brown Act, certifying that their communications do not violate the due process and fair hearing rights of parties or applications to quasi-judicial proceedings.

ALTERNATIVES:

Provide alternative direction to staff regarding policy.

ATTACHMENTS:

1. Use of Electronic Devices during City Council and other Public Meetings.