

**SANTA YNEZ
COMMUNITY SERVICES DISTRICT
STAFF REPORT**

TO: Board of Directors

PREPARED BY: Richard G. Battles, Legal Counsel

FOR: Regular Board Meeting

DATE: September 19, 2018

ITEM: Discussion and possible action regarding policy relating to Board member use of personal electronic devices at meetings

SUMMARY: At the August meeting of the District's Board of Directors, District legal counsel reported on the legal requirements and other issues that pertain to the use of personal electronic devices by Directors at Board meetings. The Board directed legal counsel to bring back sample policies that restrict the use of personal electronic devices at meetings, together with a list of issues for the Board to consider in developing such a policy for the District.

RECOMMENDATION: Review the sample policies and the list of issues for discussion prepared by legal counsel and provide direction regarding the development of a policy for consideration and adoption at a future Board meeting.

ATTACHMENTS:

- Sample Policies
- Issues for Discussion

DEVELOPMENT OF POLICY REGARDING USE OF PERSONAL ELECTRONIC DEVICES AT BOARD MEETINGS

Issues for Discussion

Definitions:

“Personal electronic device” may be defined to include:

- Computers;
- Tablets; and
- Cell phones that have internet access and/or are capable of text and/or email messaging.

Are there other types of devices that should be included?

“Use” may be defined to include:

- Communications by text message, voice mail, email, social media or online forums
- Posting, sending, reading or listening to information
- Recording or broadcasting of meetings from the dais

Restrictions/Prohibitions:

If the Board wants to have a general policy without addressing specifics, it could either:

- (a) Prohibit all use of personal electronic devices at meetings. In that case the use of electronic devices could be allowed on a case by case basis by a majority vote of the Board. The authority to allow such use on a case by case basis could also be delegated to the Board President.
- (b) State generally that personal electronic devices may not be used in a manner that distracts from Board deliberations or causes a persistent disruption of Board meetings. This would require specific findings by a majority of the Board on a case by case basis. The authority to make such findings on a case by case basis could also be delegated to the Board President.

If the Board wishes to have a policy that addresses specific uses, it will need to decide whether the policy should include restrictions or prohibitions with respect to the following:

- Communications with other Board members
- Communications with a majority of other Board members

- Unrestricted use of personal electronic devices may cause a persistent disruption of Board proceedings.
- Members of the public may be deprived of their right to due process if Board members are distracted by the use of personal electronic devices and are not paying full attention to the proceedings.
- The use of personal electronic devices may create the perception that Board members are not paying full attention.
- Members of the public may be deprived of relevant information and the opportunity to address new information if Board members receive information using personal electronic devices during Board proceedings.

Other Issues

If Board members are permitted to use personal electronic devices at meetings, should the Board President make an announcement, or should the agenda include a statement explaining the purposes for which such devices may be used?

RESTRICTIONS ON USE OF PERSONAL ELECTRONIC DEVICES

Sample Policies

Orange County Board of Education

All persons present at board meetings must place their cellular devices in silent and/or vibrate mode (no ringing of any kind).

The board recognizes that the wealth of pertinent information on the Internet can provide benefits to discussion and decision making. During board meetings, board members, employees, and others may use electronic devices in the "silent" mode. Any use of electronic communications that constitutes a violation of open meetings laws is prohibited.

Board members must exhibit professional courtesy for each other, employees, and the public in the use of electronic devices. Use of electronic devices must not distract from board deliberations or interactions between board members.

There may be occasions to restrict use of electronic devices during board meetings. In such a case, the chairperson shall call for a vote to restrict such use, and a simple majority will prevail.

San Luis Obispo City Council Policies and Procedures Manual

Council Members and staff shall:

Work earnestly to preserve appropriate order and decorum during all meetings.

Discourage side conversations, disruptions, interruptions or delaying efforts.

Inform the Presiding Officer when departing from a meeting.

Limit the use of personal electronic devices to urgent personal matters while seated at the dais during Council meetings.

During a public hearing, correspondence between Council Members or between a member of the public and the Council regarding the public hearing matter being considered by the City Council must occur in the open and any communications outside of the noticed public meeting on which the Council Member's decision is based should be disclosed during the public hearing.

Novato City Council Policy Manual

During City Council meetings noticed and open to the public, the intent is that any electronic devices will be used to access the Council paperless agenda materials and other relevant information necessary for informed decision-making at the meeting. Examples of these uses are:

Accessing City email account to review messages sent by staff in response to Council agenda item questions

Visiting other local agencies' websites to view upcoming meeting agendas and materials

Posting, sending or reading communications regarding quasi-judicial issues via or to social media, where the Council acts in a manner similar to a judge; and

Posting or sending communications via or to social media that discuss matters that are attorney-client privileged or that are still confidential Executive Session matters.

C-TRAN's Board of Directors Conduct Policy

Board Members shall not send or receive electronic communications concerning any matter pending before Board during a Board Meeting.

Board Members shall not use electronic communication devices to review or access information regarding matters not in consideration before Board during a Board Meeting.

To ensure focus on the discussions during meetings, Board Members should only use the internet during meetings to access Board agenda packet information, board resource documents, including but not limited to Board Policies, C-TRAN Bylaws, Robert's Rules of Order, or other research relevant to the discussion.

In deference to the Board meeting at hand, Board Members should make every effort to refrain from sending or receiving electronic communication of a personal nature during Board Meetings, though it may sometimes be necessary to send or receive very urgent/emergency family or business communications during meetings.

