

CITY OF SEBASTOPOL CITY COUNCIL
AGENDA ITEM REPORT FOR MEETING OF: November 19, 2024

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To: Honorable Mayor and City Councilmembers
From: Ad Hoc Committee for City Council Protocols and Procedures
Subject: Approval of:

- City Council Policy Number 11 – Electronics Device Policy

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RECOMMENDATIONS:

That the City Council discuss and consider approval of City Council Protocols and Procedures: Policy Number 11 – Electronics Device.

EXECUTIVE SUMMARY:

The purpose of protocols is to set forth policies and provisions, including rules of decorum beyond those required by state law. Completion of a City Council Procures and Protocols Handbook will establish protocols to provide an effective environment for the City Council to provide leadership to ensure that the business of the City is conducted in an orderly and efficient manner to facilitate sound City Council and public deliberation and decision making. Completion of this Handbook is intended to accomplish two goals: First, the handbook will be an informational guide for anyone doing business or appearing before the City Council. Second, the handbook will be a compilation of Procedures and Protocols that have been formally adopted by Council Resolution rather than separate resolutions and policies.

BACKGROUND AND DISCUSSION:

The Ad Hoc Committee has been preparing on an ongoing basis protocols and procedures as directed at the September 17, 2024 City Council Meeting.

Since that meeting, the City Council has received and approved the following policies:

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| 1. City Council Policy Number 1 | Selection of Mayor |
| 2. City Council Policy Number 2 | Selection of Vice Mayor |
| 3. City Council Policy Number 3 | Roles of Mayor and Vice Mayor |
| 4. City Council Policy Number 4 | Seating Selection |
| 5. City Council Policy Number 5 | Trainings |
| 6. *City Council Policy Number 6 | Agenda Review Committee Guidelines for City Council Agenda Preparation and Placement of Items on an Agenda; and |
| 7. *City Council Policy Number 7 | Rules of Conduct of Its Meetings, Proceedings and City Business |

*Items are on Consent Calendar tonight for approval.

The Ad Hoc Committee is also presenting Amendment to the City’s Electronic Device Policy.

The current policy allows for use of a personal portable device (such as laptop or Ipad) as noted below as well monetary reimbursement:

- Councilmembers frequently perform position related tasks that require connecting to city-provided resources, systems and/or email. In support of these tasks, Councilmembers may wish to use their own portable device. In the event that a Councilmember does not wish to receive and access the agenda materials electronically, a paper copy of the agenda packet will be provided.

- City Councilmembers who use their personal electronic device will receive monetary reimbursement as follows:
- Tablet Reimbursement - \$600.00 once per term. Reimbursement will be included and processed by the City of Sebastopol Administrative Services Department upon request from Councilmember verifying use of personal device.

During the Fiscal Year FY 24 25 budget, the City allocated funding for the purchase of City laptops for City Councilmembers. Utilizing City issued laptops ensures ongoing security practices, mitigates the risks of data breaches, insidious malware attacks, opportunistic theft, and a myriad of other security threats. Uniform devices enable IT to easily deploy necessary software, applications, and updates. To enhance risk management, the City IT will continue to utilize effective strategies for safeguarding City issued laptops enabling greater security in shielding the City's data from harm such as routine updating of programs and dual factor authentication as examples.

The policy has been amended to remove monetary stipend for purchase of personal computer and includes the requirement for training such as cyber security training, phishing training, etc.

The policy is attached for Council approval and rescinds all resolutions or policies in conflict whereof.

STAFF ANALYSIS:

Certain state laws and other established regulations exist which govern the various responsibilities of the City Council.

These protocols are not intended to supersede any existing statutes or regulations, but policies included will increase their value as a tool for new Council Members as well as new Mayors or Vice Mayors as there will be clear and concise processes. Even once approved, protocols may be amended by a majority vote of the Council Members. In the event of any conflict between protocols and applicable state or federal law, the applicable federal law, state law or our own City Municipal Code shall control.

Staff has researched other cities and found that most cities furnish City laptops to Councilmembers.

Staff recommend the Council approve Policy Number 11, Electronic Device Policy.

COMMUNITY OUTREACH:

This item has been noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to scheduled meeting date. The City has also used social media to promote and advertise the City Council Meeting Agenda Items.

FISCAL IMPACT:

There is no fiscal impact associated with Council review.

RESTATED RECOMMENDATION:

That the City Council Approve the following policies:

- City Council Policy Number 11 – Electronic Device

CITY COUNCIL OPTIONS:

If the Council does not approve the recommendation above, the Council has the option to:

- Remove this item from the consent calendar for discussion and direction to staff

ATTACHMENTS:

Attachment Number 1: City Council Policy Number 11 – Electronic Device– Clean Version

Attachment Number 2: City Council Policy Number 11 – Electronic Device – Red Line

APPROVALS:

Department Head Approval: Approval Date: 11-12-2024

CEQA Determination (Planning): Approval Date: 11-12-2024

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guidelines.

Administrative Services (Financial) Approval Date: 11-12-2024

Costs authorized in City Approved Budget: Yes No N/A

Account Code (f applicable)

City Attorney Approval Approval Date: 11-12-2024

City Manager Approval: Approval Date: 11-12-2024

CITY COUNCIL POLICY NUMBER 11 ELECTRONIC DEVICE

PURPOSE:

Use of a personal Electronic(s) (defined as laptop or tablet) will assist the Councilmembers in the efficient performance of their duties as Councilmembers and thereby improve their service to the public. The use of Electronic(s), hereby referred to as "device" reduces paper and photocopying costs. This policy is adopted by the City Council and constitutes its mutual statement of what are, and are not, appropriate uses for this important technology tool and its care and maintenance.

This policy does not attempt to cover every situation that may arise in connection with the use of the device. The Council acknowledges that only the City e-mail accounts or drop box or other similar application will be used to conduct City business and that the City will no longer provide paper meeting packets to City Council. Electronic equipment use is for the accomplishment of business-related tasks and for conducting City business only.

Current laws as referenced in the Public Records Act and the City's Records Retention Policy shall be adhered to at all times.

The City will provide a device for City Councilmembers and City IT shall only provide support for City issued device.

Receipt of the Device

The Administrative Services Department (Responsible Department for IT Services) will issue Councilmembers a City furnished device, including charging cables, and a cover or case, keyboard and styluses. Any additional accessories, such as screen protectors, cables or adapters, shall be at an individual Councilmember's own expense and shall remain the property of the Councilmember at the end of the Councilmember's term and service. Councilmembers shall receive separate City provided email accounts. A "drop box" or similar application will also be downloaded onto the device and shall be used to send Councilmembers official City documents, including, without limitation, City Council agendas, staff reports, and packets as well as for Councilmembers to send e-mails relating to City business.

Care of the Device

Each Councilmember is responsible for the general care of the device that he or she has been issued. The device must remain free of any writing, drawing, stickers or labels that are not the property of the City.

Only a clean, soft cloth should be used to clean the screen. Device that malfunctions or is damaged must be reported to the Administrative Services Department (Responsible Department for IT Services). The City will be responsible for repairing a device that malfunctions. If the Electronic(s) is stolen or lost, the City Councilmember will be responsible for replacing the Electronic(s) if the Councilmember's device has previously been lost or stolen within the prior two (2) years.

The Councilmember should report immediately to the Administrative Services Department (Responsible Department for IT Services) if the device has been damaged, lost, or stolen. Damage includes, but is not limited to, broken screens, cracked plastic pieces, and inoperability. If the cost of repairing the device exceeds the cost of purchasing a new device, the City may choose to repair or replace the device at the City's cost and at its sole discretion.

Councilmembers agree that the device will not be shared with other individuals or family members, due to the business use of the device (potential access to city e-mail, etc.).

Councilmember agrees to delete any sensitive business files that may be inadvertently downloaded and stored on the device through the process of viewing e-mail attachments.

Software on the Device

For City Furnished Devices:

The software and applications installed by the City must always remain on the device in usable condition and be readily accessible. From time to time, the City may add or upgrade software applications for use by City Council such that City Council may be required to check in their devices with the Administrative Services Department (Responsible Department for IT Services) for periodic updates and syncing. Any software, email messages or files downloaded via the Internet into the City systems become the property of the City and may only be used in ways that are consistent with applicable licenses, trademarks or copyrights. If technical difficulties occur or illegal software is discovered, the device will be restored from backup. The City does not accept responsibility for the loss of any software or documents deleted due to a re-format and re-image.

The Electronic(s) are wireless devices that require over the air access to downloading the agenda packets, send and receive e-mail and access the Internet. Safeguards will be in place for security of the wireless access and security of the device.

City issued devices may be connected to the City's secured Wi-Fi Network and computer network. Councilmembers are prohibited from connecting personal electronic devices to the City's secured Wi-Fi Network and computer network. Councilmembers may connect their personal electronic devices to the City's public Wi-Fi Network.

Acceptable Use

The device, wireless feature and e-mail access provided are tools for conducting City business. Thus, City Council use of such tools will be solely for City business related purposes. All of the City's computer systems, including the device, are considered to be public property. All documents, files and e-mail messages created, received, stored in, or sent from any City device are considered public records, subject to disclosure to the public pursuant to the California Public Records Act (with only limited exceptions), and are considered the property of the City Sebastopol. City Councilmembers shall not use the Electronic(s) for personal business, or any other purpose not related to City business.

All existing City policies will continue to apply to a Councilmember's conduct on the internet and in the use of e-mail. A Councilmember's use of the device could constitute actions on behalf of the City and thereby expose the City to risk of liability. City Council shall not use the device in any way as to violate the public meeting requirements of the Brown Act.

The City's IT resources, including all hardware, software, equipment, networks, and infrastructure, are provided for the exclusive purpose of conducting City business, enhancing efficiency and better serving the public interest. Management of these assets, as well as management of the City's IT consultants, is the responsibility of the Administrative Services Director. The City's IT consulting firm and/or its employees may be referred to as the City's "network administrator".

All messages, files, and user actions are subject to monitoring. No right of ownership or expectation of personal privacy is expressed or implied. City IT resources are not for personal use; users should refrain from

using the City's IT resources for personal uses such as transmitting, saving, or storing personal files, photos, music or other data, sending and receiving personal email messages, or other non-work related internet activities.

Compliance with Brown Act and Public Records Act

The use of Electronic(s) by members of the City Council, who are subject to the Brown Act, during the public meeting of the body shall be limited as prescribed in this policy and applicable law.

Use of electronic device by members of the City Council, who are subject to the Brown act, during public meetings of the body shall comply with the requirements of all applicable laws and City policies, including the requirements of Article I, section 3, subdivision (b), paragraph 1 of the California Constitution, the California Public Records Act (Government Code §§ 6250-6276.48), the Ralph M. Brown Act (Government Code §§ 54950-54963), due process rights of interested parties in City legislative body proceedings, and the following City policies and procedures.

Members of City Council, who are subject to the Brown Act, may not use Electronic(s) 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 of an electronic communications or data device so as to result in inattention to the record and/or proceedings before the body.

In addition to the restrictions on the use of electronic communications and data devices by City Councilmembers under the Ralph M. Brown Act, the California Public Records Act, and the due process guarantees under the U.S. and California Constitutions, members of the City legislative bodies subject to the Brown Act may not, 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).

All writings (documents, emails, etc.) produced, received, or stored on electronic communication and data devices are subject to release under the Public Records Act, including records on devices owned by the Councilmember.

Security

Electronic Devices will be password protected. City Councilmembers are responsible for maintaining adequate and secure passwords for the Electronic(s). For City Furnished Devices, passwords shall be provided to the Assistant City Manager/City Clerk within 3 days of receipt of the Electronic(s). Password shall be kept confidential. If a City Councilmember is "locked out" of the Electronic(s) and the device cannot be

unlocked, the memory may need to be erased to restore and reset the device.

California law requires that certain information be treated as confidential and not be distributed to others inside or outside the City who do not have authorization to view such information. Councilmembers may occasionally receive confidential electronic information. Some examples of confidential information are: personnel records, internal investigations, information relating to litigation, negotiations, or information relating to confidential real estate negotiations. When Councilmembers receive confidential information, it should be marked "Confidential Information" to alert recipients to the nature of the information.

Additionally, Councilmembers shall exercise caution in sending confidential information by E-Communication as compared to written memoranda, letters or phone calls, because of the ease with which such information can lose confidentiality by inadvertent or intentional diversion or retransmission by others. Councilmembers shall not disclose the confidential communications or materials to any unauthorized person unless directed by City Administration or City Administration representatives.

Questions as to whether a document is required to be retained under the Public Records Act or whether an E-Communication is confidential should be referred to the City Attorney's Office.

Electronic records and data should be handled the same as non-electronic records. All rules and procedures for public records requests apply to electronic records and data transmitted electronically.

Public Resource:

Use of a City-issued Electronic(s) is considered to be a use of public resources. City Councilmembers shall not use the devices for personal business, or any other purpose not related to City business. City Council shall not use City issued devices to deliberately propagate any virus or other hostile computer program or file, to disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.

Electronic(s) are issued to the City Council and are for work-related communications. The Councilmember acknowledges that he/she has no expectation of privacy in the use of or in the material content contained within such device and the Councilmember expressly agrees that the City may at any time retrieve, audit and disclose the contents of all communications originating from or received by a City owned device including, but not limited to e-mails.

Improper Use:

Prohibition Against Harassing, Discriminatory and Defamatory Use: As set forth more fully in the City's policy against harassment, the City does not tolerate discrimination, disparagement or harassment based on gender, pregnancy, child- birth (or related medical conditions), race, color, religion, national origin, ancestry, age, physical disability, mental disability, medical condition, marital status, sexual orientation, political beliefs, family care or medical leave status, veteran status, or any other status protected by state and federal laws. Under no circumstances may a member of a City legislative body use a City Electronic(s) to transmit, receive, or store any information that is discriminatory, harassing, or defamatory in any way (e.g., sexually explicit or racist messages, jokes, or cartoons).

Prohibition Against Violating Copyright Law:

Members of City legislative bodies must not use a City Electronic(s) to copy, retrieve, forward or send copyrighted materials unless the user has the City's and the author's permission or is accessing a single copy only for the user's reference for City-related work.

Members of City legislative bodies may not use a City Electronic(s) for any illegal purpose, in violation of any City policy, in a manner contrary to the best interests of the City, in any way that discloses confidential or proprietary information of the City or third parties, for the conduct of non-City business, to solicit or proselytize others for commercial ventures, religious or political causes, election related activities, or for other purposes not related to the User's duties with or responsibilities to the City.

Return of Device

For City Furnished Devices: City Councilmembers shall return their device to the Administrative Services Department (Responsible Department for IT Services) when the individual Councilmember's term and service on the City Council has ended. Upon return of the device to the City and following the preparation of any appropriate backup files, the device will be wiped clean of any and all information at the end of Councilmembers term and service.

Compliance with Policy

The City reserves the right to inspect any and all files stored on devices that are the property of the City in order to ensure compliance with this policy. City Councilmembers do not have any personal privacy rights in any matter created, received, stored in, or sent from any City issued device, and the City Council shall institute appropriate practices and procedures to ensure compliance with this policy.

City Councilmembers will be required to sign the certification statement below acknowledging the understanding of and compliance with this policy.

Trainings:

All Councilmembers must take annual cybersecurity awareness training, while newly installed Councilmembers must take mandatory training within 30 days of installation as a newly appointed City Councilmember and then annually thereafter. Councilmembers may be required to take additional training as directed by the Administrative Services Department.

Training shall be initiated by the Administrative Services Department.

General Policy:

City Administration will cease to print Agenda Packets in hard copy for Councilmembers. City Councilmembers who use an electronic device may request printed hard copies of certain agenda reports or packet materials at their own expense. Prints of large documents such as maps will be provided by the Responsible Department to the City Council separate from the agenda packet.

The Administrative Services Department (Responsible Department for IT Services) will serve as the primary staff support for the general use of the device and the applications; will provide procurement services and technical support for users of City furnished devices; and will provide training to City Councilmembers on the use and care of the Electronic(s).

The replacement schedule for the device is 4 years. Any replacement or upgrade required prior to that time will be paid from City budget. City Councilmembers will be notified by e-mail when the agenda packet is available for download. The packet may be downloaded from any location where the user has a wireless connection.

PERSONAL ELECTRONIC DEVICE AGREEMENT

I, the undersigned City Councilmember of the City of Sebastopol have been provided a copy of the City of Sebastopol Electronic(s) Device Agreement Policy and understand its contents. I Understand that any personal use of the Electronic(s) may be subject to possible review in the context of a public records request or questions regarding or abuse. I further understand that the use of a City-issued Electronic(s) is considered to be a use of public resources and, therefore, is prohibited from being used for campaign activities, other personal use or other purposes which are not authorized by law. I also agree that City IT support will be provided for City issued devices only. I fully accept and understand the terms of the policy and agree to abide by all terms contained in it.

Signature
City Councilmember

CITY COUNCIL PROTOCOLS
ELECTRONIC DEVICE
CITY COUNCIL POLICY NUMBER 11
ADOPTED BY THE CITY COUNCIL AT THEIR CITY COUNCIL MEETING OF NOVEMBER 19, 2024

**CITY COUNCIL POLICY NUMBER 11
ELECTRONIC DEVICE**

PURPOSE:

Use of a personal Electronic(s) (defined as laptop or tablet) will assist the Councilmembers in the efficient performance of their duties as Councilmembers and thereby improve their service to the public. The use of Electronic(s), hereby referred to as "device" reduces paper and photocopying costs. This policy is adopted by the City Council and constitutes its mutual statement of what are, and are not, appropriate uses for this important technology tool and its care and maintenance.

This policy does not attempt to cover every situation that may arise in connection with the use of the device. The Council acknowledges that only the City e-mail accounts or drop box or other similar application will be used to conduct City business and that the City will no longer provide paper meeting packets to City Council. Electronic equipment use is for the accomplishment of business-related tasks and for conducting City business only

Current laws as referenced in the Public Records Act and the City's Records Retention Policy shall be adhered to at all times.

The City will procure a device for City Councilmembers and City IT shall only provide support for City issued device.~~The City will procure a device of the Councilmember's choosing or reimburse the Councilmember for personal device use. Laptops or Tablets furnished by the City of Sebastopol have the intended uses for:~~

~~1) paperless meeting packet, 2) receiving and sending City e-mail, and 3) internet access for City business.~~

Section 2- Bring Your Own Device

~~Councilmembers frequently perform position related tasks that require connecting to city provided resources, systems and/or email. In support of these tasks, Councilmembers may wish to use their own portable device. In the event that a Councilmember does not wish to receive and access the agenda materials electronically, a paper copy of the agenda packet will be provided per the City Council protocols: "The City Council agenda packet, including all reports, communications, ordinances, resolutions, contracts, documents, or other matters to be considered by the City Council at the regular meeting, will be available in the City Hall City Council distribution boxes no later than the Thursday preceding the Tuesday Council meeting to which the agenda packet pertains to meet posting requirements."~~

Section 3- Receipt of the Device

The Administrative Services Department (Responsible Department for IT Services) will issue Councilmembers ~~who request~~ a City furnished device, the following: device, including charging cables, and a cover or case, keyboard and styluses. Any additional accessories, such as screen protectors, cables or adapters, shall be at an individual Councilmember's own expense and shall remain the property of the Councilmember at the end of the Councilmember's term and

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service. Councilmembers shall receive separate City provided email accounts. A "drop box" or similar application will also be downloaded on the device and shall be used to send Councilmembers official City documents, including, without limitation, City Council agendas, staff reports, and packets as well as for Councilmembers to send e-mails relating to City business.

Section 4. Care of the Device

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Only a clean, soft cloth should be used to clean the screen. Device that malfunctions or is damaged must be reported to the Administrative Services Department (Responsible Department for IT Services). The City will be responsible for repairing a device that malfunctions. If the Electronic(s) is stolen or lost, the City Councilmember ~~will~~ may be responsible for replacing the Electronic(s) if the Councilmember's device has previously been lost or stolen within the prior two (2) years.

The Councilmember should report immediately to the Administrative Services Department (Responsible Department for IT Services) if the device has been damaged, lost, or stolen. Damage includes, but is not limited to, broken screens, cracked plastic pieces, and inoperability. If the cost to repair the device exceeds the cost of purchasing a new device, the City may choose to repair or replace the device at the City's cost and at its sole discretion.

Councilmember agrees that the device will not be shared with other individuals or family members, due to the business use of the device (potential access to city e-mail, etc.);

Councilmember agrees to delete any sensitive business files that may be inadvertently downloaded and stored on the device through the process of viewing e-mail attachments;

~~**Important:** All users must understand that whenever they connect a portable device to the City's systems the opportunity exists for:~~

- ~~— Introducing viruses, spyware, or other malware.~~
- ~~— Purposefully or inadvertently copying sensitive and/or proprietary City information to unauthorized devices.~~
- ~~— Introducing a technical or network incompatibility to the City that the user is not even aware of.~~

~~As a result of any of these three circumstances, a user connecting his or her own device to City resources, systems, or networks could interrupt business operations, cause unplanned downtime for multiple users, and/or cause a data breach releasing City, citizen, and/or partner data to unauthorized parties. In worst case scenarios (and in events entirely realized at other organizations), civil and criminal penalties for the user and/or substantial costs and expenses to the City could arise.~~

Section 5-Software on the Device

For City Furnished Devices:

The software and applications installed by the City must always remain on the device in usable condition and be readily accessible. From time to time, the City may add or upgrade software applications for use by City Council such that City Council may be required to check in their devices with the Administrative Services Department (Responsible Department for IT Services) for periodic updates and synching. Any software, email messages or files downloaded via the

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Internet into the City systems become the property of the City and may only be used in ways that are consistent with applicable licenses, trademarks or copyrights. If technical difficulties occur or illegal software is discovered, the device will be restored from backup. The City does not accept responsibility for the loss of any software or documents deleted due to a re-format and re-image.

The Electronic(s) are wireless devices that require over the air access to download the agenda packets, send and receive e-mail and access the Internet. Safeguards will be in place for security of the wireless access and security of the device.

City issued devices may be connected to the City's secured Wi-Fi Network and computer network. Councilmembers are prohibited from connecting personal electronic devices to the City's secured Wi-Fi Network and computer network. Councilmembers may connect their personal electronic devices to the City's public Wi-Fi Network.

Section 5 - Acceptable Use

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All existing City policies will continue to apply to a Councilmember's conduct on the internet and in the use of e-mail. A Councilmember's use of the device could constitute actions on behalf of the City and thereby expose the City to risk of liability. City Council shall not use the device in any way as to violate the public meeting requirements of the Brown Act.

The City's IT resources, including all hardware, software, equipment, networks, and infrastructure, are provided for the exclusive purpose of conducting City business, enhancing efficiency and better serving the public interest. Management of these assets, as well as management of the City's IT consultants, is the responsibility of the Administrative Services Director. The City's IT consulting firm and/or its employees may be referred to as the City's "network administrator".

All messages, files, and user actions are subject to monitoring. No right of ownership or expectation of personal privacy is expressed or implied. City IT resources are not for personal use; users should refrain from using the City's IT resources for personal uses such as transmitting, saving, or storing personal files, photos, music or other data, sending and receiving personal email messages, or other non-work related internet activities.

Section 6. Reimbursement for Use of Personal Device:

~~City Councilmembers who use their personal electronic device will receive monetary reimbursement as follows:~~

~~Tablet Reimbursement — \$600.00 once per term~~

~~Reimbursement will be included and processed by the City of Sebastopol Administrative Services Department upon request from Councilmember verifying use of personal device.~~

Section 7. Compliance with Brown Act and Public Records Act

The use of Electronic(s) by members of the City Council, who are subject to the Brown Act, during the public meeting of the body shall be limited as prescribed in this policy and applicable law.

Use of ~~Electronic(s)~~ electronic device by members of the City Council, who are subject to the Brown act, during public meetings of the body shall comply with the requirements of all applicable laws and City policies, including the requirements of Article I, section 3, subdivision

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(b), paragraph 1 of the California Constitution, the California Public Records Act (Government Code §§ 6250-6276.48), the Ralph M. Brown Act (Government Code §§ 54950-54963), due process rights of interested parties in City legislative body proceedings, and the following City policies and procedures.

Members of City Council, who are subject to the Brown Act, may not use Electronic(s) [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 of an electronic communications or data device so as to result in inattention to the record and/or proceedings before the body.

In addition to the restrictions on the use of electronic communications and data devices by City Councilmembers under the Ralph M. Brown Act, the California Public Records Act, and the due process guarantees under the U.S. and California Constitutions, members of the City legislative bodies subject to the Brown Act may not, during a meeting of the body, receive electronic communications from, or send

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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).

All writings (documents, emails, etc.) produced, received, or stored on electronic communication and data devices are subject to release under the Public Records Act, including records on devices owned by the Councilmember.

Section 8--Security

Electronic Devices will be password protected. City Councilmembers are responsible for maintaining adequate and secure passwords for the Electronic(s). For City Furnished Devices, passwords shall be provided to the Assistant City Manager/City Clerk within 3 days of receipt of the Electronic(s). Password shall be kept confidential. If ~~an~~ City Councilmembers is "locked out" of the Electronic(s) and the device cannot be unlocked, the memory may need to be erased to restore and reset the device.

California law requires that certain information be treated as confidential and not be distributed to others inside or outside the City who do not have authorization to view such information. Councilmembers may occasionally receive confidential electronic information. Some examples of confidential information are: personnel records, internal investigations, information relating to litigation, negotiations, or information relating to confidential real estate negotiations. When Councilmembers receive confidential information, it should be marked "Confidential Information" to alert recipients to the nature of the information. Additionally, Councilmembers shall exercise caution in sending confidential information by E-Communication as compared to written memoranda, letters or phone calls, because of the ease with which such information can lose confidentiality by inadvertent or intentional diversion or retransmission by others. Councilmembers shall not disclose the confidential communications or materials to any unauthorized person unless directed by City Administration or City Administration representatives.

Questions as to whether a document is required to be retained under the Public Records Act or whether an E-Communication is confidential should be referred to the City Attorney's Office.

Electronic records and data should be handled the same as non-electronic records. All rules and procedures for public records requests apply to electronic records and data transmitted electronically.

Section 9--Public Resource:

Use of a City-issued Electronic(s) is considered to be a use of public resources. City Councilmembers shall not use the devices for personal business, or any other purpose not related to City business. City Council shall not use City issued devices to deliberately propagate any virus or other hostile computer program or file, to disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.

Electronic(s) are issued to the City Council and are for work-related communications. The

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Councilmember acknowledges that he/she has no expectation of privacy in the use of or in the material content contained within such device and the Councilmember expressly agrees that the City may at any time retrieve, audit and disclose the contents of all communications originating from or received by a City owned device including, but not limited to e-mails.

Section 10-Improper Use:

Prohibition Against Harassing, Discriminatory and Defamatory Use:

As set forth more fully in the City's policy against harassment, the City does not tolerate discrimination, disparagement or harassment based on gender, pregnancy, child- birth (or related medical conditions), race, color, religion, national origin, ancestry, age, physical disability, mental disability, medical condition,

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marital status, sexual orientation, political beliefs, family care or medical leave status, veteran status, or any other status protected by state and federal laws. Under no circumstances may a member of a City legislative body use a City Electronic(s) to transmit, receive, or store any information that is discriminatory, harassing, or defamatory in any way (e.g., sexually explicit or racist messages, jokes, or cartoons).

Prohibition Against Violating Copyright Law:

Members of City legislative bodies must not use a City Electronic(s) to copy, retrieve, forward or send copyrighted materials unless the user has the City's and the author's permission or is accessing a single copy only for the user's reference for City-related work.

Members of City legislative bodies may not use a City Electronic(s) for any illegal purpose, in violation of any City policy, in a manner contrary to the best interests of the City, in any way that discloses confidential or proprietary information of the City or third parties, for the conduct of non-City business, to solicit or proselytize others for commercial ventures, religious or political causes, election related activities, or for other purposes not related to the User's duties with or responsibilities to the City.

Section 11- Return of Device

For City Furnished Devices: City Councilmembers shall return their device to the Administrative Services Department (Responsible Department for IT Services) when the individual Councilmember's term and service on the City Council has ended. Upon return of the device to the City and following the preparation of any appropriate backup files, the device will be wiped clean of any and all information at the end of Councilmembers term and service.

Section 12- Compliance with Policy

The City reserves the right to inspect any and all files stored on devices that are the property of the City in order to ensure compliance with this policy. City Councilmembers do not have any personal privacy rights in any matter created, received, stored in, or sent from any City issued device, and the City Council shall institute appropriate practices and procedures to ensure compliance with this policy.

City Councilmembers will be required to sign the certification statement below acknowledging the understanding of and compliance with this policy.

TRAININGS:

To ensure best practices in accordance with the City's Joint Powers Authority (JPA), all Councilmembers must take annual cybersecurity awareness training, while newly installed Councilmembers must take mandatory training within 30 days of installation as a newly appointed City Councilmember and then annually thereafter. Councilmembers may be required to take additional training as directed by the Administrative Services Department.

Training shall be initiated by the Administrative Services Department.

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Section 13 - General Policy:

~~Upon full implementation,~~ City Administration will cease to print Agenda Packets in hard copy for ~~those~~ Councilmembers ~~who use a personal device or City furnished laptop or tablet.~~ ~~City staff will print an agenda packet for those Councilmembers who do not use a personal or City furnished device; the City Council public binder and the Sebastopol Library.~~ City

Councilmembers who use an electronic device may request printed hard copies of certain agenda reports or packet materials ~~_~~ at their own expense. Prints of large documents such as maps will be provided by the Responsible Department to the City Council separate from the agenda packet.

The Administrative Services Department (Responsible Department for IT Services) will serve as the primary staff support for the general use of the device and the applications; will provide procurement services and technical support for users; and will provide training to City Councilmembers on the use and care of the Electronic(s).

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The replacement schedule for the device is 4 years. Any replacement or upgrade required prior to that time will be paid from City budget. City Councilmembers will be notified by e-mail when the agenda packet is available for download. The packet may be downloaded from any location where the user has a wireless connection.

~~IN COUNCIL DULY PASSED, APPROVED AND ADOPTED this 3rd day of September, 2019.~~

VOTE:

AYES:- ~~Councilmembers Carnacchi, Glass, Gurney, Vice Mayor Slayter and Mayor Hinton.~~
NOES:- ~~None~~
ABSENT:- ~~None None~~
ABSTAIN:

APPROVED: 
Mayor Neysa Hinton

ATTEST: 
Mary Gourley, MMC, Assistant City Manager / City Clerk

~~Approved as to Form:~~

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PERSONAL ELECTRONIC DEVICE AGREEMENT

I, the undersigned City Councilmember of the City of Sebastopol have been provided a copy of the City of Sebastopol Electronic(s) Device Agreement Policy and understand its contents. I understand that any personal use of the Electronic(s) may be subject to possible review in the context of a public records request or questions regarding or abuse. I further understand that the use of a City-issued Electronic(s) is considered to be a use of public resources and, therefore, is prohibited from being used for campaign activities, other personal use or other purposes which are not authorized by law. I also agree that City IT support will be provided for City issued devices only. I fully accept and understand the terms of the policy the policy and agree to abide by all terms contained in it.

Signature
City Councilmember