



Cheryl Davila
Councilmember
District 2

REVISED AGENDA MATERIAL

Meeting Date: February 11, 2020

Item Description: Prohibiting the Use of Cell Phones, Email, Texting, Instant Messaging, and Social Media by City Councilmembers during Official City Meetings

Submitted by: Councilmember Cheryl Davila

Amended the title of the Resolution to replace the word "Prohibit" with "Discourage".

Edited necessary text to reflect the change in sentiment from 'banning' to 'limiting' the use of cell phones.

Included a RESOLVED Clause to explicitly prohibit the use of cell phones and technological devices during Closed Session meetings.

Corrected small grammatical errors.



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ACTION CALENDAR
February 11, 2020

To: Honorable Mayor and Members of the City Council

From: Councilmember Cheryl Davila

Subject: Discourage the Use of Cell Phones, Email, Texting, Instant Messaging, and Social Media by City Councilmembers during Official City Meetings

RECOMMENDATION

Adopt a Resolution Discouraging the Use of Cell Phones, Email, Texting, Instant Messaging, and Social Media by City Councilmembers during Official City Meetings. The Brown Act prohibits a majority of members of a legislative body from communicating outside of a public meeting on a matter on the agenda for their consideration.

In order to ensure the full attention of the Council to the public and each other, the use of cell phones with access to email, text-messaging, instant messaging, and social media should be limited as much as possible during City Council meetings. The use of digital technologies outside of the City-provided equipment, upon which Agenda Items and notes can be stored, is distracting and disrespectful to the democratic process.

The use of cellphones and telecommunications should explicitly be prohibited during City Council Closed Sessions meetings, as they are confidential. All council meetings require the full and utmost attention of attendees.

The City Manager is recommended to submit an item to the Council to amend the Council Rules of Procedure and Order to include a moratorium on the use of cell phones by Councilmembers on the dais during council meetings.

POLICY COMMITTEE RECOMMENDATION

On January 13, 2020, the Agenda and Rules Committee adopted the following action: M/S/C (Arreguin/Harrison) to approve the item with a Qualified Positive Recommendation, revised to recommend that the Rules of Procedure be amended to state that the use of digital communication such as e-mail and texting is discouraged by members of the Council during regular and special meetings. In addition, the Rules will be amended to prohibit the use of any digital devices during closed session meetings except for the use of City-issued digital devices for the sole purpose of reviewing notes and agendas. Vote: All Ayes.

FISCAL IMPACTS OF RECOMMENDATION

Limiting the use of communication technologies would be a fiscally responsible decision in order to ensure greater time efficiency and productivity in City-funded meetings.

ENVIRONMENTAL SUSTAINABILITY

The public will benefit by having an undistracted Council with their undivided attention.

BACKGROUND

After serving three consecutive years on Berkeley City Council, it has become clear that cell phones are being overused in City Council meetings, including in Closed Sessions. As elected officials and public servants, Berkeley City Councilmembers should be fully attentive in meetings, focused on the issues being raised by constituents, staff, and fellow Councilmembers. Especially when residents are giving public comment and only allowed to speak for 2 minutes, it is imperative that City Councilmembers utilize active listening strategies and show utmost respect to those we represent. Recently, members of the public have expressed feeling ignored or neglected by Berkeley City Council members who appear to be preoccupied with their technology and personal communication devices during Public Comment sessions.

In addition to being rude, texting during the meetings creates additional channels for lobbyists to influence Councilmembers votes, and may result in a lack of transparency. Additionally, if 3 or more Councilmembers are speaking to each other on text threads about a legislative topic, this is in violation of the Brown Act. Thus, the use of cellular telephones on the dais communicates disregard for the general public, the deprioritization of our constituency's concerns, disengagement from ethical democracy, and ought to be minimized.

CONTACT PERSON

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ATTACHMENT: 1: Resolution

REFERENCES:

1. <https://www.pe.com/2014/04/13/city-councils-officials8217-texting-during-meetings-sparks-debate/>

2. http://local.anaheim.net/docs_agend/questys_pub/6575/6605/6606/6897/6913/Resolution6913.pdf

RESOLUTION NO. ##,###-N.S.

RESOLUTION OF THE COUNCIL OF THE CITY OF BERKELEY DISCOURAGING THE USE OF CELL PHONES, EMAIL, TEXTING, INSTANT MESSAGING AND SOCIAL MEDIA BY ELECTED CITY COUNCILMEMBERS DURING OFFICIAL CITY MEETINGS

WHEREAS, the City of Berkeley Council Rules of Procedure and Orders *Section I.D.* page 4, specifies the Duties of Councilmembers and code of Decorum, stating “While the Council is in session, the City Council will practice civility and decorum in their discussions and debate. Councilmembers will value each other’s time and will preserve order and decorum. A member shall neither, by conversation or otherwise, delay or interrupt the proceedings of the Council... nor disturb any other member while that member is speaking...”; and

WHEREAS, the use of cellular telephones and digital communications including text-messaging, emailing, perusing social media, or non-pertinent websites is distracting, and a threat to decorum; and

WHEREAS, members of the public have expressed feeling ignored or neglected by Berkeley City Council members who appear to be preoccupied with their technology and personal communication devices during Public Comment sessions; and

WHEREAS, the use of cell phones during the council meeting opens additional channels to influence Councilmembers immediately during a vote, leading to a lack of transparency; and

WHEREAS, the Brown Act, California Government Code section 6200 *et seq.*, prohibits a majority of members of a legislative body from communicating outside of a public meeting on a matter on the agenda for their consideration; and

WHEREAS, a text message thread could include participation of many Berkeley City Councilmembers addressing topics of legislation, in violation of the Brown Act; and

WHEREAS, other City Councils in the State of California, including, Palm Springs, Santa Rosa, and Anaheim, have banned the use of text-messaging, instant messaging, and/or emailing during their Council meetings;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the use of cell phones during City Council meetings be discouraged for Berkeley City Councilmember; and

BE IT FURTHER RESOLVED that the use cell phones during Closed Session Meetings be explicitly prohibited for Berkeley City Councilmembers; and

BE IT FURTHER RESOLVED that while communications regarding Council items should be minimized, personal communications between family members and/or care-givers can be taken outside in the case of emergencies; and

BE IT RESOLVED in order to acknowledge differences in learning styles and our of support tactile learners, note-taking can continue to be facilitated both with a pen and paper and/or on the tablets provided by the City; and

THEREFORE BE IT FINALLY RESOLVED that the Council Rules of Procedure and Order be

amended to include a moratorium on the use of cell phones by Councilmembers on the dais during council meetings.

