

RESOLUTION 2019-131

CITY COUNCIL RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN ADMINISTRATIVE POLICY GOVERNING PUBLIC RECORDS AND USE OF MOBILE DEVICES BY ELECTED OFFICIALS; AMENDING THE FY 2019-21 CITY COUNCIL PRIORITY WORKPLAN TO ADD CITY-PROVIDED MOBILE CELLULAR DEVICES TO CITY COUNCILMEMBERS ON A VOLUNTARY ELECTION BASIS; AND AUTHORIZING ONE-TIME FUNDING FROM THE FY 2019/20 CITY MANAGER CONTINGENCY ACCOUNT FOR TOTAL ACQUISITION AND OPERATING AND MAINTENANCE COSTS NOT TO EXCEED \$5,200 DEPENDENT UPON TOTAL NUMBER OF INDIVIDUAL CITY COUNCILMEMBER VOLUNTARY ELECTIONS FOR FY 2019-20

WHEREAS, on March 1, 2019, the City Council adopted Resolution 2019-029 which adopted the FY 2019-21 City Council Priority Workplan; and

WHEREAS, the City Council may periodically amend the FY 2019-21 City Council Priority Workplan (Workplan) to add or eliminate policy items by majority vote via adopted Resolution; and direct the City Manager on policy and/or program implementation; and

WHEREAS, on June 3, 2019, on motion made by Councilmember Pabon-Alvarado, duly seconded, the City Council authorized by majority vote for the City Council to consider adding to the Workplan the issuance of mobile cellular devices for City Councilmembers, and to have the Budget, Fiscal & Legislative Standing Committee review this matter for recommendation to the City Council; and

WHEREAS, there are procedures that City Elected Officials should be following regarding potential public records on any mobile devices whether on private or City-owned devices; accordingly, the attached Administrative Policy entitled "Public Records and Elected Officials including City-Provided Mobile Devices" was prepared;

WHEREAS, on July 24, 2019, the Budget, Fiscal & Legislative Standing Committee (Pabon-Alvarado; Pineda) made a recommendation to move forward to the City Council the Administrative Policy and consideration of a City-purchased mobile device for City Councilmembers for potential FY 2019/20 program implementation.

NOW THEREFORE, BE IT RESOLVED the City Council of the City of San Pablo authorizes the following, as follows:

1. Approve the City Administrative Policy, "Public Records and Elected City Officials," attached as Exhibit 1, which addresses the handling of potential public records requests -- whether received on a personal mobile device or a City-issued device -- to comply with the Ralph M. Brown Act (California Government Code sections 54950 *et seq.*), the Public Records Act (California Government Code Section 6250 *et seq.*), and records retention laws (e.g. California Government Code Section 34090 *et seq.*) and authorize execution and dissemination by the City Manager;

2. Amend the FY 2019-21 Council Priority Workplan to include:

Under Major Policy Goal: Improve Public Safety

Add Policy Item:

Policy No. #512: Provide City-issued mobile cellular devices to City Councilmembers as a voluntary election program; Adopt a City Administrative Policy governing its use for official City business only.

3. Authorize a maximum of \$5,200 to be appropriated from the FY 2019/20 City Manager Contingency Fund for one-time acquisition costs, and one-time annual operating and maintenance costs of providing mobile cellular devices to City Council Members for City business use only for FY 2019/20 on a voluntary basis.

BE IT FURTHER RESOLVED that the foregoing recitations are true and correct, and are included herein by reference as findings.

ADOPTED this 5th of August, 2019, by the following vote:

AYES:	COUNCILMEMBERS:	Pabon-Alvarado, Cruz and Kinney
NOES:	COUNCILMEMBERS:	Pineda and Xavier
ABSENT:	COUNCILMEMBERS:	None
ABSTAIN:	COUNCILMEMBERS:	None

ATTEST:

APPROVED:

/s/ Patricia Ponce
Patricia Ponce, City Clerk

/s/ Rich Kinney
Rich Kinney, Mayor