

## Legislation Text

---

File #: #19-321, Version: 1

---

**PREPARED BY:** MATT RODRIGUEZ

**DATE OF MEETING:** 08/05/19

**SUBJECT:**

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN PABLO 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

**CITY MANAGER RECOMMENDATION**

Adopt Resolution

**COMPLIANCE STATEMENTS**

**FY 2019-21 Council Priority Workplan Compliance Statement**

*This is not currently an adopted policy item under the FY 2019-21 Council Priority Workplan, effective March 1, 2019.*

**CEQA Compliance Statement**

This is not a project as defined by CEQA

**BACKGROUND**

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 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. Currently, City-issued mobile cellular devices to City Councilmembers are not an adopted policy under the adopted FY 2019-21 City Council Priority Workplan, effective March 1, 2019.

Whether the City Council adopts a policy regarding the purchase mobile cellular devices for Councilmembers, there are procedures that City Elected Officials should be following regarding potential public records on any mobile devices. Accordingly, regardless of the decision on procuring devices, the attached draft Policy should be reviewed and considered for adoption. In particular, the Policy requires Elected Officials to:

1. Use their City provided email addresses to discuss or conduct City business so that such emails may be handled and retained as required by the law.

2. If an Elected Official uses private email addresses or texts or other such communication methods to discuss or conduct City business, then the Elected Official is required to copy or forward the communication to the Deputy City Clerk so that these communications may be handled and retained as required by law.

If the City Council decides to authorize City-issued mobile devices if desired by individual City Council members, then further requirements are set forth in the attached Policy.

### **Budget, Fiscal & Legislative Standing Committee Review**

On July 24, 2019, the Standing Committee (Pabon-Alvarado; Pineda) reviewed this policy matter and analyzed the proposed budget cost impacts associated with providing City-issued mobile cellular devices to all City Councilmembers. The Standing Committee acknowledged that this expense is not a current budgeted expenditure in the FY 2018-21 Quadrennial Budget. Additionally, the City Manager included in the Comparative Budget Cost Impact Analysis the issuance of mobile cellular devices to all City elected officials for additional Standing Committee consideration (i.e. City Councilmembers; City Clerk; City Treasurer) if there was a recommendation to extend these benefits to the other City elected officials (see Exhibit A attachment).

A proposed draft Administrative Policy was also reviewed by the Standing Committee. The Policy addresses the handling of potential public records -- 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.*) (See Attachment).

Upon consideration and approval by the City Council via the proposed Resolution, the Administrative Policy would be authorized by the City Council for City Manager execution, and apply to City Elected Officials.

Following Standing Committee review, a recommendation was made by the Standing Committee to move forward for further City Council discussion on this Policy and consideration of the City purchase of mobile cellular devices as a voluntary election program applicable only to City Council Members for program implementation at the next regular City Council meeting in August 2019.

### **Pricing of Mobile Cellular Devices**

After Standing Committee review on July 24, 2019, the City Manager has confirmed that in addition to the iPhone devices that had been identified as available through First Net/AT&T, additional devices (e.g. Android mobile devices) may be procured through the same First Net/ AT&T contract which was approved for City-issued mobile cellular devices for the San Pablo Police Department on January 22, 2019 via City Council Resolution #2019-004. An updated pricing proposal from First Net/AT&T for android devices is attached for City Council review. Pricing available for Android mobile devices would not exceed the preliminary budget cost for FY 2019/20 analyzed by the Standing Committee on July 24, 2019 (See Exhibit B Attachment).

### **FY 2019-21 City Council Priority Workplan**

Procedurally, the proposed Resolution submitted to the City Council for consideration and review includes language which confirms the City Council's desire to amend the FY 2019-21 Council Priority Workplan to include the following by majority vote via proposed Resolution attached, as follows:

**Under Major Policy Goal: Improve Public Safety**

**Add Policy Item:**

***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.***

**FISCAL IMPACT**

There are no budgeted funds for this expense in the adopted FY 2018-21 Quadrennial Budget, effective July 1, 2017.

The City Council could potentially direct funds be expended from the FY 2019/20 City Manager Contingency Fund for one-time acquisition costs, and include funding for one-year of operating and maintenance costs for FY 2019/20. The total FY 2019/20 appropriation from the CM Contingency Fund would not exceed \$5,200 for program implementation based on the most expensive unit cost (i.e. iPhone XS Max 64GB) associated with the First Net/AT&T contract, assuming all five Council Members choose to participate. Note: Total FY 2019/20 budgeted costs would be dependent upon the total number of individual Councilmembers who voluntarily elect to be provided a City-issued mobile device for official City business only.

**ATTACHMENT:**

1. Resolution
2. DRAFT City Administrative Policy
3. Exhibit A: Comparative Budget Cost Analysis for City-Issued Mobile Devices (FY 2019-20) for iPhone Devices
4. Exhibit B: Comparative Budget Cost Analysis for City-Issued Mobile Devices (FY 2019/20) for Android Devices