

Portable Electronic Communications Devices

B-200

Purpose: This policy addresses District provision of portable electronic communications devices to Board Members to facilitate implementation of the transition to a paperless agenda process and Board Member use of said devices and to reduce costs, waste and environmental impacts.

B-200-10 General. Advances in technology allow use of electronic messaging, data processing and other functions on portable electronic communications devices (Portable Devices) which are generally intended for viewing primarily or solely by the individual using the device. Because Portable Devices would allow electronic messaging, data processing and other functions to be carried out during public meetings by individual Board Members without necessarily making messages and other information available to other members of the Board and/or the public, use of Portable Devices in this manner is inconsistent with opened and public decision making and is prohibited. The Board of Directors desires to permit and promote utilization of technology to ensure efficient and effective conduct of the people's business, in accordance with applicable law, and to reduce cost, waste and environmental impacts from printed copies of Board Meeting Agenda materials. It has therefore determined it will provide Board Members with Portable Devices for the sole purpose of conducting District Business.

B-200-20 Use Permitted. The District permits and promotes the utilization of technology to ensure efficient and effective conduct of the people's business, in accordance with applicable open meetings and public records laws, due process rights of interested parties, District Policy 2700 and other applicable law, and in the interest of reducing waste, supply costs and environmental impacts. District Policy 2700 entitled "Internet, email, and Electronic Communications /Ethics, Usage and Security" is incorporated herein and applicable to Board Members except where inconsistent with this and any other Board Policy.

B-200-20-1 Use of Portable Devices by members of the Board subject to the Brown Act during public meetings of the Board of Directors, and any committees thereof, shall comply with the requirements of all applicable laws and District policies, including the requirements of Article I, section 3, subdivision (b) paragraph I 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 Board proceedings.

B-200-20-2 The use of Portable Devices, including, but not limited to, laptop computers, cell phones, tablet computers, pagers, and similar devices, by members of the Board subject to the Brown Act during the public meetings of the Board of Directors, and any committees thereof, is prohibited except as set forth herein and in Section B-50-60-2.

B-200-20-3 Notwithstanding the provisions of District Policy 2700 and in particular Policy 2700.3.20, Board Members may access the internet using personal electronic devices for the conduct of District business.

B-200-30 Limitations on Use. Members of the Board subject to the Brown Act may not use Portable Devices at public meetings of the Board of Directors, or any committee thereof, in any manner or for any purpose prohibited by law or District policy. In particular, but without limitation, Portable Devices may not be used at public meeting by Board members in any of the following ways:

B-200-30-1 Portable Devices may not be used in violation of the requirements of the Ralph M. Brown Act, such as by communicating with any person, (including, but not limited to, members of the public, District staff, other Board members, and parties to District proceedings) privately and separate from the public discussion at the meeting.

B-200-30-2 Portable Devices may not be used in violation of the requirements of the California Public Records Act, such as by transmitting to a majority of the Board of Directors information connected with a matter subject to consideration at the meeting, which information is not available to the public.

B-200-30-3 Portable Devices may not be used 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 and data device so as to result in inattention to the record and/or proceedings before the Board.

B-200-30-4 Portable Devices shall only be used for the conduct of official District Business and use for any other purpose is prohibited.

B-200-40 Additional Restrictions. In addition to the limitations on the use of Portable Devices by Board members under the Ralph M. Brown Act, the California Public Records Act, and the due process guarantees under the U.S. and California Constitutions, use of Portable Devices by members of the Board of Directors subject to the Brown Act is further restricted as follows:

B-200-40-1 Members of the Board of Directors subject to the Brown Act may not during a meeting of the Board, and any committees thereof, receive electronic communications from, or send electronic communications to, any person, (including, but not limited to, members of the public, District staff, other Board members, and parties to District proceedings) except as permitted in Paragraph B-200-50 below.

B-200-40-2 Members of the Board of Directors subject to the Brown Act may not during a meeting of the Board, and any committees thereof, use a Portable Device to access the internet or other file-sharing means, except as necessary to access electronic agenda material for that meeting that is similarly available to all members of the Board.

B-200-50 Emergency Communications. Members of the Board subject to the Brown Act may use Portable Devices or other electronic devices at public meetings of the Board of Directors, or any committees thereof, to receive and send communications regarding emergencies, such as family emergencies. Members receiving/sending such communications should coordinate with the Board Member presiding over the meeting in order to ensure compliance with open meeting, open records, due process and other applicable laws, rules and policies including this Board policy.