

REPORT TO CITY COUNCIL

DATE: OCTOBER 26, 2005

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: KIMBERLY RODRIGUES, CITY CLERK

SUBJECT: PROPOSED AMENDMENT TO CITY COUNCIL NORMS

In accordance with the *Agoura Hills City Council Norms*, the City Council is charged with taking appropriate, necessary, and timely action to maintain the City of Agoura Hills as a leading, well-managed, and innovative city in the forefront of desirable California cities.

To accomplish the above-stated responsibilities, and as guidance for the orderly governance of the City, the Agoura Hills City Council adopted the *City Council Norms* of behavior and protocol. Except for those norms that are based on law, these norms are voluntary and non-binding. They are set forth to clarify what has become, over time, successful procedure or best practices for the conduct of civic affairs within our City.

At the request of the Councilmember Reinhardt, Mayor Corridori is recommending the addition of the following proposed amendment (Attachment A) to the *City Council Norms* under the Public Meeting section:

19. Councilmembers do not have private communications, among themselves or members of the public, via cell phones or other electronic communication devices from the dais during public meetings, (*regarding items on the agenda*).

Per Councilmember Jeff Reinhardt, at the July League of California Cities convention in Monterey, one of the sessions on updates to The Brown Act made a significant issue of the emergence of electronic communications and how users of those media could possibly run afoul of the The Brown Act. One scenario mentioned was the use of PDAs or Text Messaging devices during the course of a Council meeting. The specific concern is that Councilmembers could be (or perceived to be) communicating with one another or with members of the public, gaining input on, or deliberating on a decision without making that input part of the public record and process.

This suggested addition to the *City Council Norms* would establish a City policy that reconfirms the intentions of The Brown Act to conduct the public's business in an open manner. Even though the use of those devices may be benign, (such as checking a sports score) we are reminded that it is not enough to avoid overt violations of The Brown Act, we are also well advised to avoid even the appearance of non-compliance.

The City Attorney has reviewed, and has no objection to, the language of the proposed amendment.

RECOMMENDATION

Consider whether to adopt the proposed amendment for inclusion in the *City Council Norms*.