

From: [REDACTED]
To: [Public Comment](#)
Subject: PUBLIC COMMENT AGENDA Study Session, Council Norms - July 13,2021
Date: Monday, July 12, 2021 4:42:43 PM

Mayor Fligor and Council Members,

I just read the Daily Post front page article, "Are phones that distracting?" in which Councilman Weinberg suggests code to prohibit council members from taking phone calls or reading or answering emails or text messages during a council meeting.

Included in the article is a quote from Commissioner Jeanine Valadez: "By installing an independent custodian for emergency communications, the council earns the public's trust that their representatives are eliminating undue influence during meetings in violation of the Brown Act and in conflict with the ideal of open government."

If we can't trust our council members to not have ex parte communications on their cell phone during meetings, we never should have elected them in the first place. Should we also worry they might be having secret meetings in coffee shops with people who might influence their votes? This is insulting to every one of you who serves on Council.

If my husband/parent/child were seriously ill or hurt, perhaps having been taken to a hospital, I sure wouldn't want them to have to call a "custodian"! In an emergency, I would want to be the first person to answer the phone.

Joe Beninato is also quoted in the article, saying concerns about a sick relative is an "excuse" for them to use electronic devices in a meeting. "If a council member is so worried about a relative, they are probably not in the right state of mind to be deciding matters for the city." This is another insult to anyone who serves in government or who holds a job.

Depending on the condition of a "sick relative," I'm sure we have all had to go to work with worries on our mind. Obviously, there are times when we couldn't leave a loved one who might be in surgery or terminally ill, but there are other less traumatic illnesses when we have to carry on.

Frankly, I find the lack of empathy on the part of these two residents extremely disturbing. And the comments are clearly meant to target Councilwoman Lee Eng.

I hope you will reject Councilman Weinberg's suggestion. If I can't trust you on the dais, I can't trust you between council meetings, which means I can't trust you at all.

Thanks,

Pat Marriott

From: [REDACTED]
To: [Public Comment](#)
Subject: PUBLIC COMMENT STUDY SESSION AGENDA ITEM 1 - JULY 13 2021
Date: Tuesday, July 13, 2021 1:47:15 PM

Mayor Fligor, Vice Mayor Enander & Councilmembers,

I am happy to see a review of the Council Norms & Procedures and would like to voice my support for the following:

1. The inclusion of anti-bias training for Councilmembers & Commissioners. It would additionally be helpful for all City Staff.
2. A separate document addressing consequences for violations of Norms & Procedures. I believe a document for Censure & Admonishment would be appropriate.
2. Use of electronic devices during council meetings:

This section seeks to prohibit electronic communication between the councilmembers and any other party during council meetings so that there can be no violation of the Brown Act, no undue influence on votes, and no access to information that other Councilmembers may not have. If a Councilmember is receiving information relative to the subject matter at hand that other Councilmembers and members of the public are not receiving, it is inimical to good government and transparency. Robert's Rules of Order also calls for public input to take place at certain times in a meeting. If Councilmembers are getting input via texts and emails during meetings, and those communications are not made part of public record, that runs afoul of open meeting protocol.

But there is no publicly visible way to ascertain that this rule is being followed. Indeed, in many council meetings, there is a growing perception that these rules are being flagrantly violated. I would strengthen the wording in this section to follow the wording by the City of Petaluma, here: https://www.ca-ilg.org/sites/main/files/file-attachments/resolution_2012-026_n_c_s_03_05_2012_2.pdf?1442365820, relevant section included below.

5. In addition to the restrictions on the use of electronic communications and data devices by City legislative body members under the Ralph M. Brown Act, the California Public Records Act, and the due process guarantees under the U. S. and California Constitutions, members of City legislative bodies subject to the Brown Act may not:

a. during a meeting of the body, receive electronic communications from, or send electronic communications to, any person, (including, but not limited to, members of the public, city staff, other legislative body members, and parties to city proceedings) except as permitted in Section 6, below.

6. Members of City legislative bodies subject to the Brown Act may use electronic communications and data devices at public meetings of the body to receive and send communications regarding emergencies, such as family emergencies. Members receiving/ sending such communications should coordinate with the member presiding over the meeting as needed under the circumstances so as to respond to the emergency as needed and to ensure compliance with open meeting, open records, due process and other applicable laws, rules and

policies, including this policy.

I believe that this wording rightly prohibits all electronic communications, even if not specifically pertaining to agenda items, so as not to give any public perception of Brown Act violation.

The City of Stockton has also adopted similar wording https://qcode.us/codes/stockton-cpm/view.php?topic=100-100_3&frames=on, which prohibits all usage of electronic devices except for specifically accessing agenda items. I also find this acceptable.

Stockton:

Use of Electronic Communication Devices Prohibited

The Council's use of electronic communication devices, such as cell phones, during a City Council meeting may lead to the public's perception that a Councilmember is not paying attention to the subject matter at hand or that a Councilmember is receiving information relative to the subject matter at hand that other Councilmembers and members of the public are not receiving, either one of which is inimical to good government and transparency. Therefore, the Council's use of electronic communication devices (including cell phones), other than for the purpose of accessing agenda materials that are on a Councilmember's I-pad or lap top computer, is prohibited during Council meetings.

In both of these statements, note that the onus is on the Councilmembers, as it should be (as it is in all pertaining CA laws), and not members of the public.

Thank you,

Renee Rashid