



# Rochester Hills

## Agenda Report

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**File Number: 2005-0346**

**File Number:** 2005-0346      **File Type:** Policy      **Status:** To Council  
**Version:** 6      **Reference:**      **Controlling Body:** City Council  
Regular Meeting  
**Requester:**      **Cost:**      **Introduced:** 05/17/2005  
**File Name:** City Council - Electronic Devices during City Council Meetings      **Final Action:**

**Title:** City Council Policy for Use of Electronic Devices during City Council Meetings

**Notes:**

**Code Sections:**

**Indexes:** Internet, Policy

**Sponsors:**

**Attachments:** Agenda Summary.pdf, FINAL DRAFT Policy.pdf, 030706 AIS - DRAFT 2 Policy.pdf, 010406 Referral from Council.pdf, Troy E-Rule article dtd 2-16-06.pdf, 010406 CC Reg Mtg DRAFT Min EXERPT.pdf, 122905 Agenda Summary.pdf, 110205 Agenda Summary.pdf, 080205 AIS - DRAFT 1 Policy.pdf, Administrative Policy #300-2004.pdf, Galeczka Memo-Usage Info & Survey.pdf, 120199 Letter Staran.pdf, 110303 Letter Staran.pdf, 051404 Letter Staran.pdf, 051502 Memo MIS.pdf, AIS Minutes.pdf, 102705 Resolution Ver 2.pdf

**Agenda Date:**

**Agenda Number:**

**Enactment Date:**

**Enactment Number:** RES0017-2006

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Administration and Information Services Committee	04/05/2005	Discussed				
	<b>Notes:</b>	<b><u>Council Internet Usage and Reimbursement</u></b>					
		<i>Ms. Hill asked Council members to remember to access "GoToMYPC".</i>					
		<i>* It was noted that Council members logs show very little usage of this provided service.</i>					
		<i>* City has invested monies from Council side and receive reimbursement for something that is not being fully utilized.</i>					
		<i>* It was also noted that Council members are requesting the Clerk's Office to provide last minute paper copies.</i>					

\* Suggested that Council Members set up additional training with MIS.

Ms. Hill stated that City Council is under public scrutiny and Council members need to decide to make a commitment to utilize "GoToMyPC" or eliminate budgeting for this service.

1 Administration and Information Services Committee 05/17/2005 Discussed

**Notes:** Ms. Hill pointed out that the Clerk's office did a telephone survey to four (4) other municipalities regarding Internet access for council members and shared her concern with liabilities issues. After the Committee briefly discussed various issues, Mr. Dalton suggested that he and Ms. Hill draft a policy for review. The Committee consensus was to discuss this matter at the June AIS meeting.

1 Administration and Information Services Committee 06/07/2005 Discussed

**Notes:** The Committee discussed the pros and cons of Council members use of the Internet during Council meetings which included the following:

\* The written memos of opinion provided by the City Attorney.

\* The use of the Internet for researching information versus receiving emails from residents/constituents during a meeting.

\* Internet usage may fall in the same category as cell phones or pagers during a Council meeting.

\* The Administrative Policy from the Management & Information Systems (MIS) Department for City employees.

The Committee consensus was to draft a new Council policy that includes the use of the Internet with the use of electronic communication devices during a Council meeting and request the entire Council review it at a future Council work session.

1 Administration and Information Services Committee 08/02/2005 Discussed

**Notes:** Chairperson Holder distributed copies of a draft policy provided by Ms. Hill regarding the Use of Electronic Communication Devices During City Council Meetings [electronically attached to file #2005-0346] for review. Ms. Hill reiterated the issues discussed at the June AIS meeting. The draft policy outlined the following as it pertains to Council members' use of electronic devices during Council meetings:

\* Prohibited use of cell phones and pagers

\* Access and Use of Email, Internet and Other Electronic Communication Systems/Devices

\* Conduct for Use of Electronic Communication Devices

The consensus was to discuss this matter further at the September AIS meeting.

1 Administration and Information Services Committee 09/27/2005 Postponed

**Notes:**

1 Administration and Information Services Committee 10/04/2005 Approved and Referred City Council Regular Meeting Pass

**Notes:** Ms. Hill briefly recapped the purpose of the draft policy regarding Use of Electronic Communication Devices During City Council Meetings. The consensus of the Committee was to recommend that it be moved forward to City Council for further discussion.

Aye: Hill, Dalton and Verschueren  
Absent: Holder and Kirksey

2 City Council Regular Meeting 11/02/2005 Discussed

Notes: Council members discussed the recommended City Council Policy for Internet Access, noting the following:

\* Discussion of this issue should be postponed for the new Council to discuss following the November election.

\* Internet access, cell phone and pager usage have not been abused by Council members.

\* Internet access during a Council meeting can be used for quick research to enhance the discussion.

\* It is a matter of common sense and courtesy to silence your cell phone and pager during meetings.

\* Council has no authority to enforce such a policy, as individual members are accountable only to their constituents.

\* There already exists a policy issued by the MIS Department that encompasses these issues.

**President Hill** wanted it noted that these were not her policies, but were recommendations brought forward by the AIS Committee as directed by City Council.

The Consensus of Council was to postpone further discussion and consideration of this matter until after the November election when the new Council members could participate.

4 City Council Regular Meeting 01/04/2006 Referred by Resolution Administration and Information Services Committee Pass

Notes: **Mr. Barnett** noted that some of the language of the policy suggestions with regard to the use of communication devices during Council meetings could be softened suggesting the use of the word "discouraged" in place of "prohibited."

**Mr. Duistermars** noted that the issue was a matter of common sense and courtesy, suggesting that Council members place their pagers and cell phones on vibrate during meetings and exercise discretion when drawn away from meetings due to emergencies.

It was stressed by Council members that the resources available to them at the dais were an enhancement of their abilities.

**President Rosen** agreed while indicating that his primary concern with regard to this matter is that Council members not be distracted by these resources and that no use of communication devices during meetings runs afoul of the Open Meetings Act or the Freedom of Information Act.

**City Attorney John Staran** concurred and asked that he be permitted to provide input into this matter prior to the adoption of any new policy.

It was determined that this matter too should be evaluated by the Administration & Information Services (AIS) Committee and a recommendation be brought back to Council within three months.

Aye: Ambrozaitis, Barnett, Duistermars, Holder, Raschke, Rosen and Yalamanchi

4 Administration and Information Services Committee 02/07/2006 Discussed

**Notes:** *The Committee commenced discussion regarding the Draft Policy - Use of Electronic Communication Devices During City Council Meetings and made the following points:*

*\* The Draft Policy stemmed from a past concern regarding access to the Internet, blogging, reading emails, etc. during a Council meeting with respect to how that may be in violation of the Open Meetings Act as well as how it may influence a Council member's vote if he/she obtained significant information that was not shared with other Council members during a public meeting.*

*\* Once Council members enter a public meeting, they should no longer be in a discussion with someone. Their deliberations during a public meeting fall under the Open Meetings Act even when Council members take a recess during a public meeting. When a recess takes place during public meeting, each Council member is only allowed to have conversations with no more than two (2) other Council members in a group setting. They are encouraged to share any new information that may influence their vote. The Opens Meeting Act governs until the public meeting is adjourned.*

*\* Any Council member can ask for a recess to research a particular topic in question. However, the key is for the Council member to share the information gathered during the break with the whole Council body when the public meeting is convened so that the information is "on the record".*

*\* Use of various electronic means during an open meeting may be perceived as not sharing information.*

*\* Council members should conduct themselves with proper etiquette and ethics to strive to avoid misperceptions that may result from usage of various electronic means during an open meeting.*

*\* The Draft policy is not saying that a Council member should not answer emergency calls, but use discretion of how he/she answers pages, etc.*

*\* It was suggested to change the word "refrain" to "discourage" where appropriate in the Draft Policy.*

*\* It was suggested to check with the City of Troy regarding a recent policy that may have been passed regarding use of electronic devices during an open meeting.*

*The consensus of the Committee was that they agree with the way the Draft Policy was written. They will discuss it again at the AIS March meeting before bringing it to Council to explain how it should be interpreted.*

5 Administration and Information Services Committee 03/07/2006 Approved and Referred City Council Regular Meeting Pass

**Notes:** *The Committee commenced discussion regarding Draft 1 and suggested the following changes:*

*\* Number 1 should reflect, "When official meetings/work sessions of Council are in session, the use of cell phones and pagers for active communications are strictly prohibited".*

*\* Number 2b should reflect, "When official meetings of Council are in session, City Council members will refrain from using all of the above communication systems/devices in a manner that would violate the provisions of the Open Meetings Act, 276, PA 1967."*

*The consensus of the Committee was to direct the Clerk's Office to make the changes as discussed and prepare Draft 2 for a future City Council meeting. Other policy changes that the AIS Committee is currently reviewing will also be taken to a future Council meeting along with this recommended policy.*

Aye: Holder, Kinker, Rosen and Verschueren  
Absent: Duistermars

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**Text of Legislative File 2005-0346**

..Title

City Council *Policy for Use of Electronic Devices during City Council Meetings*

..Body

***Resolved*** that the Rochester Hills City Council concurs with the recommendation of the Administration & Information Services Committee and adopts the ***Policy for Use of Electronic Devices during City Council Meetings*** as presented.