



CITY COUNCIL STAFF REPORT

DATE: SEPTEMBER 19, 2012 CONSENT CALENDAR
SUBJECT: APPROVING A POLICY FOR THE USE OF CITY COUNCIL IPADS
FROM: David H. Ready, City Manager
BY: James Thompson, City Clerk

SUMMARY

The City Council will consider adopting a policy for the use of City Council iPads.

RECOMMENDATION:

Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AN IPAD POLICY FOR MEMBERS OF THE CITY COUNCIL."

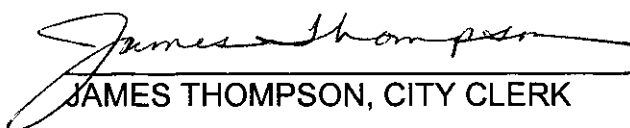
STAFF ANALYSIS:

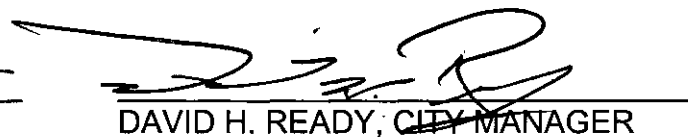
At its July 18, 2012, the City Council approved an upgrade to the City's Granicus system to move to a paperless agenda platform and the purchase of iPads for the members of the City Council.

Staff has drafted an iPad Policy for adoption by the City Council to ensure the iPads are used for the effective and efficient performance of the City Council in the performance of their official duties, to ensure compliance with State law with respect to the Brown Act, and due process provisions.

FISCAL IMPACT:

None.


JAMES THOMPSON, CITY CLERK


DAVID H. READY, CITY MANAGER

Attachments:
Proposed Resolution
iPad Policy

ITEM NO. 2.H.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING AN IPAD POLICY FOR MEMBERS OF THE CITY COUNCIL.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City of Palm Springs City Council iPad Policy, attached as Exhibit A and incorporated herein, is hereby approved and adopted.

PASSED, APPROVED AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 19TH DAY OF SEPTEMBER, 2012.

DAVID H. READY, CITY MANAGER

ATTEST:

JAMES THOMPSON, CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. _____ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on September 19, 2012, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMES THOMPSON, CITY CLERK
City of Palm Springs, California

CITY OF PALM SPRINGS IPAD POLICY

SECTION 1. GENERAL STATEMENT

The City Council finds that the use of an iPad will assist the members of the Council in the efficient and effective performance of their duties as members of the City Council, including service as members of boards and commissions of other government agencies, and thereby improve service to the public. The City Council additionally finds that the use of an iPad is a recognized tool for sustainability and the reduction in paper.

This Policy is adopted by the City Council to provide guidance regarding what are, and are not, appropriate uses for this important business tool.

Although this Policy authorizes the provision of an iPad to each member of City Council, it is understood that some Councilmembers may instead opt not to receive a City-issued iPad and instead use his or her personal iPad in the performance of official duties. A member may also elect to not use an iPad at all and continue to receive paper copies.

Section 2 below sets forth guidelines that apply to the use of City-issued iPads.

Section 3 below contains guidelines that apply to the use of personally-owned iPads (that is, an iPad not provided by the City).

The explicit privileges and restrictions set forth in this Policy do not attempt to cover every situation that may arise in connection with the use of this recent form of electronic communication.

SECTION 2. CITY-ISSUED IPADS

A. Each member of City Council is eligible to receive a City-issued iPad with limited mobile connectivity technology installed (70 mb Wi-Fi service); and may receive a cover or case, stylus, and a screen protector at the discretion of each Councilmember. Each member will also each receive a separate email account that will be used to receive official city documents, including without limitation City Council agendas, staff reports, and the like. Each Councilmember will have access to the Internet through this iPad.

B. USE OF CITY-ISSUED IPADS.

1. **Official Business Purposes.** The City-issued iPads are tools for Councilmembers to conduct City business, including any agencies and committees to which they are assigned or elected. Thus, use of the iPad will be solely for public business-related purposes, i.e., to review council or government agenda materials, research relevant topics, obtain useful information for City-related business, and

conduct government business communications as appropriate. All of the City's computer systems, including the iPad, are considered to be public property. Subject to the narrow exceptions in the Public Records Act, all documents, electronic records, files, and email messages accessed on a City-issued iPad and all usage reports are considered public records, are subject to the California Public Records Act, and are considered the property of the City of Palm Springs.

2. Incidental Use. Notwithstanding the forgoing, the City recognizes that a Councilmember may need to use the City-issued iPad for incidental personal use. Such limited use shall not incur any expense to the City, and such use shall not interfere with the official duties of the Councilmember or the operations of the City.

C. A Councilmember shall not download files from sources which he or she has any reason to believe may be untrustworthy nor shall he or she open and read files attached to email transmissions unless the member believes such files or attachments originate from a trustworthy source. Downloaded files and attachments may contain viruses or hostile applications that could damage the City's systems. Councilmembers will be held responsible for breaches of security caused by files obtained for non-business purposes.

D. The City Manager or the City Manager's designee may periodically inspect any and all files stored on computers, iPads, or other electronic devices which are the property of the City of Palm Springs, in order to assure compliance with this policy. Councilmembers do not have any personal privacy right in any matter created, received, stored in, or sent from any City iPad and the City Manager may institute from time to time appropriate practices and procedures to assure compliance with this policy.

E. The City-issued iPads are intended to be used for public business reasons with the goal of improving service and communication to the public.

F. Councilmembers shall limit the download of any application, "app", or software to City-issued iPads. Councilmember iPads will be equipped with an iTunes account for free "apps" and periodically updated by the City with such applications, "apps", and software as may be reasonably necessary and appropriate to perform Councilmember's duties. In the event any member of the Council wishes to download any additional application, "app", or software, the Councilmember shall request such download and installation. Any application, "app", or software installed on one Councilmember's iPad at City expense will be made available for installation on all Councilmembers' iPads. Any software, email messages, or files downloaded via the Internet into the City systems become the property of the City, and may only be used in ways that are consistent with licenses and copyrights.

G. Councilmembers shall not use City-issued iPads for operating any commercial or business purpose or for personal gain, sending chain letters, soliciting

money for religious or political causes, or any other purpose prohibited by law or that interferes with normal City business activities.

H. When using City-issued iPads, Councilmembers shall identify themselves honestly, accurately, and completely at all times.

I. Councilmembers shall conduct themselves honestly and appropriately while using the City-issued iPad and on the Internet and in the use of email, and respect the copyrights, software license provisions, property rights, privacy, and prerogatives of others.

J. All existing City policies will continue to apply to Councilmember conduct on the Internet and in the use of email, including but not limited to those that deal with misuse of City resources, sexual harassment, information and data security, and confidentiality.

K. iPad, Internet, and email activities carried out in the performance of official duties will be traceable to the City of Palm Springs and may impact the reputation of the City. Councilmembers shall refrain from making any false or defamatory statements in any Internet forum or from committing any other acts which could expose the City to liability.

L. Councilmember notes and records regarding the use of the device, may be protected from disclosure to sources outside the City pursuant to exceptions to the Public Records Act, such as an exception recognized by California courts for the "deliberative process". The deliberative process exception is intended to protect the process by which policy decisions are made. However, the Public Records Act requires consideration of a balancing test whether the public interest in maintaining the confidentiality of the records outweighs the public interest in the disclosure of the information sought. As a result, there is no guarantee that Councilmember notes and materials stored on iPads will be in whole or in part exempt from disclosure.

M. Councilmembers shall not use City electronic communications facilities to deliberately propagate any virus or other hostile computer program or file, to disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.

N. Councilmembers shall not use a City email account to send any messages of an obscene; libelous, vulgar, or defamatory nature.

O. Councilmembers shall not use any email, instant messaging or other communication program, during any City Council meeting nor use the iPad in any way as to violate the open meeting requirements of the California Brown Act.

SECTION 3. USE OF IPADS NOT PROVIDED BY THE CITY

A. Councilmembers who utilize an iPad other than an iPad provided by the City should use a personal email address for their personal correspondence and a separate email account that the Councilmember creates for their personal iPad instead of using a City-issued email address.

B. Councilmembers acknowledge that emails sent to or from a City-issued email address may be subject to disclosure under the California Public Records Act, even if the emails are composed or reviewed on an iPad that is not provided by the City.

C. Councilmembers acknowledge that iPads that are not City-issued will not be provided support by the City in the event the Councilmember experiences problems with the device itself or with an application (such as iLegislate). The City will make the digital agenda packet available to those using personal iPads using iLegislate.

D. All existing City policies will continue to apply to Councilmember conduct on the Internet and in the use of email, including but not limited to those that deal with misuse of City resources, sexual harassment, information and data security, and confidentiality.

E. iPad, Internet, and email activities carried out in the performance of official duties will be traceable to the City of Palm Springs and may impact the reputation of the City. Councilmembers shall refrain from making any false or defamatory statements in any Internet forum or from committing any other acts which could expose the City to liability.

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G. Councilmembers shall not use City electronic communications facilities to deliberately propagate any virus or other hostile computer program or file, to disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.

H. Councilmembers shall not use a City email account to send any messages of an obscene, libelous, vulgar, or defamatory nature.

I. Councilmembers shall not use any email, instant messaging or other communication program, during any City Council meeting nor use the iPad in any way as to violate the open meeting requirements of the California Brown Act.

SECTION 4. COMPLIANCE

Any violation of any provision of this Policy may constitute official misconduct and be grounds for sanctions including, but not limited to:

1. Discontinuance of the privilege of using a City-issued iPad;
2. Removal of the Councilmember from any appointed positions on a board, commission, or committee; and
3. Verbal reprimand or censure of the Councilmember for such violation.

SECTION 5. NOTICE

The City shall take all appropriate steps to inform Councilmembers of the City of Palm Springs of the contents of this policy. The City Clerk shall provide a copy of this policy to Councilmembers. Before being authorized to access and utilize City computer and iPad equipment for Internet and email communication, a City Councilmember shall sign the City of Palm Springs iPad Agreement, a copy of which is attached hereto.

SECTION 6. RETURN POLICY

Councilmembers shall return their City-issued iPad to the City Clerk when the individual Councilmember's term and service on the Palm Springs City Council has ended. Upon return of the iPad to the City Clerk at the end of a Councilmember's term and service, any public record content on the returned iPad will be backed up and retained consistent with the California Public Records Act. Each returned iPad will subsequently be wiped clean of any and all information before such iPad is assigned to any other person.

SECTION 7. CONCLUSION

The City of Palm Springs has made available to Councilmembers an iPad, Internet, and email access for the purpose of performing work efficiently and effectively in the context of available communication technologies. While compliance with this detailed policy is mandatory, it should not impede legitimate use of iPad devices. The purpose of this policy is to ensure that all use is consistent with the law and with the community standards and business practices which the City follows.

CITY OF PALM SPRINGS
IPAD
AGREEMENT
FOR CITY COUNCILMEMBERS

I, as a Councilmember of the City of Palm Springs, have been provided a copy of the City of Palm Springs iPad Policy and understand its contents fully. I accept and understand terms of the policy and agree to abide by all terms contained in it.

I acknowledge the City-issued iPad has limited mobile connectivity and I will be responsible, and reimburse the City, for any charges incurred for any internet, broadband, Wi-Fi, cloud, or other electronic connectivity not specifically justified or related to official City business.

I will reimburse the City for any reasonable fees, expenses, or damages incurred as a result of my intentional or malicious misuse of the City's computers, iPads, or communication equipment.

City Councilmember

Date