




Office of the City Manager

CONSENT CALENDAR
June 11, 2013

To: Honorable Mayor and Members of the City Council
From:  Christine Daniel, City Manager
Submitted by: Mark Numainville, City Clerk
Subject: Paperless Agenda Packet Program–Policy for Elected Officials

RECOMMENDATION

Adopt a Resolution approving the Paperless Agenda Packet Terms and Use Policy for Elected Officials.

FISCAL IMPACTS OF RECOMMENDATION

There is no direct fiscal impact from adopting this policy.

CURRENT SITUATION AND ITS EFFECTS

On May 7, 2013 the City Council considered the basic program elements of a Paperless Agenda Packet Program. The Council expressed support for the program and moved the item to the Consent Calendar. A key element of the program is the terms of use policy that the Council will adopt for Berkeley elected officials.

The policy was drafted after consulting with several other jurisdictions to find best practices. The policy has also been reviewed by the City Attorney to ensure that it adequately addresses the requirements of the Public Records Act, the Brown Act, and the Open Government Ordinance. The policy addresses financial responsibility for the tablet and appropriate uses for city-owned technology devices.

BACKGROUND

The City Council meets a minimum of 24 times per year. For each meeting, the City Clerk Department coordinates the compilation of 22 agenda packets that include the staff report and supporting documentation for each item on the agenda. The agenda packet for a City Council meeting typically ranges from 300 pages to 600 pages. For calendar year 2012, paper agenda packets consumed 127,468 pieces of paper.

With advances in technology, the continued use of paper agenda packets has become a more expensive and less efficient means of production. Tablet devices offer excellent readability and include annotation software that allows for editing and markup of the electronic document. The prices for tablet devices are dropping and the usability and functionality are at a very high level.

These devices have been successfully implemented in several cities. Legislative bodies have been able to integrate the devices into their duties without significant disruption and in accordance with the Brown Act and transparent government practices.

The staff reports and supporting documents in the agenda packet are currently available to the public in electronic format on the City's website. The tablet device will replace the paper agenda packet that is produced for Mayor, Council, Auditor, and designated staff. Paper agenda packets will continue to be available to the public in the City Clerk Department and the Main Library as is current practice.

The Program includes extensive training for elected officials and their staff. The City Clerk will provide assistance with the use of the tablet and annotation software and the Department of Information Technology will provide hardware support.

RATIONALE FOR RECOMMENDATION

To provide a clear policy on the terms of use and responsibility for the tablet devices issued to elected officials in Berkeley.

ALTERNATIVE ACTIONS CONSIDERED

Continue to print agenda packets in paper format only.

CONTACT PERSON

Mark Numainville, City Clerk, 981-6900

Attachments:

1: Resolution

Exhibit A: Paperless Agenda Packet Program–Terms and Use Policy for Elected Officials

RESOLUTION NO. ##,###-N.S.

PAPERLESS AGENDA PACKET TERMS AND USE POLICY FOR ELECTED
OFFICIALS

WHEREAS, the City of Berkeley has undertaken a paperless agenda packet program;
and

WHEREAS, this program will result in a financial savings to the City and reduce the
amount of paper consumed by the City by over 120,000 sheets annually; and

WHEREAS, the use of tablet devices by elected officials for the paperless agenda
packet requires that a clear policy on the terms of use and responsibility for the tablet
device is adopted; and

WHEREAS, said policy contains provisions for the open and transparent use of the
device in accordance with state and local laws.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the
Paperless Agenda Packet Terms and Use Policy for Elected Officials, contained herein
as Exhibit A, is hereby adopted.

Exhibit:

A: Paperless Agenda Packet Terms and Use Policy for Elected Officials



**Paperless Agenda Packet Terms and Use Policy for Elected Officials
Adopted by Resolution No. ##,### - N.S.**

Purpose

The City of Berkeley continually strives for efficiency, sustainability, and transparency in City operations. Technology is a key component in achieving these goals. The use of tablet devices for designated staff and elected officials will save considerable resources, both environmentally and financially.

The use of such devices must be in accordance with local and state laws and regulations in order to protect the public's trust and operate in an open and transparent manner. This policy applies to the Mayor, City Council, and City Auditor, and clearly defines the procedures and parameters for safe, secure, and effective use of the device.

Use of Device

1. The City will procure Apple iPad tablet devices for the Mayor, City Council members, and City Auditor.
2. The intended uses of the iPad device are: 1) paperless meeting packet, 2) receiving and sending City e-mail, 3) camera and video for City business, 4) internet access for City business. The iPad is not intended as a portable desktop for City business and will not be linked to the City network.
3. The City will issue iPads and accessories to the Mayor, City Council, and City Auditor ("Elected Officials"). All costs will be paid from the budget of the City Clerk Department.
4. Elected Officials must return the iPad and any City-purchased accessories on their last day of service.
5. Each Elected Official is responsible for the general care of the iPad that he or she has been issued, and shall protect it from damage. iPads must remain free of any writing, drawing, stickers or labels that are not the property of the City. Only a clean, soft cloth should be used to clean the screen. iPads that malfunction or are damaged must be reported to the City Clerk. The City will be responsible for repairing iPads that malfunction.
6. Elected Officials should report immediately to the City Clerk if the iPad has been damaged. Damage includes, but is not limited to, broken screens, cracked plastic pieces, and inoperability. If the cost to repair the iPad exceeds the cost of purchasing a new device, the City shall pay the full replacement value provided that the iPad was used and maintained in accordance with this policy. If the iPad was not used or maintained in accordance with this policy, the replacement iPad will be acquired using funds from the budget of the Elected Official.

7. If an iPad is stolen or lost, the Elected Official shall immediately report that fact to the Department of Information Technology (DoIT) and the City Clerk. For a lost iPad, the Elected Official must pay the replacement cost. If stolen, the City shall pay the full replacement value.
8. iPads will be password protected. Elected Officials are responsible for maintaining adequate and secure passwords for the iPad. Passwords shall be kept confidential. If an Elected Official is “locked out” of the iPad and the device cannot be unlocked, the memory may need to be erased to restore and reset the device. Every six months, when the Elected Official changes their network password, they must also change the corresponding password in the e-mail settings on the iPad.
9. From time to time, the City may add or upgrade software applications for use by Elected Officials such that they may be required to check in their iPads with the City Clerk for periodic updates and syncing. Any software, e-mail messages, documents or data downloaded onto a City-issued device becomes the property of the City and may only be used in ways that are consistent with applicable licenses, trademarks or copyrights. If technical difficulties occur or illegal software is discovered, the iPad will be reset, which may result in the loss of data or documents. The City does not accept responsibility for the loss of any software or documents deleted due to a re-format and re-image.
10. The iPads are wireless devices that require over the air access to download the agenda packets, send and receive e-mail and access the Internet. Safeguards will be in place for security of the wireless access and security of the device. Localized, secure wireless service will be made available for downloading at specific locations. Device security will be provided by locator software that includes the ability to wipe the memory of the device remotely. If the device is lost or stolen and the memory must be cleared, all data on the device will be deleted.

Limitations on Use

1. The iPad is a stand-alone electronic device to be used for the designated purposes in this policy. The iPad may not be connected to the City network or other City devices.
2. The City will provide wireless access for the iPad at 2180 Milvia Street and Council Chambers. Use of wireless connections in other locations is at the discretion of the hosting party.
3. Elected Officials shall not use the iPads for personal business or any other purpose not related to City business.

4. Elected Officials shall not use City issued iPads 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.
5. The iPad is a City-owned device. Elected Officials will not have access to iTunes or similar application stores. Prohibited content will be blocked and limited according the rules for the City network contained in Administrative Regulation 4.2. DoIT is responsible for updating the apps on the iPad. All apps will remain the property of the City and may be accessed, altered or removed by the City at any time.
6. The City does not accept responsibility for loss of any information or data stored on the City-owned device. The City may add or remove applications or software from the device at its discretion. Devices may be remotely backed up stored or wiped at the City's discretion for security or technological necessity. The City retains ownership of and access to any data that is backed up from the iPad.
7. Use of a City-issued iPad is considered to be a use of public resources. Therefore City-issued iPads may not be used for campaign activities, personal purposes or other purposes not authorized by law, and doing so could result in serious consequences, possibly including a \$1,000 per day fine or prosecution for a felony should the extent of a public officer's personal use of the public resources be so extensive that it becomes "embezzlement".

General Policies

1. Upon full implementation, the City Clerk will cease to print Agenda Packets in hard copy (except for the public binder packet and the Library packet); Elected Officials may still print hard copies of certain agenda reports or packet materials at their own expense.
2. The City Clerk Department will serve as the primary staff support for the general use of the device and the applications. The Department of Information Technology will provide procurement services and technical support to users. The City Clerk Department will provide training to Elected Officials and their staff on the use and care of the iPad.
3. The replacement schedule for the device and peripherals is 4 years. Any replacement or upgrade prior to that time will be paid from the user's office budgets.
4. Users will be notified by e-mail when the agenda packet is available for download. The packet may be downloaded from any location where the user has a wireless connection.

5. The Department of Information Technology will manage the wireless network and device security for the iPads. Wireless service will be installed at 2180 Milvia on the fifth floor and first floor to provide for the downloading of the agenda packet at the Civic Center. Wireless service will also be provided in the City Council Chambers.
6. Elected Officials will be required to sign the certification statement below acknowledging the understanding of and compliance with this policy.

Legal and Regulatory Policies

1. Currently, all Elected Officials have City-issued Blackberry devices that include phone and e-mail functions. The same rules that apply to the Blackberry with regards to the Brown Act apply equally to the iPad. Elected Officials shall not use the iPad in any way as to violate the public meeting requirements of the Brown Act.
2. The prohibited uses of electronic devices and the City network contained in Administrative Regulation 2.15 - City Issued Communication Equipment Policy, A.R. 3.17 - Fraud Abuse and Misuse of City Resources, and A.R. 4.2 - Computer Network Resources shall apply to the use of the iPad and any other personal communication or computing device issued by the City to Elected Officials.
3. In the use of City-issued electronic devices and the Internet, Elected Officials shall use the device in a lawful, ethical, and professional manner and are prohibited from engaging in activities such as threats, slander and libel, defamation, obscene, suggestive or offensive graphic images or messages (including any access of pornographic materials), political endorsements, and private, for profit activities.
4. Users shall make all necessary and reasonable efforts to protect the confidentiality of information which is placed in their control or care to avoid the likelihood of transmission of confidential information to unauthorized recipients.
5. City records, whether paper or electronic, are governed by the public disclosure requirements of the Public Records Act. The iPad, Internet and e-mail access provided are tools for conducting City business. Thus, use of such tools by Elected Officials will be solely for City business related purposes. All of the City's computer systems, including the iPad, are considered to be public property. All documents, data, files and e-mail messages created, received, stored in, or sent from any City iPad are considered public records, subject to disclosure to the public pursuant to the California Public Records Act (with only limited exceptions), and are considered the property of the City of Berkeley.

6. Due process during deliberations on adjudicative matters such as land use applications and grants, denial or revocation of permits and licenses, and the like require that all evidence be introduced during the deliberations. Accordingly, Councilmembers must immediately disclose to the public any communication they receive and view via an iPad or other device during Council consideration of such matters. Furthermore, in the event an electronic communication is received and viewed by a member of a legislative body during a meeting regarding any agenda item, the content of the communication must be disclosed and considered part of the public record.
7. During meetings of the legislative body, Elected Officials shall refrain from using the iPad or any other electronic device, to send or exchange facts about or engage in discussions regarding City issues via electronic communication including e-mail, text, chat rooms, news groups, on-line forums, blogs, or twitter feeds with any other member of the legislative body or staff. This prohibition does not apply to e-mail or text messages from family members or family caregivers or other urgent personal business unrelated to City business. Users wishing to respond to such a message shall do so during a recess or shall excuse themselves from the meeting to respond to such a communication in a manner that does not disrupt the meeting.
8. Elected officials may not use personal e-mail accounts on any device in the conduct of City business.



**Paperless Agenda Packet Terms and Use Policy for Elected Officials
Adopted by Resolution No. ##,### - N.S.**

Certification Statement

I, the undersigned elected official of the City of Berkeley, have been provided with a copy of the duly adopted policy and understand its contents fully. I accept and understand the terms of the policy and agree to abide by all terms contained therein.

I do hereby acknowledge that I have been provided an iPad and specified accessories for use in performing my duties as an elected official of the City of Berkeley.

I also understand that the primary use of the iPad is intended for receiving paperless agenda packets, receiving and sending e-mail through my City issued e-mail account, internet access in accordance with City A.R. 4.2, and the use of the camera. The Berkeley Department of Information Technology will only provide support for these functions.

I agree to return the City-issued iPad at the conclusion of my term as an elected official with the City of Berkeley. I also agree that I will replace the iPad should I lose or damage the City-issued equipment.

Name

Signature

Date

iPad Serial Number

