

RESOLUTION 2021-11

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BEAUMONT-CHERRY VALLEY WATER DISTRICT ADOPTING POLICY 4100: ELECTRONIC COMMUNICATIONS AND DATA DEVICES AT DAIS AND AMENDING THE DISTRICT'S POLICIES AND PROCEDURES MANUAL

WHEREAS, on March 18, 2009 the Board of Directors of the Beaumont-Cherry Valley Water District adopted Resolution 2009-05, establishing a Policy and Procedures Manual applicable to Board of Directors and District staff; and

WHEREAS, due to evolving technological capabilities and resulting legal considerations, the Board of Directors desires to assure its open and public meetings are free of complications arising from the use of electronic communications and data devices; and

WHEREAS, the Electronic Communications and Data Devices at Dais Policy assures transparency as guaranteed via The Brown Act, and assures all Board deliberations are based on fair process and no *ex parte* information; and

WHEREAS, the Board of Directors has reviewed and considered the policy attached hereto as Exhibit A, finds the policy relevant and acceptable, and deems it to be in the best interests of the District that the following actions be taken,

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Beaumont-Cherry Valley Water District that the BCVWD Policies and Procedures Manual is hereby revised to include Policy 4100 attached hereto as Exhibit A.

ADOPTED this 14th day of July, 2021 by the following vote:

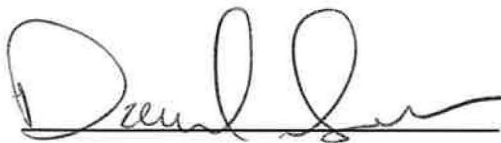
AYES: Covington, Hoffman, Ramirez, Williams

NOES:

ABSTAIN:

ABSENT: Slawson

ATTEST:



Director Daniel Slawson, President of the
Board of Directors of the
Beaumont-Cherry Valley Water District



Director Andy Ramirez, Secretary to the
Board of Directors of the
Beaumont-Cherry Valley Water District

POLICY TITLE: ELECTRONIC COMMUNICATIONS AND DATA DEVICES AT DAIS
POLICY NUMBER: 4100

4100.1 **Purpose.** To ensure transparency and full and open debate on issues before the Board of Directors, avoid potential violations of the Ralph M. Brown Act, and assure the District's ability to comply with the California Public Records Act (CPRA) and other applicable laws.

4100.2 This policy applies to members of the Board, the legislative body of the District, during public meetings subject to the Brown Act, such as regular meetings or meetings of standing committees.

4100.3 Board members are expected and have the obligation to use good judgement when using the internet and electronic communication tools such as District-provided personal computers, or portable electronic communications and data devices, including, but not limited to, laptop computers, cell phones, tablet computers, pagers, and similar devices while in a public meeting of the legislative body subject to the Brown Act. Use of these tools or devices during public meetings shall be limited as prescribed in this policy and applicable law.

4100.4 The purposes of the public meetings of the Board are to consider the technical analysis and recommendations prepared by staff, hear public input, come together to make decisions, and explain reasons for decisions made. Board members are expected to focus attention on the proceedings as a responsibility of public office.

4100.5 It is the policy of the BCVWD to adhere to laws related to the use of portable electronic communications and data devices and District-provided internet-capable personal computers or other devices by members of the Board, including all applicable District regulations and policies, and the requirements of Article I, Section 3, Subdivision (b), Paragraph 1 of the California Constitution, the California Public Records Act (Government Code §6250-6276.48), the Ralph M. Brown Act (Government Code §54950-54963), due process rights of interested parties in District legislative body proceedings, and District Policies and Procedures.

4100.6 Board members may not use portable electronic communications and data devices or the District-supplied personal computers at public Board meetings in any manner or for any purpose prohibited by law or District Policy.

4100.7 In particular, but without limitation, electronic communications and data devices or personal computers may not be used at public Board meetings in any of the following ways:

1. In violation of the requirements of the Brown Act, such as by sharing communications among a majority of the Board privately and separate from the public discussion at the meeting.
2. In violation of the requirements of the CPRA, such as by transmitting to a majority of the Board information connected with a matter subject to consideration at the meeting, which information is not available to the public.
3. In violation of due process rights of interested parties at adjudicatory hearings, such as by consideration of information not part of the hearing record, or by use of an electronic communications and data device so as to result in inattention to the record and/or proceedings before the Board.

4100.8 All electronic devices connected to the internet shall be turned off during closed sessions of meetings.

4100.9 During any meeting subject to the Brown Act, Board members may not receive electronic communications from, or send electronic communications to, any person (including, but not limited to, members of the public, District staff, other Board members, and parties to District proceedings) except as permitted in Section 4100.10 below.

4100.10 Board members may use electronic communication and data devices during public meetings of the legislative body to receive and send communications regarding personal emergencies, such as family emergencies. Members receiving/sending such information should coordinate with the member presiding over the meeting as needed to ensure compliance with open meeting, open records, due process, and other applicable laws, rules, and policies.

4100.11 All records, regardless of format, related to the conduct of District business must be retained by the District pursuant to California law and the District's Records Retention Schedule.