



City of Las Cruces[®]

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 15

Resolution #11-073

Council District:

For Meeting of September 20, 2010
(Adoption Date)

A RESOLUTION CONCERNING THE USE OF ELECTRONIC EQUIPMENT DURING COUNCIL MEETINGS.

PURPOSE(S) OF ACTION: To address the distraction caused by the use of electronic equipment during City Council meetings.

Drafter and Staff Contact: Harry S. (Pete) Connelly		Department: Legal		Phone: 541-2128	
Department	Signature	Phone	Department	Signature	Phone
Department Director			Budget	<i>Richard M. [Signature]</i>	541-2107
Other			Assistant City Manager	<i>[Signature]</i>	541-2271
Legal	<i>[Signature]</i>	541-2128	City Manager	<i>[Signature]</i>	541-2076

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

The important and complicated business of municipal governance as conducted during meetings of the City Council demands the time and full attention of the City Council as it exercises its powers as set forth in the City's Charter and the duties and obligations set forth in the City's ordinances.

The use of cell phones and personal computers for purposes other than accessing items on the electronic agenda of the City Council has become a source of distraction among City Council members. Electronic communication via e-mail or text messaging between City Council members and the public during a Council meeting may prevent the Council's full attention to public matters and may allow for small groups of the Council to create a "rolling" or "walking" quorum which may be contrary to the Open Meetings Act.

It is in the best interests of the City of Las Cruces to have its governing body fully engaged in the process of governance of the City as required by the Charter and its ordinances as a group, without outside distractions and the potential of violating the Open Meetings Act.

SUPPORT INFORMATION:

1. Resolution.

(Continue on additional sheets as required)

SOURCE OF FUNDING:

Is this action already budgeted? N/A	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____
		<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)
		<input type="checkbox"/>	Proposed funding is from fund balance in the _____ Fund.
Does this action create any revenue?	Yes	<input type="checkbox"/>	Funds will be deposited into this fund:
	No	<input checked="" type="checkbox"/>	There is no new revenue generated by this action.

FUND SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A					

OPTIONS / ALTERNATIVES:

1. Vote "Yes". This will limit the use of electronic equipment during City Council meetings and so limit the potential for violations of the Open Meetings Act.
2. Vote "No". This will mean there are no limits to the use of electronic equipment during City Council meetings.
3. Vote to "Amend". Amendments may include further definitions of the use of electronic equipment and potential distraction.
4. Vote to "Table".

REFERENCE INFORMATION

None.

RESOLUTION NO. 11- 073**A RESOLUTION CONCERNING THE USE OF ELECTRONIC EQUIPMENT DURING COUNCIL MEETINGS**

The City Council is informed that:

WHEREAS, the important business of government of the City of Las Cruces is conducted at and during meetings of the City Council; and

WHEREAS, the complicated business of municipal governance demands the time and full attention of the City Council in the fulfillment of exercising its powers as set forth in the City's Charter and the duties and obligations set forth in the City's ordinances; and

WHEREAS, cellular telephones, laptop computers and other electronic devices are now equipped with built-in games, cameras, Internet access, text messaging capability and other means of communication; and

WHEREAS, the use of cell phones and personal computers for purposes other than accessing items on the electronic agenda of the City Council has become a source of distraction among City Council members; and

WHEREAS, electronic communication via e-mail or text messaging between City Council members and the public during a Council meeting may have the result of causing a distraction to the City Council members; and

WHEREAS, the distraction of the City Council members may prevent their full attention of the public matters before them and may allow for small groups of the City Council members to create a "rolling" or "walking" quorum which may be contrary to the Open Meetings Act; and

WHEREAS, it is in the best interest of the City of Las Cruces to have its governing body members fully engaged in the process of governance of the City as required by the Charter and its ordinances as a group without outside distractions and the potential of violating the Open Meetings Act.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LAS CRUCES:

(I)

THAT City Council members shall refrain from the use of cellular telephones and other electronic equipment during a meeting of the City Council except as used to access electronic agenda information for the meeting in progress.

(II)

THAT City staff is authorized to do all deeds necessary to accomplish the intent of this Resolution and the Agreement.

DONE AND APPROVED on this _____ day of _____, 2010.

APPROVED:

(SEAL)

Mayor

ATTEST:

City Clerk

VOTE:

Mayor Miyagishima:	_____
Councillor Silva:	_____
Councillor Connor:	_____
Councillor Pedroza:	_____
Councillor Small:	_____
Councillor Sorg:	_____
Councillor Thomas:	_____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:



City Attorney