

AGENDA ITEM NO. 11

**RESOLUTION NO. 14-006,
*RESOLUTION OF THE BOARD
OF DIRECTORS OF THE
WESTERN RIVERSIDE COUNTY
REGIONAL CONSERVATION
AUTHORITY ADOPTING
AN ELECTRONIC
COMMUNICATIONS POLICY
PURSUANT TO THE
RALPH M. BROWN ACT***

Regional Conservation Authority

**RESOLUTION NO. 14-006
RESOLUTION OF THE BOARD OF DIRECTORS OF THE WESTERN
RIVERSIDE COUNTY REGIONAL CONSERVATION AUTHORITY
ADOPTING AN ELECTRONIC COMMUNICATIONS POLICY PURSUANT TO
THE RALPH M. BROWN ACT**

Staff Contact:

**Best Best & Krieger LLP
(951) 686-1450**

Background:

Based on recent events, RCA staff felt it appropriate at this time for the Board to consider adopting an electronic communications policy which provides guidance to board members sending or responding to emails sent to other RCA Board Members.

Staff Recommendation:

Consider adopting Resolution No. 14-006, *Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Adopting an Electronic Communications Policy Pursuant to the Ralph M. Brown Act.*

Attachment:

Resolution 14-006, Resolution of the Board of Directors of the Western Riverside County Regional Conservation Authority Adopting an Electronic Communications Policy Pursuant to the Ralph M. Brown Act

AGENDA ITEM NO. 11

Attachment

**Resolution No. 14-006,
*Resolution of the Board of
Directors of the Western
Riverside County Regional
Conservation Authority
Adopting an Electronic
Communications Policy
Pursuant to the
Ralph M Brown Act***

RESOLUTION NO. 14-006

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE WESTERN RIVERSIDE COUNTY REGIONAL
CONSERVATION AUTHORITY ADOPTING AN
ELECTRONIC COMMUNICATIONS POLICY PURSUANT
TO THE RALPH M. BROWN ACT**

WHEREAS, the Western Riverside County Regional Conservation Authority (“RCA”) is a public agency of the State of California formed by a Joint Exercise of Powers Agreement (“JPA”);

WHEREAS, pursuant to Section 17 of the JPA, the RCA has the power to adopt such rules and regulations as the RCA’s Board of Directors (“Board”) may deem necessary for the conduct of the RCA’s affairs;

WHEREAS, the Board has determined the need to establish and adopt an Electronic Communications Policy (the “Policy”) pursuant to the Ralph M. Brown Act, Government Code section 54950 et seq. (“Brown Act”); and

WHEREAS, the Policy would provide guidelines and reporting procedures for the members of the RCA Board and RCA staff to follow to facilitate compliance with the Brown Act when using electronic communications, including email.

NOW, THEREFORE, the Western Riverside County Regional Conservation Authority hereby adopts the “Electronic Communications Policy Pursuant to the Ralph M. Brown Act,” a copy of which is attached as Exhibit “A,” which is available for inspection by the public at RCA’s office, and may be found at www.wrc-rca.org.

PASSED AND ADOPTED at the regular meeting of the Board of Directors of the Western Riverside County Regional Conservation Authority held this 5th day of May, 2014.

By: _____
Scott Miller, Chairman
Western Riverside County
Regional Conservation Authority

ATTEST:

By: _____
Honey Bernas, Clerk of the Board
Western Riverside County
Regional Conservation Authority

Exhibit A

ELECTRONIC COMMUNICATIONS POLICY PURSUANT TO THE RALPH M. BROWN ACT (APRIL 7, 2014)

- I. Members of the Western Riverside County Regional Conservation Authority (“RCA”) Board of Directors (“Board”), in their electronic communications with each other, RCA staff and consultants, shall ensure that all such electronic communications are in strict compliance with the provisions of the Ralph M. Brown Act, Government Code section 54950 et seq. (“Brown Act”).
- II. For the purposes of this policy, “electronic communications” shall include, but shall not be limited to, electronic mail (e-mail), text messaging, picture messaging, web logs (“blogs”), message boards, the comments section of an online publication or blog and professional and/or social network websites.
- III. Board members shall not utilize electronic communications to build consensus or otherwise attempt to persuade or form a collective concurrence with a majority of the Board on any item within the subject matter jurisdiction of the Board. Some examples that Board members as well as parties who communicate with Board members, such as RCA staff and consultants, should avoid include:
 - A. Replying to “all” to e-mails originally sent to a majority of the Board;
 - B. Sending individual text messages to a majority of the Board, either individually or collectively on the same matter;
 - C. A majority of the Board posting comments on a blog, message board, comments section of an online publication or networking site;
 - D. Individual emails sent either between Board members or between a third party and several Board members, such that a collective concurrence of the majority of the Board is formed through such email exchanges. These meetings may occur by either a “daisy chain” or a “hub-and-spoke” sequence. Both of these sequences violate the Brown Act and must be avoided.
 1. In the daisy-chain scenario Member A contacts Member B, Member B contacts Member C, Member C contacts Member D and so on, until a collective concurrence has been established.
 2. The hub-and-spoke process involves, for example, a

Board member or other RCA staff member or consultant (the hub), communicating with members of Board (the spokes) one-by-one to arrive at a collective concurrence.

- IV. In the event that any Board member receives any electronic communication that he or she believes violates the Brown Act as specified above or would result in the formation of collective concurrence, thereby potentially violating the Brown Act, the Board member shall not reply to or forward such communication to a third party except for RCA legal counsel as specified in Section V below.
- V. In the event any Board member receives a communication which potentially implicates this policy, he or she shall contact RCA legal counsel to determine whether to place the item on the agenda for the next available Board meeting.