

HEWITT TEXAS

ADDENDUM TO REGULAR MEETING

NOTICE OF MEETING OF THE GOVERNING BODY

Notice is hereby given that a **Regular** meeting of the governing body of the City of Hewitt will be held on the **16th day of September, 2019, at 7:00 PM in the City Council Chambers at Hewitt City Hall, 200 Patriot Court, Hewitt, Texas**, at which time the following subjects will be discussed:

1. Consideration and approval of **Resolution No. 2019-15** providing for issuance of city-owned cell phones to the Mayor and Councilmembers for the conduct of City business, and providing for other rules and understandings amongst the Mayor and Councilmembers as to use of the cell phones.

I, the undersigned authority, do hereby certify that the above Notice of Meeting of the governing body of the City of Hewitt, Texas was posted on the Public Notice Board located in front of City Hall at 4:15 AM/PM on September 12, 2019.

CITY OF HEWITT



Lydia Lopez, TRMC
City Secretary

Persons with disabilities who plan to attend this meeting and who may need auxiliary aids or services such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille, are requested to contact the Hewitt City Secretary at (254) 666-6171 at least 24 hours prior to the meeting, so that appropriate arrangements can be made.



COUNCIL ADDENDUM AGENDA ITEM FORM

MEETING DATE: September 16, 2019

AGENDA ITEM #: 1

SUBMITTED BY: Bo Thomas, City Manager

ITEM DESCRIPTION:

Consideration and approval of **Resolution No. 2019-15** providing for issuance of City-owned cell phones to the Mayor and Councilmembers for the conduct of City business, and providing for other rules and understandings amongst the Mayor and Councilmembers as to use of the cell phones.

STAFF RECOMMENDATION/ITEM SUMMARY:

At the August 26, 2019 Council Meeting, Council directed staff to bring back a cell phone policy.

Attached is a resolution outlining rules for use of city-initiated cell phones.

SUGGESTED MOTION:

"I move to approve Resolution No. 2019-15 providing issuance of city-owned cellphones to Mayor and Council members for the conduct of city business."

ATTACHMENTS:

Resolution

RESOLUTION NO. 2019-15

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
HEWITT, TEXAS FOR THE ISSUANCE OF CITY OWNED
CELL PHONES TO THE MAYOR AND
COUNCILMEMBERS FOR CONDUCTING CITY
BUSINESS**

WHEREAS, the City of Hewitt has experienced repeated requests for phone logs/texts messages of members of the City Council over the last two years; and

WHEREAS, it is difficult to remember what calls or texts were made on what personal device, and people routinely delete information on personal devices for the sole purpose of cleaning out old messages and freeing up space; and

WHEREAS, S.B. 944 did not change the law as to city business on personal devices being public information, but it did make it legally dangerous to delete such information except in accordance with state retention schedules; and

WHEREAS, to simplify matters and assure compliance with S.B. 944 it is in the best interest of the City and its volunteer Mayor and volunteer Councilmembers to be provided with City-owned cell phones on a plan in the City's name and which is paid for by the City; and

WHEREAS, the Council finds that each member should conduct all telephonic or text communications regarding City business only on the City-issued phones.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HEWITT, TEXAS THAT:

1. the foregoing findings are incorporated herein and made findings of fact, and
2. the City Manager is authorized and directed to acquire cell phones to be distributed to the Mayor and Councilmembers which are: owned by the City; and which have a voice and data account in the name of the City; and
3. it is agreed that only the City-issued phones will be used for City business conducted using a cell phone. Further, it is agreed that City business conducted on these phones shall only be conducted by voice call or text. Because the phones have internet access it is necessary to make clear that such access cannot be used for any social media purposes or for any form of communication on City business other than voice or text communications (ie. Facebook Messenger, Twitter, SnapChat).

4. It is agreed that no items will be deleted from the City-owned cell phones without assuring that the applicable retention schedule has been met. The City Secretary should be consulted on this issue. If the answer is unclear, the information should not be deleted. Periodically, the information on the cell phones will be downloaded and saved to an electronic medium by the City, at which point the items saved can be deleted from the phone.

5. The parameters of "city business" or "in official capacity" are not yet well established. In addition, what items fall under what retention schedules is still being worked through by the City and most cities across the state. It will likely take AG Rulings and court opinions to define and provide guidance in these areas. Therefore, it is best to err on the side of safety when considering whether an item can be deleted.

6. All actions taken by the City Manager in preparation for the foregoing prior to this Resolution are ratified and approved.

Effective on Passage, being September 16, 2019.

Passed and Approved on the motion of _____, second of _____ and by a vote of ____ AYES ____ NAYS and ____ Abstentions at the duly called and noticed meeting of the Hewitt City Council on September 16, 2019.

Charles D. Turner, Mayor

Attest:

Lydia Lopez, City Secretary

Approved:

Mike Dixon, City Attorney