

ORDINANCE NO. 6166

**AN ORDINANCE ADOPTING AN ELECTRONIC COMMUNICATION
DEVICE USE POLICY DURING CITY COUNCIL MEETINGS**

WHEREAS, technology is a valuable resource and critical communication tool for many people, including elected and appointed city officials; and

WHEREAS, the use of electronic communication devices during public meetings raises the following concerns: actual or perceived violation of the Open Meetings Act; distraction and disruption to the conduct of the meeting; and perception of not listening to citizens, staff, and other council members; and

WHEREAS, for these reasons, the council adopts limitations on the use of electronic communication devices at city council meetings by elected city officials.

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF FAIRBANKS, ALASKA, as follows:

SECTION 1. Fairbanks General Code Chapter 2, Article II, Division 4 is hereby amended by adding Sec. 2-123 as follows:

Sec. 2-123. Limitations on the use of electronic communication devices.

(a) The following limitations on the use of electronic communication devices will be in effect during all city council meetings and will apply to all elected officials:

- (1) Cell phones must be turned off (not simply silenced) prior to the start of the meeting and remain off during the duration of the meeting;
- (2) Electronic communication devices, other than cell phones, may only be used for purposes of reading materials provided for that meeting or other materials available related to an agenda topic; and
- (3) Electronic communication devices may not be used to engage in emailing, texting, or accessing social media of any kind.

(b) As used in this section, "electronic communication" means any text, audio, static image, or video to be exchanged in real time or near real time and includes but is not limited to: email, instant messaging, chat rooms,

text messaging, social media, and blogs. An “electronic communication device” means any device capable of electronic communication.

(c) The council may grant permission for a member to have their cell phone turned on, if warranted due to special circumstances such as a family emergency. The council, in coordination with the administration and the FECC, may adopt procedures to provide for emergency contact of council members during council meetings.

(d) If council members are authorized by ordinance to attend meetings virtually, a member may use an electronic communication device to the extent necessary to allow their participation.

SECTION 2. That the effective date of this ordinance is the ___ day of June 2021.

Jim Matherly, Mayor

AYES: Therrien, Rogers
NAYS: Clark, Kun, Gibson, Marney
ABSENT: None
FAILED: June 28, 2021

ATTEST:

APPROVED AS TO FORM:

D. Danyielle Snider, MMC, City Clerk

Paul Ewers, City Attorney