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FINAL REPORT

**City of Cupertino**  
**CITY COUNCIL POLICY REVIEW**

April 2026

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# I. Executive summary

## A. Background, Scope, and Methodology

Effective governance is critical to ensuring transparency, accountability, and public trust, particularly in municipal operations where clear roles, consistent procedures, and well-defined policies guide decision-making. As part of the City of Cupertino’s (the City’s) fiscal year 25-26 internal audit program, Baker Tilly evaluated the City’s Council-related policies to identify opportunities to improve clarity, consistency, and usability, determine whether there were any major gaps, and align Council operational procedures with industry best practices.

The policies under review included:

- Council Procedures Manual
- Code of Ethics and Conduct
- Policies and Guidelines on Sister Cities, Friendship Cities, and International Delegations
- Social Media Policy
- Technology Use Policy

This assessment was primarily conducted between September 2025 and February 2026. The project’s phases included planning, fieldwork, analysis, and reporting. Fieldwork was informed by interviews, peer research, and document and data review. Based on the information gained during these phases of fieldwork and analysis, we identified areas of improvement related to the project objectives.

## B. Summary of Observations and Recommendations

Our observations and recommendations are summarized below. Detailed observations and recommendations are in the **Observations and Recommendations** section.

OBSERVATIONS AND RECOMMENDATIONS		
1.	<b>Observation</b>	The City’s current Council policy environment lacks several key elements, including a formal policy review cycle, standardized training, and clearly defined enforcement mechanisms. These gaps may reduce the effectiveness and consistent implementation of Council-related policies.
	<b>Recommendation</b>	Implement a structured policy management framework that formalizes policy review, standardizes training, and clarifies enforcement procedures.
2.	<b>Observation</b>	While the City Council Procedures Manual addresses many foundational topics, it does not include several sections commonly found in peer city manuals.
	<b>Recommendation</b>	Consider revising the Manual to add or expand sections that would improve its comprehensiveness and provide clearer guidance for effective Council operations.

OBSERVATIONS AND RECOMMENDATIONS		
3.	<b>Observation</b>	The Code of Ethics and Conduct is a comprehensive policy; however, several areas could be strengthened to improve clarity and implementation.
	<b>Recommendation</b>	Consider targeted updates to the Code of Ethics and Conduct to improve clarity, accountability, and administration.
4.	<b>Observation</b>	The Policies and Guidelines on Sister Cities, Friendship Cities, and International Delegations provide a strong framework for international partnerships but would benefit from clearer definitions of key terms and clearer measures of program success.
	<b>Recommendation</b>	Review and update the policy to improve clarity for both Council and staff.
5.	<b>Observation</b>	The City's Social Media Policy primarily provides staff-level administrative guidance and does not address Councilmember use of social media in a comprehensive manner.
	<b>Recommendation</b>	Consider developing a standalone social media policy to provide guidance to elected and appointed officials.
6.	<b>Observation</b>	The City's Technology Use Policy primarily provides staff-level guidance and does not address Councilmember-specific scenarios or needs.
	<b>Recommendation</b>	Consider developing a standalone technology use policy to provide guidance to elected and appointed officials.

## II. Introduction

### A. Background

Effective governance is essential to promoting transparency, accountability, and public trust, particularly in municipal operations where clear roles, consistent procedures, and well-defined policies guide decision-making.

As part of the City of Cupertino’s fiscal year 2025–2026 internal audit program, Baker Tilly conducted a comprehensive review of Council-related policies to strengthen the City’s governance framework. The assessment was designed to identify opportunities to improve clarity, consistency, and usability across Council policies; determine whether significant policy gaps exist; and align Council operational procedures with recognized industry best practices. Strengthening these governance structures positions the City to support informed decision-making, improve operational effectiveness, and uphold its commitment to serving the community with integrity.

### B. Scope and Methodology

This assessment examined how Cupertino’s Council-related operational policies are structured, maintained, and used, with a focus on whether they provide Councilmembers with clear, practical guidance. The review also identified opportunities to strengthen Council-specific expectations and improve the consistency of policy management practices.

The policies included in the review were:

- Council Procedures Manual
- Code of Ethics and Conduct
- Policies and Guidelines on Sister Cities, Friendship Cities, and International Delegations
- Social Media Policy
- Technology Use Policy

This analysis was informed by interviews, document review, peer city research, and research on industry best practices. This assessment was primarily conducted between September 2025 and February 2026 and consisted of four major phases.

PROJECT PHASE		DESCRIPTION
1	<b>Startup and Project Management</b>	<p>Phase one consisted of collaborative project planning with City leadership, including determining who would be interviewed, what documents would be reviewed, and coordination on project status.</p> <p><b>Initiate Project:</b> We conducted a kickoff meeting with City leadership to confirm expectations and discuss overall project scope, logistics, deliverables, timing, and progress reporting requirements. We clarified the responsibilities of Baker Tilly and City leadership, timing of project activities, and format of deliverables.</p>

PROJECT PHASE		DESCRIPTION
		<p><b>Perform Project Management:</b> We conducted project management for the duration of the engagement. These activities included periodic check-ins with City leadership, updating on progress, and submitting draft deliverables for review.</p> <p><b>Provide Quality Assurance:</b> We recognize the need for quality by providing excellent client service and engagement oversight. All deliverables received a quality assurance review before submittal to the City.</p>
2	<b>Fact-Finding</b>	<p>The second phase focused on execution of planned activities, including document review, interviews, peer research, and industry best practice research. We obtained the most current information available from City staff.</p> <p><b>Interviews:</b> We conducted interviews with five individuals including council members, City leadership, and staff to gain insight into council policies.</p> <p><b>Documentation Review:</b> We gathered relevant documentation for review, including current council-related policies, handbooks, committee lists, and organization charts.</p> <p><b>Peer Research:</b> We conducted peer research to assess the City’s alignment with similar entities and identify areas for improvement. The following list of peers we included in our research.</p> <ul style="list-style-type: none"> <li>● City of Fremont</li> <li>● City of Menlo Park</li> <li>● City of Pleasanton</li> <li>● City of San Leandro</li> <li>● City of Santa Clara</li> <li>● City of Santa Cruz</li> <li>● City of Walnut Creek</li> </ul> <p><b>Industry Best Practice:</b> We conducted research into industry best practices for council operational policies.</p>
3	<b>Analysis</b>	Based on our observations, we evaluated options to help the City improve council policies and better align with best practices.
4	<b>Reporting</b>	Based on our analysis, we prepared a draft report with our observations and recommendations. The draft report was then reviewed by City leadership, and feedback was integrated into an updated report before finalizing.

# III. Observations and Recommendations

Based on the input gathered from interviews, document review, peer research, as well as comparisons to best practices, we prepared a comprehensive set of observations and recommendations, which are presented in detail below.

## A. Council Policy Environment

<b>1. Observation</b>	<b>The City’s current Council policy environment lacks several key elements, including a formal policy review cycle, standardized training, and clearly defined enforcement mechanisms. These gaps may reduce the effectiveness and consistent implementation of Council-related policies.</b>
<b>Recommendation</b>	<b>Implement a structured policy management framework that formalizes policy review, standardizes training, and clarifies enforcement procedures.</b>

The Council’s policy environment encompasses the framework, processes, and practices that govern the development, dissemination, maintenance, and enforcement of Council-related policies. Its effectiveness depends on several factors, including the timeliness of policy updates, the accessibility and usability of policies, the quality and consistency of training, the presence of regular review mechanisms, and the clarity of processes for addressing policy violations. Each of these elements plays a critical role in ensuring that policies serve their intended purpose, remain current and relevant, and are understood and adhered to by all stakeholders.

The city currently has many of these critical elements in place. However, gaps remain that may make it difficult for Councilmembers and staff—particularly newly elected officials and new employees—to identify the most current and relevant guidance. The sections below summarize key observations related to policy review and updates, training and orientation, and violations and enforcement.

### Policy Review and Updates

At present, the City’s Council policy environment is dynamic but largely reactive, with limited proactive management of policy updates and reviews. Although all policies included in this assessment had been updated within the past five years—generally consistent with an industry-standard review cycle of three to five years—the City does not have a standardized process for regularly reviewing Council-related policies. Instead, policies are typically reviewed and revised in response to requests from individual Councilmembers or emerging issues.

Updated policies are generally routed to the Clerk’s Office, added to Laserfiche, and uploaded to the City’s internal system, the Hub. However, interviewees reported that superseded versions are not always consistently removed. The City completed a one-time effort last year to add metadata intended to support identification and removal of outdated policies, but subsequent updates have not been applied consistently. As a result, duplicate and obsolete versions of policies may remain accessible.

## Training and Orientation

Historically, training on Council-related policies has been inconsistent and has lacked a structured, documented approach. New Councilmembers may receive a binder of relevant policies during orientation, but there is no formal process identifying which policies must be included, prioritized, or reviewed. Refresher training has generally been reactive and incident driven. For example, interviewees noted that a recent technology policy refresher was delivered in response to a specific issue. Policy materials are typically provided during post-election orientation, which does not occur annually, and optional mid-year refresher sessions may be brief or inconsistent.

Interviewees also reported that the City has recently made improvements to orientation and training, which represents a positive development.

## Violations and Enforcement

With the exception of the Code of Ethics and Conduct, most Council operational policies do not clearly describe how violations should be addressed. More broadly, current processes for responding to breaches of Council-related policies are not well understood by either staff or Councilmembers. This indicates a need for clearer guidance regarding enforcement procedures and accountability mechanisms.

## Recommendation

To strengthen the Council policy environment, the City should implement a formal policy management framework that addresses existing gaps in policy review, training, and enforcement. Key actions include:

- **Formalize policy management:** Establish documented procedures for updating, archiving, renaming, and reviewing Council-related policies. Assign responsibility for policy oversight to a designated office or individual, and implement a regular review cycle, such as every three years.
- **Standardize training and onboarding:** Build on recent improvements by documenting a comprehensive training program for Councilmembers and Commissioners that includes orientation, required policy review, and proactive annual refresher training.
- **Clarify enforcement procedures:** Define and communicate clear protocols for addressing policy violations. Where appropriate, incorporate enforcement language directly into individual Council policies.

Implementing these actions would improve policy effectiveness, transparency, and consistency across the Council policy environment.

## B. Council Policy Manual

<b>2. Observation</b>	<b>While the City Council Procedures Manual addresses many foundational topics, it does not include several sections commonly found in peer city manuals.</b>
<b>Recommendation</b>	<b>Consider revising the Manual to add or expand sections that would improve its comprehensiveness and provide clearer guidance for effective Council operations.</b>

The City Council Procedures Manual (the Manual) is the City’s primary policy document governing Council operations. Consistent with best practice, the Manual includes guidance on a range of core topics, including communication, meeting management, decorum, and decision-making. It also references applicable sections of the Municipal Code to support compliance with relevant administrative requirements.

Although the Manual was revised in March 2025, additional sections and clarifications could further improve its usefulness as a comprehensive resource for Councilmembers.

POLICY SECTION/ ELEMENT	GAP	DESCRIPTION
<b>Adherence to Council Handbook/Manual</b>	Full gap	Typically, Council Manuals include a section outlining the expectations and responsibilities of council members to comply fully with the guidelines, policies, and procedures detailed within the document. It emphasizes the importance of consistent application to ensure transparency, accountability, and effective governance. This section often includes provisions for non-compliance, reinforcing the commitment of all members to uphold the standards and integrity of the council’s operations.
<b>Powers and Duties</b>	Partial gap	The Council Manual includes some information related to the roles of the Mayor, Vice Mayor, Councilmembers, and City Commissioners. Specifically, while councilmember powers are defined in the Municipal Code and referenced throughout the Manual—in sections such as Council/Manager Form of Government, Council-Manager Relations, and Authority of City Council—there is no consolidated overview section that fully outlines the responsibilities and duties of these positions. Including a dedicated section that clearly defines the roles and responsibilities of the Mayor, Vice Mayor, Councilmembers, and City Commissioners would improve clarity and understanding of these positions.
<b>Ethics and Conduct</b>	Partial gap	In alignment with best practice, the City maintains a separate Code of Ethics and Conduct for Elected and Appointed Officials. Within the Manual, ethics training is mentioned in Section 5.6, but the topic is otherwise absent.  For the benefit of the Council, it would be helpful to include a dedicated section in the Manual that outlines the ethical standards expected of councilmembers. This section should reference the standalone policy, clarify required trainings and disclosures, and highlight key values like integrity, transparency, impartiality, and respect for public trust, tailored specifically to the council’s role. Three

POLICY SECTION/ ELEMENT	GAP	DESCRIPTION
		of the seven peer cities reviewed include an ethics section in their Council Manuals.
<b>Sexual Harassment Prevention Training</b>	Full gap	Half of the peer manuals reviewed explicitly include the requirement for sexual harassment prevention training for councilmembers, in compliance with State Assembly Bill 1661. While this training may be covered under the City’s broader ethics training requirements, clearly stating this obligation in the Council Manual helps ensure councilmembers understand their responsibility to complete the training and reinforces the commitment to preventing all forms of sexual harassment in their official duties.
<b>Orientation for New Councilmembers</b>	Full gap	Although the Manual includes a Council Training section (5.6), adding a dedicated orientation section could help clarify expectations regarding how and when councilmembers receive training (see <a href="#">Observation 1</a> for more details). This section might outline the process for onboarding new councilmembers, specify required trainings (either providing the training directly or information on how to access and complete it), and include meetings with key staff, tours of city facilities, and access to training resources. Clearly defining orientation and training requirements in the policy would better support councilmembers in serving effectively, ethically, and in compliance with the law, ultimately strengthening the city’s overall governance and administration.
<b>Expense Reimbursement</b>	Partial gap	<p>The Council Manual includes a reimbursement section that outlines the basics of reimbursable expenses and references councilmember compensation; however, it does not clearly specify non-reimbursable expenses or set limits on travel, lodging, or meeting costs. Without these details, councilmembers may submit unreasonable expenses or claims outside the scope of their duties.</p> <p>Several peer cities include an appendix within their Manual or Handbook that details the Councilmember expense reimbursement procedures or have a standalone policy. These appendices typically specify limits on reimbursable expenses (e.g., requiring the most economical travel, expenses only for council purposes, restrictions on vehicle use, lodging, meals, and technology), provide detailed instructions for submitting reimbursement forms and making purchases, outline budget procedures for determining reimbursement levels, and describe ongoing review processes for council expenses throughout the year.</p>
<b>Meeting Procedures</b>	Partial gap	<p>The Council Manual and Municipal Code Chapter 2.08 address the Rules and Conduct of Meetings for the City Council; however, the Manual could be improved to clarify specific elements of meeting procedures.</p> <p>For example, the current Manual does not detail how meeting minutes and notices are managed, define quorum requirements, or clarify the role and responsibilities of the presiding officer, typically the mayor. The Manual would also benefit from including guidelines for remote participation, clear criteria for items eligible for the consent calendar along with procedures for objections or removal requests, and</p>

POLICY SECTION/ ELEMENT	GAP	DESCRIPTION
		<p>expanded policies on managing disruptive behavior by attendees, including warnings, removal, and appeals. Additionally, establishing standards for the preparation, approval, and distribution of meeting minutes and official records would help ensure accuracy and public accessibility.</p> <p>Consolidating and clarifying these procedures within the Council Manual—rather than relying solely on the Municipal Code—would offer councilmembers a more accessible resource and promote consistent, efficient meeting management.</p>
<b>Council's Role in Disaster/Risk Management</b>	Full gap	<p>Several peer cities (three out of seven) have a section on disaster recovery and/or risk management which clarifies the City Council's roles and responsibilities during emergencies and to outline the city's approach to managing risks. In the peer city manuals, this section includes the council's authority to declare a local emergency and a hierarchy for decision-making including if the Council is unavailable, as well as the designation of standby officers and alternative government locations. Additionally, the section details the city's risk management framework, covering the identification and mitigation of risks, claims settlement authority, indemnification and insurance requirements for contractors, and reporting obligations to maintain coverage.</p> <p>Although the City has an Emergency Management Program chapter in the Municipal Code, including this information in the manual can ensure councilmembers understand their critical role in emergency response and risk oversight, supporting effective governance and resilience in times of crisis. The Municipal Code should be referenced in this section.</p>
<b>Liability and Personal Responsibility</b>	Partial gap	<p>One peer manual includes a section on Liability and Personal Responsibility that outlines potential personal liability for councilmembers in cases of discrimination, harassment, or fraud, as well as the limits of city insurance coverage. While the City addresses protection from liability related to conflicts of interest in the Manual, it would be beneficial to also clarify the limits of liability protection for issues such as discrimination, harassment, and fraud, and to specify the extent of the City's insurance coverage for councilmembers.</p>
<b>Councilmember Compensation</b>	Partial gap	<p>The current Manual references a separate exhibit on compensation within the reimbursement section but does not provide detailed information elsewhere. Adding more comprehensive details or incorporating the Elected Officials' Compensation Program directly into the Council Manual would offer greater clarity on councilmember compensation.</p> <p>Several peer cities (three out of seven) include specific sections that outline councilmember compensation practices, covering details such as related ordinances (chapter 2.16 of the Municipal Code) and a high-level overview of what is included in compensation (e.g., salary, benefits, allowances) as well as what is not compensated (e.g., attendance at standing committees or external agencies).</p>

POLICY SECTION/ ELEMENT	GAP	DESCRIPTION
<b>Public Comment</b>	Partial gap	<p>While the City previously operated with a designated Policy on Public Comment (which included guidelines for Councilmembers on speaking at meetings, time allocations, agenda items, councilmember comments, and correction of misinformation), interviewees noted that this policy has been discontinued. In its place, the Manual includes a paragraph about how public comments are made.</p> <p>All peers have a section related to public comment in their council manuals. This section is important as it establishes clear, consistent guidelines that promote fairness, transparency, and orderly public participation. It helps ensure all community members have equitable opportunities to voice their views, supports efficient meeting management, and fosters trust between the council and the public.</p> <p>The City should expand on the current Public Comment section to include additional details including speaker order, consideration for remote speakers and written comments, correction of misinformation guidelines, and additional details on speaking times for large number of speakers, and managing disruptions.</p>
<b>Communicating with the Media</b>	Partial gap	<p>The Manual does not include information on how councilmembers should respond to the media. However, the Code of Ethics and Conduct Policy does have a short section on conduct with the Media. This section should be referenced and potentially expanded within the Manual. Clarifications in this area can be especially important when it comes to speaking to the media in the wake of an emergency or disaster situation.</p>
<b>Reference Materials</b>	Full gap	<p>Another valuable addition to the Manual would be a comprehensive list reference guide within an appendix, including relevant ordinances, resolutions, policies, training materials, and external resources (e.g., League of California Cities Guide, Institute for Local Government) referenced throughout the document. In addition, the other Council operating policies (including the Sister City Policy, Code of Ethics and Conduct, Social Media, and Technology Use Policy) should be actively referenced.</p> <p>Including such a reference section would enhance usability by providing councilmembers with easy access to important supporting materials, ensuring they have ready access to key information needed for effective governance.</p>

### Recommendation

Based on the partial and full gaps identified above, the City should consider revising or adding additional sections to the Manual to enhance its comprehensiveness and provide clearer guidance to support effective Council operations.

## C. Code of Ethics and Conduct

<b>3. Observation</b>	<b>The Code of Ethics and Conduct is a comprehensive policy; however, several areas could be strengthened to improve clarity and implementation.</b>
<b>Recommendation</b>	<b>Consider targeted updates to the Code of Ethics and Conduct to improve clarity, accountability, and administration.</b>

The Code of Ethics and Conduct was last revised in 2023 and is a well-developed and comprehensive policy. In general, it reflects many public-sector best practices (e.g., conflict of interest provisions, civility standards, Council–Manager boundaries). However, there are several areas that could be strengthened:

- Although the policy describes complaint handling and potential sanctions, such as reprimand and censure, it is largely self-enforcing and does not clearly establish investigative procedures, timelines, roles, documentation standards, or evidentiary expectations.
- The policy does not address anonymous reporting channels or protection against retaliation for individuals reporting unethical behavior. Where applicable, the policy could reference existing City processes in these areas.
- The policy requires ethics training but does not clearly specify training frequency beyond initial requirements or consequences for noncompliance, except for Commissioners.

### Recommendation

The City should review the Code of Ethics and Conduct and consider whether additional language related to enforcement procedures, reporting mechanisms, anti-retaliation protections, and training requirements would improve the policy’s clarity and effectiveness.

## D. Sister City Policy

<b>4. Observation</b>	<b>The Policies and Guidelines on Sister Cities, Friendship Cities, and International Delegations provide a strong framework for international partnerships but would benefit from clearer definitions of key terms and clearer measures of program success.</b>
<b>Recommendation</b>	<b>Review and update the policy to improve clarity for both Council and staff.</b>

The City maintains the Policies and Guidelines on Sister Cities, Friendship Cities, and International Delegations (Sister City Policy). This policy was last revised in October 2023 and defines program purpose, partnership structure, eligibility, and funding guidelines for Sister City and Friendship City relationships. Although the policy is not strictly a Council operations document, it relies significantly on Council oversight, particularly with respect to budget adoption, funding approval, and establishment or termination of city relationships.

Despite the policy’s comprehensive goals and structural definitions, staff have reported ongoing challenges in interpreting specific provisions—particularly those related to funding eligibility, travel expense rules, and the identification of City-supported groups.

Interviewees noted the following areas would benefit from clearer definitions or guidance:

- Who qualifies as a dignitary for purposes of dignitary gifts
- Whether Sister City and Friendship City relationships are intended to continue indefinitely and whether the number of relationships should be capped
- What criteria qualify an organization as a City-supported group
- What constitutes a “large city facility”
- Whether there is a cap on annual travel expenditures for the Mayor or the Mayor’s designee
- Which positions are eligible to serve as the Mayor’s designee for City-funded travel, under what circumstances, and subject to what spending limitations

In addition, the City does not have a formal process for periodically reviewing Sister City relationships to determine whether they continue to advance the City’s goals and interests. As a result, there is limited clarity regarding whether the program is achieving intended outcomes and whether all existing relationships should continue indefinitely.

Some municipalities have established performance measures and periodic reporting requirements to help ensure that Sister City activities remain aligned with strategic goals. For example, the City of Austin includes requirements for an annual activity, financial, and work plan reports, with a formal review process in their Sister City policy.

### Recommendations

The City should update the Sister City Policy to define key terms more clearly and reduce ambiguity for staff and Council. The City should also consider establishing performance measures and a formal review process, such as annual reporting to the City Council, to assess whether Sister City and Friendship City relationships continue to support the City’s goals.

## E. Social Media Policy

<b>5. Observation</b>	<b>The City’s Social Media Policy primarily provides staff-level administrative guidance and does not address Councilmember use of social media in a comprehensive manner.</b>
<b>Recommendation</b>	<b>Consider developing a standalone social media policy to provide guidance to elected and appointed officials.</b>

The City’s Social Media Policy was developed in 2020 as an organization-wide administrative policy that applies to both staff and elected or appointed officials. However, the policy primarily addresses management of official City social media accounts and does not provide sufficient guidance regarding how Councilmembers should use personal or official social media accounts when communicating about City-related matters.

Generally, social media policies that apply to elected officials should include information related to:

- Brown Act and open meeting law requirements, including the prohibition on serial meetings through social media interactions
- Public records and disclosure implications associated with social media content
- Distinctions between official and personal accounts
- Expectations related to civility and professionalism
- Security and account management
- Accessibility requirements and best practices
- Alignment with the City's broader Social Media Policy

**Recommendation**

The City should consider developing a standalone policy, or adding a dedicated section within the Council Procedures Manual, to provide elected and appointed officials with clear guidance regarding social media use.

## F. Technology Use Policy

<p><b>6. Observation</b></p>	<p><b>The City's Technology Use Policy primarily provides staff-level guidance and does not address Councilmember-specific scenarios or needs.</b></p>
<p><b>Recommendation</b></p>	<p><b>Consider developing a standalone technology use policy to provide guidance to elected and appointed officials.</b></p>

Similarly to the Social Media Policy, the City's Technology Use Policy was designed as an organization-wide administrative policy. In alignment with best practice, the policy provides a full framework for acceptable use, retention, security, and compliance and was last updated in 2024. However, it does not address issues specific to elected or appointed officials. In particular, we would expect to see guidance on the following topics:

- Permitted devices and equipment for Council use, including expectations for official City business, personal use, and political or campaign use
- Public record retention and disclosure requirements related to email and other digital communications
- Brown Act and open meeting law requirements, including the prohibition on serial meetings through email or other electronic communications
- Training requirements related to technology and cybersecurity
- Alignment with the City's broader Technology Use Policy

**Recommendation**

The City should consider developing a standalone policy (or a dedicated section within the Council Procedures Manual) to guide elected and appointed officials' use of technology.

