

8.1 Illegal Fireworks Enforcement Progress Report.

Memorandum

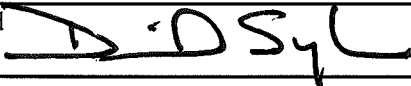
TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Curtis P. Jacobson

**SUBJECT: ILLEGAL FIREWORKS
ENFORCEMENT PROGRESS
REPORT**

DATE: April 5, 2017

Approved



Date

4/13/17

RECOMMENDATION

Accept the Illegal Fireworks Enforcement Progress Report.

OUTCOME

Acceptance of the staff report will provide direction to staff needed to implement prevention, public education, and enforcement efforts regarding illegal fireworks use for the 2017 Fourth of July holiday.

BACKGROUND

On April 12, 2016, Council adopted an ordinance amending the San José Municipal Code to prohibit the sale, use, possession, and storage of fireworks and to provide for civil liability under certain circumstances for persons responsible for minors who violate the prohibition in Chapter 10.17 related to fireworks. Council also adopted a resolution establishing fines for fireworks-related violations. These actions provided the City with additional tools to enforce provisions in the Code that prohibit the use of fireworks.

Beginning June 2016 through July 8, 2016, the City of San José implemented its Illegal Fireworks Pilot Program campaign aimed at reducing the public's possession and use of both so-called "safe and sane" and illegal fireworks. The campaign effort was a comprehensive partnership involving the San José Fire Department, San José Police Department, Department of Transportation, Parks, Recreation & Neighborhood Services (PRNS), Planning, Building and Code Enforcement (PBCE), and the City Manager's Office.

A report on the outcomes of the Pilot Program was presented to the Public Safety, Finance and Strategic Support Committee (PSFSS) on August 18, 2016. The Fireworks Enforcement

Ordinance Post-Fourth of July Report¹ provided information regarding the outcome of the multi-departmental coordinated efforts, as well as the implementation of the ordinance and issuance of administrative citations.

The report was presented to the City Council at the September 9, 2016 meeting. The City Council accepted the report and approved a memo authored by Mayor Sam Liccardo, Vice Mayor Rose Herrera, and Councilmembers Raul Peralez, Don Rocha, and Johnny Khamis that provided the following direction to staff:

1. Direct the City Manager to report to Council through the FY 2017-18 budget process on costs for expanding fireworks enforcement before the Fourth of July and during other impacted times of the year where fireworks are used in celebrations within the City of San José, focusing specifically on non-sworn personnel, such as Code Enforcement and Park Rangers.
2. Direct the City Manager to return to the Public Safety Finance and Strategic Support Committee and City Council in January 2017 with the following:
 - a. Feasibility of utilizing both technology and volunteers to relieve emergency dispatch personnel of call volume and to improve response, particularly to encourage residents to use online reporting prior to, and during, the Independence Day enhanced-enforcement period.
 - b. Determine a schedule for enforcement that allows for online reporting, enforcement and follow-up to occur in early May 2017 or sooner to help deter additional illegal activity during the Fourth of July holiday.
 - c. Coordinate messaging between departments, including the call center and dispatch, so all departments and staff are utilizing the same, consistent message, and so residents with Internet access will utilize the online reporting tool.
 - d. Develop a more targeted communications campaign focused on online reporting, enhanced administrative enforcement, collaboration with ethnic organizations and ethnic media outlets, and how residents can help, rather than merely offering generic messages about fireworks safety.
3. Direct the City Manager to work with the Mayor's Office Chief Innovation Officer and the City Manager's Office of Innovation to enhance to the online reporting tool, specifically focused on minimizing confusion, and simplifying and streamlining the "back end" of the process to improve response and follow-up.

¹ Fireworks Enforcement Ordinance Post-Fourth of July Report:
http://sanjose.granicus.com/MetaViewer.php?meta_id=587430.

ANALYSIS

Illegal fireworks are a neighborhood nuisance, a fire hazard, and a safety hazard both for the user and for bystanders. Despite the risks, many residents continue to use illegal fireworks and consider their use to be an important part of their celebrations on the Fourth of July and other holidays. The Illegal Fireworks Pilot Program provided an important first step toward addressing this vexing community issue, but as with other ingrained behaviors, it will take time to build awareness of the dangers and consequences of illegal fireworks use. This is not a problem that can be solved in one or two holiday seasons.

This memo will discuss staff's plans for Fourth of July 2017 and progress in implementing the direction given at the September 9, 2016 meeting.

Staff plans to again take a three-fold approach to reduce the use of illegal fireworks in the community over the Fourth of July holiday weekend, focusing on prevention, public education, and enforcement as described below.

Prevention

Professional Pyrotechnic Events

One of the best ways to prevent the use of illegal fireworks is to provide residents with a safe and legal alternative. In 2016, three professional pyrotechnic events were held in San José, and all three event organizers have announced plans to repeat this year.

Following are the professional pyrotechnic events to be held in San José on July 4, 2017:

- Rotary Fireworks at Discovery Meadow in Downtown;
- Fourth Annual Family Fun Festival and Fireworks Show at Almaden Lake Park;
- San José Giants Independence Day Celebration at Municipal Stadium.

Staff believes these events are a valuable deterrent. It would be beneficial to see more professional sponsored events in the future, whether hosted by community-based organizations, civic groups, faith-based organizations, Council districts, or others. To that end, the Fire Department and the Office of Cultural Affairs are creating a one-page toolkit for organizations wishing to put on special events that include fireworks. This toolkit is an addendum to the existing Special Events Guidelines from the Office of Cultural Affairs and Parks, Recreation and Neighborhood Services.

This Fourth of July, the City will publicize all permitted, professional pyrotechnic events on the City website and in press releases and posts on NextDoor and other social media. In addition, in an effort to encourage residents to attend professional pyrotechnic events rather than use illegal fireworks, the City will continue to list professional fireworks events from our neighboring cities on the City website.

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Proactive Focused Outreach

Last year, the Code Enforcement division and Fire Department issued a total of 197 warnings regarding illegal fireworks use. This year, in advance of the Fourth of July holiday, Code Enforcement will send a proactive letter to those who received warnings reminding them about the penalties for using illegal fireworks in San José.

Additionally, the Police Department's Permits Unit and Fire Department's Bureau of Fire Prevention have teamed up to develop a targeted campaign around Fourth of July block parties.

Staff has found that block parties are often locations for illegal fireworks use. Also, some residents hold block parties in the street without getting Temporary Street Closure permits allowing for the street to be closed for the block party. Both illegal fireworks use and unsanctioned street closure can prompt an enforcement action by the Police Department.

Staff would prefer prevention and outreach to enforcement. By educating block party hosts before the holiday, staff aims to prevent the use of illegal fireworks as well as unpermitted street closures.

The pilot Fourth of July Block Party campaign includes:

- Outreach via Nextdoor, neighborhood associations, Council offices, and social media to remind residents that the City requires a Temporary Street Closure permit (online at http://www.sjpd.org/PDF_Forms/BlkPartyInst-App.pdf) to close a street for a block party.
- The current permit application form includes language stating that no amplified sound or fireworks are permitted. The form also requires signatures from residents agreeing to the street closure for purposes of a block party. The Permits Unit is considering including a separate form for Fourth of July block party hosts in which they would acknowledge the restriction on using fireworks.
- The current permit price is \$175. One idea is to encourage residents to get permits and commit to not using fireworks by underwriting the permit costs for Fourth of July. In 2016, the Police Department issued 31 permits for the Fourth of July. In 2015, 33 were issued. Staff is exploring waiving the cost of issuing 50 permits (or five per Council District) for Fourth of July 2017 for those who commit to no fireworks use in an effort to incentivize a safer holiday. This idea has an estimated General Fund cost of \$10,000 and will be considered by the Administration for the upcoming 2017-2018 budget process.
- On the Fourth of July, staff from Police, Fire, and other departments who are working the Fourth of July could drop by registered block parties in a positive community-oriented manner, much as they do on National Night Out, and provide friendly reminders about the fireworks rules.

Staff believes that this Fourth of July Block Party pilot could also encourage neighbors to get to know each other, which is an important step to building community resiliency in emergency situations.

Public Education & Collaboration

In 2016, staff developed an outreach campaign about illegal fireworks that ran over the three weeks leading up to the Fourth of July holiday. Outreach include public service announcements, advertising, press releases, billboards, flyers and e-flyers, and social media messages. The City distributed this information to the community via a variety of communications outlets, including the City Manager's Weekly Report; Council district newsletters; movie theater previews; CivicCenter TV; ethnic media; newspapers; radio; television; social media including Nextdoor and Twitter; and VTA buses and transit shelters. Flyers and e-flyers were distributed via the San Jose Neighborhoods Commission, school districts, neighborhood associations, community centers, and public library branches. Billboards were placed in neighborhoods. Fire stations throughout San Jose displayed "Fireworks are Illegal" banners.

The cost for the 2016 campaign was approximately \$57,600, which was absorbed in the Fire Department (\$11,300) and Police Department (\$5,500) non-personal/equipment budgets and from the City Manager's City-Wide Expenses budget for City Outreach and Education efforts(\$40,800).

Approximately \$75,000 is available from the 2016-2017 City Outreach and Education Efforts funding for Fourth of July 2017. It is important to note that this total only reflects funds available for advertising and outreach materials, not the staff time and overtime costs related to the Fourth of July holiday, which would be absorbed by the respective departments.

Council directed staff to, "Develop a more targeted communications campaign focused on online reporting, enhanced administrative enforcement, collaboration with ethnic organizations and ethnic media outlets, and how residents can help, rather than merely offering generic messages about fireworks safety."

Staff plans to use the 2016 Communications Strategic Plan as the framework for 2017 efforts. Staff plans to expand on last year's outreach and also will look for opportunities for free publicity and public service announcements to get the word out. The continued use of e-communications (flyers and newsletters) will again serve to broaden the City's reach and public's exposure to illegal fireworks dangers and enforcement actions.

Staff will be developing flyers in multiple languages and urging volunteer and neighborhood organizations activities to help share them with the community. The Fire Department Public Information Officer will conduct presentations discussing the illegality and dangers associated with illegal fireworks activities and will outreach to organizations such as YMCAs and youth organizations, summer schools (both public and private), summer camp programs, community

centers and libraries, ethnic Chambers of Commerce, and other organizations reflecting the diversity of our community.

Building partnerships is critical to the City's efforts to reduce the illegal use, sale, and or possession of illegal fireworks. Staff will again seek a multi-agency approach with County Fire, other cities, and other government agencies that could enhance a long-term joint effort to reduce illegal fireworks sales, expand cooperative education campaigns to change illegal behaviors, and coordinate effective regional enforcement efforts. The City collaborated in this effort in 2016 and once again will engage our neighbors in the current effort to combat illegal fireworks.

We have seen success with multi-agency or statewide campaigns in other areas, such as reducing drunk driving or smoking. Our hope is that such an approach could be successful in combatting illegal fireworks.

Enforcement

On-line Reporting & Technology Use

In 2016, the Illegal Fireworks Pilot Program piloted an online reporting tool, which residents were able use to report illegal fireworks from Friday, July 1, 2016 through Tuesday, July 10, 2016. During that period, residents submitted 694 fireworks-related incident reports online. Staff reviewed each submission and determined that enough information existed to issue 197 warning letters to property owners by mail. The remaining reports did not provide the information required to warn or cite an offender. Many of the reports submitted lacked specificity about the offending party or the address at which the fireworks were being used.

Staff has reviewed use of the reporting tool and has determined that it could be more user-friendly for the public. The reporting tool lacked clear information about:

- 1) What information a resident needed to provide before the City could issue a warning or citation; and
- 2) How the City would respond to online reports.

Some residents expected the City to send a sworn officer or Code Inspector to respond to every online report received. Some expected an immediate response. Some even suggested that the City should utilize drone and "shot spotter" technologies to track down and identify violators, as well as providing information to the media to bring attention to citations issued and other repercussions resulting from illegal fireworks use. As a result, the Illegal Fireworks Pilot Program and online reporting tool fell short of many residents' expectations.

Staff will be improving the reporting tool this year to include clear messaging about the information that the City needs to issue a warning or citation and clear information about how the City will respond to an online complaint. The tool will state that the City will not be

responding in real time to online complaints, but will issue a warning letter or citation to the property owner.

The Fire Department's Public Information Officer will lead the efforts with our partners to develop messaging language and ensure its dissemination to all departments so that a single consistent message is presented to the public on how to access and report illegal fireworks activities online.

This will address the Council direction to: "Coordinate messaging between departments, including the Call Center and Dispatch, so all departments and staff are utilizing the same, consistent message, and so residents with Internet access will utilize the online reporting tool."

Council further directed staff to: "Determine a schedule for enforcement that allows for online reporting, enforcement and follow-up to occur in early May 2017 or sooner to help deter additional illegal activity during the Fourth of July holiday."

In addition to the improvements being made to the online reporting form for 2017, the Code Enforcement Division will be sending a reminder letter to everyone who received a written warning for illegal fireworks use during last year's holiday as mentioned above. This letter will remind them that fireworks continue to be illegal in the City of San José and of the \$500 minimum citation for illegal fireworks use.

Accepting reports online outside of the July 1-July 10 timeline used in the 2016 pilot would require staffing resources that Fire and Code Enforcement do not have. Staff does not recommend making the online reporting tool available beyond a two-week window surrounding Fourth of July. Instead, staff recommends focusing efforts on improving the tool.

Non-Online Reporting

Staff acknowledges that online tools provide gains in efficiency and increase capacity, however, we are sensitive to the large segment of San José's population that lacks online access or computer skills. For these residents, the ability to make a telephone complaint, either to Code Enforcement or 3-1-1 is critical.

Council directed staff to address the "feasibility of utilizing both technology and volunteers to relieve emergency dispatch personnel of call volume and to improve response, particularly to encourage residents to use online reporting prior to, and during, the Independence Day enhanced-enforcement period." Staff will be making improvements to the online tool, as described above.

Upon review of current Police and Fire dispatch procedures, staff discussed and agreed that the use of volunteers in a "call-taker" capacity is challenging on many levels. First, the use of volunteers would have no impact upon decreasing call volume. All calls for emergency and non-emergency service come into the Communications Center and are initially triaged by Police

Dispatchers. All non-Police related calls are then forwarded to Fire Dispatchers for handling as appropriate to the nature of the call. The Fire Dispatcher can dispatch a fire company if needed, while a Police Dispatcher dispatches police officers and community service officers. Volunteers would not have this capability.

In addition, volunteer call-takers would need logistical support, including: developing a uniform script for handling fireworks related calls; technical support to establish 3-1-1 phone equipment; an established work location; operational oversight; and training. Also, the existing Communications Center is a secure-entry area, and public safety communications staff go through rigorous background review prior to entering communications training.

Logistically, adding volunteer call-takers into the existing system would add layers to the call-taking / unit dispatch process that would slow down the total response time. For example, upon determining an illegal fireworks event through the call triage process, the volunteer call-taker would be unable to dispatch a Fire Company and would have to route the call back to a Public Safety Dispatcher for station ring-down.

For these practical reasons, staff instead recommends using volunteers and existing neighborhood networks as a means to get the word out that fireworks are illegal in San José. We will encourage neighbors to print and share flyers and to spread the word on social media.

Enforcement Activities

In some circumstances no amount of education and prevention measures, warnings, or other activities will deter some individuals from engaging in illegal fireworks activities.

Consistent with the Fireworks Enforcement Ordinance, it is anticipated that Police Officers, Park Rangers, and certain personnel from the Fire Department will again be on duty during the July Fourth weekend enforcement period and will be authorized to issue administrative citations.

San José Police and San José Fire will once again team-up to patrol certain areas. Contingent upon staffing availability, the departments will work to deploy personnel to prior year's trouble spots earlier to serve as a deterrent. The block party registrations may provide an opportunity for proactive and positive community policing-oriented outreach. Park Rangers will be on duty at specific park lands and will report illegal fireworks activities as they travel from one park location to another.

The City's enforcement abilities across all departments is challenged due to staffing shortages and vacancies. The highest priority for all departments is life safety. For example, Police personnel must prioritize responding to violent crime over illegal fireworks enforcement. The Fire Department must prioritize responding to a heart attack, stroke, or fire in progress over illegal fireworks enforcement. Code Enforcement must prioritize responding to health and safety code violations, such as ensuring safe living conditions at an apartment or home.

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Council directed staff: "to report to Council through the FY 2017-18 budget process on costs for expanding fireworks enforcement before the Fourth of July and during other impacted times of the year where fireworks are used in celebrations within the City of San José, focusing specifically on non-sworn personnel, such as Code Enforcement and Park Rangers."

Due to the Fire Department's current administrative staffing levels, the department has been unable to reallocate personnel to research and conduct an in-depth analysis of the cost for expanding fireworks enforcement for any time period beyond the Fourth of July. However, staff has the following updates regarding the Council direction from September.

Staff has looked at creative ways to enhance staffing before, during, and after Fourth of July. Code Enforcement is planning to use outside contract Code Enforcement Inspectors to assist with Illegal Fireworks complaints. This contract work would take place during the time period that complaints are being accepted through the website until all of the complaints assigned to Code Enforcement have been processed. The cost, estimated at \$16,200, would be in addition to current budgeted expenditures in Planning, Building and Code Enforcement and can likely be absorbed due to vacancy savings.

The City and the San José Police Officers' Association (POA) have agreed to continue discussions regarding expanding the duties of the non-sworn Community Service Officers (CSOs) as it relates to fireworks safety enforcement, and the City will also engage in the meet and confer process with the Municipal Employee's Federation, AFSCME Local 101 (MEF) on this issue as MEF represents the CSOs.

Staff strongly cautions the Council that illegal fireworks enforcement on holidays is much more complicated than simply giving a City staff member the ability to write a citation or confiscate fireworks. Many individuals using illegal fireworks on the Fourth of July are intoxicated. The users may be with a large group of friends or family and may outnumber City personnel. Some may possess weapons. Some may see the use of fireworks as a deeply held tradition and react negatively to enforcement actions.

The safety of City personnel is paramount in such situations. The Administration cannot recommend a course of enforcement action that would endanger our employees, both sworn and civilian.

CONCLUSION

The elimination of illegal fireworks will require years of continued effort, must involve joint efforts from other local jurisdictions, and must include both public and private organizations. To be successful in eliminating illegal fireworks activities, funding and personnel resources must be sufficient to adequately address this community issue. Currently, the Fire Department, Police

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Department, Code Enforcement, and PRNS do not have the fiscal resources or the staffing to meet the expectations set forth in prior Council direction.

In the long-term, addressing the scope, complexities, and challenges associated with illegal fireworks use will take a statewide effort. The California Fire Chiefs have identified that the best approach in reducing fireworks use is to address the supply side/sale side. Currently, a joint group from the Cal Chiefs, the State Fire Marshal's Office, and the League of Cities are working with the Legislature and the fireworks industry on a consensus solution.

In the meantime, the Fire Department and our partners are committed to providing the best assistance we can within the limited resources we have available to combat and reduce the sale, use, possession, and storage of illegal fireworks within the City of San José.

EVALUATION AND FOLLOW-UP

A post-Fourth of July evaluation report will be brought forward to the Public Safety, Finance and Strategic Support Committee in August 2017.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the April 25, 2017 meeting.

COORDINATION

This report has been coordinated with the City Attorney's Office, Police Department, City Manager's Communications Office, City Manager's Budget Office, the Office of Employee Relations, and the departments of Planning, Building, and Code Enforcement, and Parks, Recreation, and Neighborhood Services.

COMMISSION RECOMMENDATION/INPUT

No commission recommendation or input is associated with this action.

HONORABLE MAYOR AND CITY COUNCIL

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CEQA

Not a Project, File No. PP10-068(c), Municipal Code or Policy Change that involves no change to the physical environment.

/s/

CURTIS P. JACOBSON

Fire Chief, San José Fire Department

For questions, please contact Ivan D. Lee, Fire Marshal, at (408) 535-7794 or Diane Buchanan, Deputy Director, Code Enforcement, at (408) 535-7780.





Memorandum

TO: CITY COUNCIL

FROM: Mayor Sam Liccardo
Councilmember Sylvia Arenas
Councilmember Johnny Khamis
Councilmember Raul Perez

SUBJECT: ILLEGAL FIREWORKS
ENFORCEMENT
PROGRESS REPORT

DATE: April 21, 2017

APPROVED:  4/21/17 

RECOMMENDATION

1. Accept the Illegal Fireworks Enforcement Progress Report.
2. Direct the City Manager to:
 - a. Follow Council's previously-articulated direction (provided in the September 13, 2016 memorandum) to:
 - i. Report on costs for expanding fireworks enforcement before the 4th of July and during other impacted times of the year where fireworks are used in celebrations within the City of San José, focusing specifically on non-sworn personnel, such as code enforcement and Park Rangers.
 - ii. Report on the feasibility of utilizing both technology and volunteers to relieve emergency dispatch personnel of call volume and to improve response, particularly to encourage residents to use online reporting prior to, and during, the Independence Day enhanced-enforcement period.
 - iii. Determine a schedule for enforcement that allows for online reporting, enforcement, and follow-up to occur in early May 2017 or sooner to help deter additional illegal activity during the 4th of July holiday.
 - iv. Coordinate messaging between departments, including the call center and dispatch, so all departments and staff are utilizing the same, consistent message, and so residents with Internet access will utilize the online reporting tool.
 - v. Develop a more targeted communications campaign focused on online reporting, enhanced administrative enforcement, collaboration with ethnic organizations and ethnic media outlets, and how residents can help, rather than merely offering generic messages about fireworks safety.
 - vi. Work with the City Manager's Office of Innovation to enhance to the online reporting tool, specifically focused on minimizing confusion, and simplifying and streamlining the "back end" of the process to improve response and follow-up.

- b. Within two weeks, identify the cost of beginning the communications plan, online reporting, and citation issuance in June, to enable Council to decide whether to launch the effort several weeks in advance of July 4th, as was strongly suggested to staff in prior Council discussions.
 - c. Develop a staffing plan to allow for real time monitoring of the online reporting tool for a limited, peak period of complaints, to enable more user friendly feedback and possible redirection to emergency services if necessary.
 - d. Identify a lead department and staff person to be directly responsible for managing this project going forward, and to provide information responsive to Council requests.
3. The City Manager and staff should be prepared to answer the following questions at the April 25, 2017 Council Meeting:
 - a. What work has taken place between the Fire Department and City Manager's Office of Innovation and Smart Cities to enhance the online reporting tool, specifically focused on minimizing confusion, and simplifying and streamlining the "back end" of the process to improve response and follow-up?
 - b. What work has taken place to refine and update the Communications Strategic Plan since September 13, 2016?
 - c. What efforts have been made to ensure that all dispatch and communications personnel are properly instructed regarding the fireworks reporting protocol, to avoid the serious problems reported last year?
 - d. Based on the additional monitoring and the crowd-sourced online reporting in the past year, what data has been collected and analyzed regarding the location and timing of complaints that can help us anticipate and respond to hot-spots this year?

DISCUSSION

We appreciate the City's willingness to consider a new approach in addressing illegal fireworks. The City's project management and implementation of this endeavor have fallen short of community and Council expectations, however, and the staff report reflects that few improvements have been implemented since Council urged changes at a September 13, 2016 hearing.

We commend efforts to send follow-up letters to residents who received a warning last year, which should have a desirable impact. We also welcome additional ideas from City staff that might supplement existing efforts to prevent illegal fireworks.

We don't see in the current plan a response to Council direction and public discussion to:

- Re-focus the communications effort from a message of "fireworks are illegal/dangerous," to "here's how we can work together to reduce dangerous fireworks in your neighborhood" that would include promotion of our improved online reporting tool, and information on when to call 311 or 911.

- Using a more targeted campaign to reach our ethnic communities across language and cultural barriers. Approximately 57% of our residents do not speak English in the home. We need to make a concerted effort to connect with these residents and make sure they are aware of the dangers of illegal fireworks, City's rules in regard to usage, and the online reporting tool.
- Begin efforts in mid-May, when fireworks usage begins in many neighborhoods, so that perpetrators can be identified and parents/property owners can be warned sufficiently to deter fireworks usage during the July 4th holiday.
- Use volunteers strictly to perform tasks that our professional dispatch personnel do not have the time to do.

It is critical that we have staffing adjustments made to allow for real time responses and triage complaints that come in via the online complaint tool. We acknowledge that the City has a staffing challenge, and that the City is not currently staffed or equipped to do next-generation 911 policing. However, the City must devise a staffing plan that, at a minimum, has one employee responsible for live-data and manage a response for the time around major holidays where we know a spike in illegal fireworks occurs.

This issue is complex and involves many departments. Given the delays in project implementation it is critical this have a clear owner with responsibility for this project going forward.

BROWN ACT

The signers of this memorandum have not had, and will not have, any private conversation with any other member of the City Council, or that member's staff, concerning any action discussed in the memorandum, and that each signer's staff members have not had, and have been instructed not to have, any such conversation with any other member of the City Council or that member's staff.