


**Resolution 2005-5
Adopting E-Mail Policies**

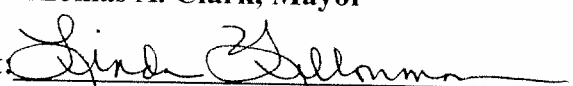
Whereas, the use of email transmissions for communication of business associated with the Town of Rico has increased over the years and become commonplace;

Whereas, C.R.S. §24-6-401 *et. Seq.* establishes the Open Meetings Law in Colorado which can include e-mail transmissions and C.R.S. §24-72-201 *et. Seq.* establishes laws granting access to public records, including e-mails;

Whereas, the Rico Board of Trustees finds that adoption of policies regarding the use of e-mail will improve the Town's compliance with the Open Meetings Law in Colorado, improve the proper conduct of Town business by employees, and improve the overall efficiency of Town business,

NOW, THEREFORE, BE IT RESOLVED on this 20th day of April, 2005, by the Board of Trustees of the Town of Rico, that the attached Town of Rico E-Mail Policies, dated April 20th, 2005, are hereby adopted.

By: 
Thomas A. Clark, Mayor

Attest: 
Linda Yellowman, Town Clerk

E-MAIL POLICIES OF THE TOWN OF RICO

- 1.0 **Purpose and Scope:** The purpose of these E-Mail Policies is to establish policies regarding the use and disclosure of electronic mail messages ("e-mail") sent, received or retained by Elected and Appointed Officials and employees of the Town of Rico.
- 2.0 **Use by Elected and Appointed Officials:**
 - 2.1 **Open Meetings Law:** The use of e-mail between any two or more elected or appointed officials of the Town of Rico to discuss official business of the Town of Rico, including pending legislation, any other pending or upcoming action item or potential action item, or other business of the Town of Rico, shall be subject to the open meeting law pursuant to C.R.S. §24-72-203.
 - 2.2 **General Questions:** The use of e-mail by elected and appointed officials to ask questions of Town Staff is considered an appropriate and efficient means of communicating such questions. Questions to staff via e-mail should include all members of the relevant board or commission and Town staff should copy all members of the relevant board or commission in their response.
 - 2.3 **Pending Legislation:** The merits of pending legislation should be discussed in public; therefore, Elected and Appointed Officials should refrain from expressing opinions or positions regarding pending legislation via e-mails. Any discussion of pending legislation via e-mail should be disclosed at public open meetings when such pending legislation is discussed or acted upon.
 - 2.4 **Quasi-Judicial Actions:** Any actions which provide a constitutionally protected right of due process (typically conducted with a public hearing) can not be discussed via e-mail prior to, or outside of, such a public hearing format. Such discussions can be found to violate the rights of interested parties in such quasi-judicial actions. This paragraph 2.4 shall not act to restrain or limit the ability of elected and appointed officials to ask questions about a pending quasi-judicial action so long as the policies in paragraph 2.2 are followed, the question and response are provided to the Applicant of a quasi-judicial action, and the question and response are entered into the public record during the public hearing.
 - 2.5 **Public Business:** Discussion of general administrative public business, such as paying bills or providing administrative direction to staff, is not inappropriate via e-mail; however, any such action, direction, or discussion regarding administrative business should be disclosed at the next regular meeting of the relevant board or commission.
- 3.0 **Public:** E-mail messages and attachments which are public records shall be made available for public inspection in accordance with Town's public record policies. Each individual is the custodian of his or her incoming and outgoing e-mail. Whenever a request is made for e-mail records pursuant to C.R.S. §24-72-2003, the custodian of the records in question shall consult with the Town Attorney to ascertain whether the requested records are public.

- 4.0 **Privacy:** Employees have no expectations of privacy when using Town of Rico e-mail systems. All electronic communications are Town property; and the Town reserves the right at any time, to monitor, access, view, use, copy, and disclose all e-mail messages of any employee for any purpose relevant to Town business.
- 5.0 **Improper E-mail Use:** Improper use of E-mail includes, but is not limited to:
- 5.1 Language which is offensive, obscene, or in poor taste including jokes or messages which create an intimidating, hostile or offensive work environment;
 - 5.2 Messages or information which conflicts with the Town's policies against discrimination or harassment in the workplace;
 - 5.3 Conducting personal business;
 - 5.4 Messages which promote a business, political candidate, political or religious cause;
 - 5.5 References or messages which give offense on the basis of race, color, religion, national origin, citizenship, ancestry, marital status, sex disability, age, veteran's status, or sexual orientation;
 - 5.6 Any frivolous use which interrupts the normal flow of Town business, such as playing games, conducting betting pools, chain letters, etc.;
 - 5.7 Any illegal use of the Town's computer systems;
 - 5.8 Any illegal use of the internet.
- 6.0 **Retention and Archiving:** Each day, the Town's computer systems routinely purge incoming and outgoing E-mails that are over 90 days old. Therefore, employees are responsible to retain, archive, or purge as appropriate, any incoming or outgoing E-mail, along with their other official business documents, in accordance with the Department's or Office's retention schedule from the Colorado State Archivist.