

RESOLUTION NO. 09-18889

A RESOLUTION OF THE BILLINGS, MONTANA CITY COUNCIL ADOPTING A CITY COUNCIL ELECTRONIC COMMUNICATIONS AND USAGE POLICY AND AUTHORIZING THE CITY ADMINISTRATOR TO ENACT RULES AND PROCEDURES GIVING THE ELECTRONIC COMMUNICATIONS AND USAGE POLICY FORCE AND EFFECT AND INCLUDING AN EXPIRATION DATE.

WHEREAS, the advent of emerging technologies presents the Billings City Council the opportunity to discuss and debate Council business with each other and constituents in non-traditional formats not always conducive to public observation and scrutiny, and

WHEREAS, principles of open government and open meetings laws require that debate on most issues before the City Council take place in a manner consistent with the letter and spirit of open government with ample opportunity for public observation and comment, and

WHEREAS, the City Council wishes to adopt policies to increase awareness of City Council Members using electronic communications and to set forth appropriate guidelines on the use of electronic communications in accordance with the principles of open government, Montana's open meetings law, and B.M.C.C. Sec. 2-212, and

WHEREAS, the *2009 City Council Electronic Communications And Usage Policy* is being adopted contemporaneously by Administrative Order.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA AS FOLLOWS:

1. That the City of Billings hereby adopts the *2009 City Council Electronic Communications And Usage Policy* which is set forth in Attachment "A".
2. That this Resolution and the attached Policy shall expire and have no further effect six (6) months from the date of approval and will be reviewed thereafter.

APPROVED AND PASSED by the City Council of the City of Billings, this 26th day of October, 2009.



THE CITY OF BILLINGS

By: _____

Ron Tussing, Mayor

ATTEST:

BY: _____

Cari Martin, City Clerk

Attachment "A"

**CITY OF BILLINGS
CITY COUNCIL ELECTRONIC COMMUNICATIONS
AND USAGE POLICY**

October 2009

Introduction

New and emerging technologies present elected officials with opportunities to discuss and debate Council business with other Council Members, constituents, and citizens in non-traditional formats not always conducive to public observation and scrutiny. This policy is being adopted to increase awareness of the risks associated with Council Members using electronic communications and to set for the appropriate guidelines for the use of electronic communications in accordance with principles of open government, Montana's open meetings law, and B.M.C.C. Sec. 2-212.

Electronic communications may be classified as public data, and thus may be subject to public disclosure. Members of the public cannot expect confidentiality when electronically communicating with Council Members on matters of City business. Similarly, Council members cannot expect confidentiality when electronically communicating with each other on matters of City business.

Policy Summary

The City Of Billings Electronic Communications And Usage Policy bans electronic communications during Council Meetings, and requires Council Members to report and forward certain electronic communications to the City Clerk prior to any public hearing on the matters referenced in the communication.

Policy

CITY COUNCIL ELECTRONIC COMMUNICATIONS AND USAGE POLICY

1. Council Members are hereby prohibited from engaging in electronic communications with any other party during Council meetings except as provided in paragraph 4 herein.

"Council Meeting" means the convening of a quorum of the membership of the City Council or any boards, commissions, committees, subcommittees or other entity created by the City Council, whether corporal or by means of electronic equipment, to hear, discuss, or act upon a matter over which the City Council has supervision, control, jurisdiction, or advisory power.

"Electronic Communications" means e-mail, text messaging, tweeting, instant messaging, listservs, blogging, chatrooms, and any other new or emerging technology that violates the letter or spirit of open meetings laws.

2. A Council Member who violates the City Council Electronic Communications And Usage Policy may be subject to discipline as generally authorized in MCA Sec. 7-5- 4103 (2009).
3. EXCEPTION: This policy does not prohibit a Council Member from using a cell phone to make or receive phone calls, text messages or instant messaging pertaining to a personal or business emergency during Council meetings, provided the general nature of the communication is disclosed to the Council, and no agenda item is discussed during the phone call, text message or instant message. Council members are encouraged to advise the presiding officer of the meeting in advance if possible concerning any potential emergency communication that is anticipated to occur during the Council meeting. To observe decorum, a Council member shall excuse themselves after advising the presiding officer and Council in order to engage in such emergency communication.
4. Upon adoption of this policy, the City Administrator is hereby authorized to enact rules and procedures giving the City Council Electronic Communications And Usage Policy force and effect through Administrative Order.
5. This Policy shall expire six (6) months from the date of approval of the Resolution adopting this Policy.