

RESOLUTION No. 09-18904

A RESOLUTION OF THE BILLINGS, MONTANA CITY COUNCIL ADOPTING A CITY COUNCIL E-MAIL ACCESS POLICY AND AUTHORIZING THE CITY ADMINISTRATOR TO ENACT RULES AND PROCEDURES IMPLEMENTING THE POLICY.

WHEREAS, evolving and emerging electronic communications technology provides the Billings City Council an opportunity to provide the public with additional forums for accessing public information sent to or from the Billings City Council; and

WHEREAS, principles of open government, right of public participation and observation require that most communications sent to or from the Billings City Council be provided to the public for review; and

WHEREAS, the Billings City Council desires to adopt a policy together with appropriate procedures allowing for the access to City Council e-mails as public documents subject to public access and inspection as provided by Montana law; and

WHEREAS, the Billings City Council desires to direct the City Administrator to construct an efficient process for public access to all e-mail sent to or from the Billings City Council that are not subject to the right of privacy or the attorney-client privilege or other statutory privileges;

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

That the City of Billings hereby adopts the *City Council E-mail Access Policy* which is provided in Attachment "A".

APPROVED AND PASSED by the City Council of the City of Billings, Montana this 14th day of December, 2009.



THE CITY OF BILLINGS:

By: 
Ron Tussing, MAYOR

ATTEST:

BY: Cari Martin
Cari Martin, CITY CLERK

ATTACHMENT "A"

CITY OF BILLINGS

CITY COUNCIL EMAIL ACCESS POLICY

December 14, 2009

Policy Summary

The City of Billings City Council E-mail Access Policy is intended to allow public access to e-mails sent to or from the Mayor and all City Council members collectively as a group. With few exceptions, the public cannot expect confidentiality when communicating via email with the Mayor and City Council members individually or collectively on matters of City business. Similarly, the Mayor and City Council cannot expect confidentiality when communicating via email with the public or each other on matters of city business. The Mayor and City Council acknowledge and expect certain categories of emails to be excluded from public access such as but not limited to attorney-client communications between the Mayor and City Council or emails containing right of privacy information such as but not limited to personal health or medical information or other personal information.

Policy

CITY COUNCIL E-MAIL ACCESS POLICY

1. All emails sent to and from the Mayor and all City Council members collectively as a group shall be made available to the public through access via the official City of Billings website unless that e-mail contains content pertaining to the right of privacy, is excluded by law or attorney-client relationship from being made public or contains private health care or medical information. Emails sent to the Mayor and all City Council members will be reviewed once each business day by City staff to determine if they contain any content protected from disclosure by law. If no protected content is found, the emails will be posted to designated City website location.
2. The Mayor and all members of the City Council are strongly encouraged to obtain an email address and account from the City of Billings and use the account for City business conducted via email. If the Mayor or a City Council member chooses to use a personal email account they should be aware that it is possible that the account or portions of it may be subject to disclosure in accordance with Montana law.
3. The Mayor and City Council members are encouraged to conduct personal business on their personal email account(s). However, it is permissible for the Mayor and City council members to forward or briefly reply to personal emails that are sent to a City email account unprompted.
4. Emails to or from the Mayor or any City Council member concerning a land use or other quasi-judicial issue shall be made available to the public through access via the official City of Billings website. Land use or quasi-judicial issues include but are not limited to: preliminary or final subdivision plat approval, zone changes, special reviews, variance requests, annexations/de-annexations and street or right of way vacations.
5. The City Administrator shall implement and supervise this policy utilizing appropriate rules such as but not limited to Administrative Orders and other procedures to ensure the most efficient and expeditious posting of Mayor and City Council emails.
6. The City Administrator is also authorized to provide input and suggested amendments as necessary to this Policy.
7. Nothing within this Policy is intended to restrict the public's right to obtain documents pursuant to Montana Code Annotated sections 2-6-101, et seq.
8. This Policy shall be reviewed by the City Council on or before three years from the date of approval.