

**RESOLUTION NO. 2**

**SERIES 2009**

**A Resolution Establishing Use and Retention Policies and Procedures for Electronic-Mail Communications by Town of Crested Butte Elected Officials**

**WHEREAS**, the Town of Crested Butte, Colorado (the "**Town**") is a home rule municipality duly and regularly organized and now validly existing as a body corporate and politic under and by virtue of the constitution and laws of the State of Colorado; and

**WHEREAS**, use of e-mail communications has implications under both the Colorado Open Meetings Law, Section 24-6-401, et seq., and the Colorado Open Records Act, Section 24-72-201, et seq; and

**WHEREAS**, the Town Council wishes to establish e-mail use and retention polices for elected officials; and

**WHEREAS**, the Town Council wishes to ensure that the practices of elected officials comply with the statutory requirements of the Colorado Open Meetings Law and the Colorado Open Records Act.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF CRESTED BUTTE, COLORADO THAT:**

**Use of E-mail Communications by Public Officials**

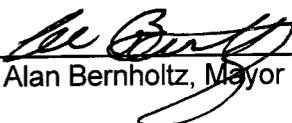
1. E-mail communications between three or more elected officials concerning public business and/or pending legislation are declared to be a public meeting and are prohibited.
2. The following e-mail communications from or to an elected official or officials are permitted:
  - a) Communication between elected officials that do not relate to pending legislation or other public business.
  - b) Communication between fewer than three elected officials in which other elected officials are not copied and which are not forwarded to other elected officials.
  - c) Communication from or to a staff person or the Town attorney.
  - d) Communication between elected officials concerning routine administrative matters, e.g., those regarding scheduling meetings and inquiring as to officials' availability, notices of public functions or meetings; requests to staff for factual information or status reports.

## Retention Policies Applicable To E-Mail Communications

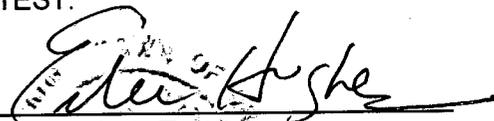
1. E-mail communications of elected officials may be considered public records under the Colorado Open Records Act. The Town's Record Retention Schedule applies to e-mail communications in the same manner as other records.
2. Correspondence of elected officials is specifically designated a public record. Correspondence is defined as "communication sent or received by elected officials that is or can be produced in written form, including communication sent by mail, courier or e-mail." Certain types of correspondence are expressly not a public record, including that which is a "work product," as well as correspondence that is "without a demonstrable connection to the exercise of functions required or authorized by law or administrative rule and does not involve the receipt or expenditure of public funds".
3. Elected Officials shall copy the Town Clerk all correspondence considered to be a public record including e-mail correspondence. The Town Clerk shall evaluate the correspondence and retain according to the Town's Record Retention Schedule.

INTRODUCED, READ AND ADOPTED UPON THIS FIRST READING THIS 17<sup>th</sup> DAY OF FEBRUARY, 2009.

TOWN OF CRESTED BUTTE, COLORADO

By:   
Alan Bernholtz, Mayor

ATTEST:

  
Eileen Hughes, Town Clerk

