

RESOLUTION NO. 10-18929

A RESOLUTION OF THE BILLINGS, MONTANA, CITY COUNCIL AMENDING RESOLUTION NO. 09-18904 ON A CITY COUNCIL E-MAIL ACCESS POLICY BY AUTHORIZING THE CITY STAFF TO EDIT AND REDACT POSTED E-MAILS TO ELIMINATE CONTENT INAPPROPRIATE FOR THE CITY WEBSITE.

WHEREAS, on Dec. 14, 2009, the Billings City Council adopted Resolution No. 09-18904, setting up the first known municipal policy in Montana to require posting on the City website of all e-mails to and from the Mayor and City Council unless they contain content that is pertinent to the right of privacy, that is excluded by law or attorney-client privilege from being made public, or that contains private health care or medical information; and

WHEREAS, within the first quarter of use of the policy, the potential has been identified for abuse of the City web site by e-mails being sent to the Mayor and Council that contain commercial or political solicitation, language inappropriate for posting on the City website, or material that is abusive or defamatory; and

WHEREAS, all e-mails sent to the Mayor and City Council as a group will continue to be delivered to them; and

WHEREAS, the City staff has investigated the policies of the media and others who incorporate public comment on their web sites and found that they moderate submittals.

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

That the City of Billings hereby adopts an amendment to the *City Council E-mail Access Policy* as provided in Attachment "A".

APPROVED AND PASSED by the City Council of the City of Billings, Montana this 26th day of April, 2010.



THE CITY OF BILLINGS

By: Thomas W. Hanel  
Thomas W. Hanel, Mayor

ATTEST:

BY: Cari Martin  
Cari Martin, CITY CLERK

*ATTACHMENT "A"*

**CITY OF BILLINGS**

**CITY COUNCIL EMAIL ACCESS POLICY**

**April 26, 2010**

**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.~~ , such as, but not limited to, attorney-client communications; e-mails that violate individual privacy rights, including personal health or medical information; or e-mails that include advertisement, language that is inappropriate for use on the City website, or potentially defamatory or abusive comments.

**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. The City reserves the right to edit and redact posted e-mails to eliminate commercial and political solicitation, name-calling, crude language, personal abuse, and unfounded allegations. 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 the 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 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.