



ADMINISTRATIVE SERVICES COMMITTEE

Agenda

**Wednesday, April 22, 2015
1:00 pm**

**Madison Avenue Meeting Room
500 SW Madison Avenue**

- | | |
|------------------------------------|---|
| Discussion/ Possible Action | I. Council Policy Review and Recommendation:
2.10, "Use of Electronic Mail by Mayor and City Council" (Attachment) |
| Discussion/ Possible Action | II. Council Policy Review and Recommendation:
2.11, "Council Information Requests"
(Attachment) |
| Information | III. Other Business |

Next Scheduled Meeting

Wednesday, May 6, 2015 at 1:00 pm
Madison Avenue Meeting Room, 500 SW Madison Avenue

Agenda

Land Use Application Fees Review
Economic Development Advisory Board – Benton County
Membership

Memorandum
April 16, 2015

TO: Administrative Services Committee

FROM: Carla Holzworth, City Recorder

SUBJECT: Council Policy 2.10, "Use of Electronic Mail by Mayor and Council"

I. Issue

Review of Council Policy 2.10, "Use of Electronic Mail by Mayor and Council"

II. Background

Use of Mayor and Council email was discussed at ASC's February 18 meeting and Council's March 30 work session. As a starting point, Councilors supported having staff create an archive email account for each Councilor to use as an email filing cabinet. Emails sent to the archive address would automatically be retained by the City for ten years to meet general retention requirements. Emails sent to the Mayor and Councilor's existing Peak email address would also be automatically retained by the City for ten years.

At the work session, Councilors also expressed a desire to clearly communicate with the public why some emails would not be made available on the City's website. Examples of such emails include sensitive or personal information from a constituent, and personal information related to recruitment of the City Manager, Municipal Judge, or City Attorney. Councilors understood that all communications related to City business are public records.

III. Discussion

If Council approves at their May 5 meeting, archive email accounts will be created for each City Councilor and staff will be available starting May 6 to provide training for those who need assistance with forwarding messages. Attached for consideration is an updated draft of the Council Policy presented at the February 18 ASC meeting which adds language related to archive email accounts.

Staff proposes returning to ASC in six months as a check-in to see how the archive email process is working and whether Council wishes to pursue other options, such as the City of Gainesville, Florida's email system.

IV. Requested Action:

Provide direction regarding the proposed Policy.

Review and Concur:


Nancy Brewer, City Manager

 <p>CORVALLIS ENHANCING COMMUNITY LIVABILITY</p>	<p>City of Corvallis</p> <p>City Council Procedures</p> <p>Policy # 2.10</p> <p>Use of Electronic Mail by Mayor and City Council</p>	 <p>CORVALLIS ENHANCING COMMUNITY LIVABILITY</p>
---	--	---

Policy: Email use by the Mayor and Councilors will comply with the requirements of the Oregon Public Records Law, Oregon Revised Statutes (ORS) 192.410 through 192.505 and the State Archivist public records retention schedule adopted pursuant to ORS 327.825 and the related administrative rules.

Purpose: To establish the use and retention requirements for email for the Mayor and City Council, the training provided by the City, and the management of electronic devices used for City business.

To promote and maintain transparency in City of Corvallis decisions by making available email communications by, between, or to the Mayor and/or City Councilors on the City's website.

To provide guidance to the Mayor and City Council on the proper use of email.

Definitions: Archive email - A paper or electronic file of emails which have been sent to, from, and/or between, the Mayor and/or Councilors.

Archive email address – The email address established by the City for each City Councilor to use for archiving emails related to City business.

Email - Electronic mail is a method of exchanging information in a digital format, including various attachments from one author to one or more recipients.

Electronic devices (ED)– EDs include desktop and laptop computers, smart phones, or tablets the Mayor and City Council use for City business.

Mayor and City Council - The Mayor and City Council elected to serve the community during the current term of office.

Public Record - "Includes, but is not limited to, a document, book, paper, photograph, file, sound recording or machine readable electronic record, regardless of physical form or characteristics, made, received, filed, or recorded in pursuance of law or in connection with the transaction of public business, whether or not confidential or restricted in use" (ORS 192.005 (5)). In addition, a public record includes ". . . any writing containing information relating to the conduct of the public's business . . . prepared, owned, used or retained by a public body regardless of physical form or characteristics." (ORS 192.410 (4)).

Retention - The length of time a public record must be kept to satisfy the administrative, legal, fiscal, and/or historical needs of the City. Retention periods are tied to the content of the record, not the form.

Guidelines: 1. General:

- a. All persons have the right to inspect public records, including emails created by or sent to local elected officials.
- b. Email from the Mayor and/or Councilors to City staff will be to the City Manager, the City Recorder or Department Directors, unless otherwise authorized by the City Manager.
- c. Email may not be used to discuss policy, quasi-judicial, or administrative issues with a majority of the Council and/or the Mayor, or two or more members of a standing committee on an item coming before it for discussion, or to make policy decisions or carry on deliberations.
- d. Email by, between, or to the Mayor and/or Councilors must be retained according to the Oregon Public Records Laws.
- e. **The City shall establish a Peak email account for the Mayor and each City Councilor using the naming convention WardX@council.corvallisoregon.gov OR mayor@council.corvallisoregon.gov**
- f. **Email from, to, or between the Mayor and/or Councilors sent to the Peak email account will be displayed on the City's website for eight weeks and archived by the City for ten years to meet general retention requirements.**
- g. **The City shall establish a City email account for the Mayor. Emails sent to this account shall be automatically archived by the City for ten years to meet general retention requirements.**
- h. **The City shall establish for each City Councilor an archive email account for use as an electronic filing cabinet. The archive email account is for record retention purposes only and will not be used to send or receive email messages.**
- i. **Email from, to, or between the Mayor and/or Councilors not posted on the Mayor/Councilor's Peak email account shall be forwarded to the Mayor/Councilor's archive email account. These emails will be automatically retained by the City for ten years to meet general retention requirements.**
- je. ~~Email from, to, or between Mayor and/or Councilors that is sent to/from the WardX@council.corvallisoregon.gov email address will be retained on the City's website for **eight weeks** one year to meet general records retention requirements.~~
- kf. Email sent to/from Mayor and/or Councilor's personal email addresses can be **retained displayed** on the City's website by responding and including the **Mayor/Councilor's Peak ward** email address or by forwarding the message to the **Mayor/Councilor's Peak Ward** email address.
- g. ~~All email sent to, by, or between the Mayor and/or Councilors' personal email accounts is subject to public records requirements. Alternatives to manage this requirement include:
 - i. ~~Forwarding/copying the Ward email address;~~
 - ii. ~~The Mayor/Councilor maintaining the record and making it available when/if a public records request is filed.~~~~

~~iii. Providing the records to the City Recorder in either electronic or paper formats.~~

- lh. A request for email records is subject to Oregon Public Records law and must comply with Administrative Policy 1.14, "Public Records Requests."
- mi. Email that is associated with a decision the City Council is considering should be forwarded to the City Recorder or responsible Department staff to include in the public record for that decision. This allows the entire City Council to hear the same public feedback about decisions the Council is making.
- nj. As required by State law and except as may specifically be exempted by ORS 192.501 and 192.502, the City Manager shall, upon request, make available emails created or received by elected officials. The Mayor and/or Councilors who receive email from constituents regarding land use or other quasi-judicial issues should inform the sender that a copy of the email will be entered into the public record, and, if necessary, that they are unable to discuss such matters outside of the public hearing.
- ok. Should the City be a party in litigation that requires a litigation hold on City records, a Mayor or City Councilor using a personal email account for City business shall be notified by the City Recorder or the City Attorney of the litigation hold. As the custodian of the public records on the personal email account, the user of that personal account shall be responsible for holding, saving from destruction or deletion, and providing to the City or parties to the litigation, all emails on that account for potential discovery purposes in litigation. Costs, penalties, fines, or damages awarded associated with the destruction of records subject to a litigation hold shall be considered to be the result of malfeasance and shall be the personal responsibility of the user of the account.

2. Training

- a. The City's MIS Division will provide training on email and internet access for the Mayor and Councilors at the beginning of each Council term.

3. Equipment

- a. The Mayor and Councilors may use their own EDs for access to the internet and email, use a City-provided ED for their use while on the Council, or may choose not to use email as a form of communication.
 - b. If the Mayor or Councilor chooses to use her/his own ED, the ED may be subject to public records law requirements.
 - c. If the Mayor or Councilor chooses to use a City-owned ED, MIS Division staff will ensure the ED is configured appropriately for use. The ED will remain the property of the City and must be returned at the end of the Mayor's and Councilor's tenure.
 - d. It is the responsibility of the Mayor and Councilors to return the ED to the City Manager's Office for service or repairs.
 - e. The MIS Division will provide technical support for the Mayor's and Councilors' ED and training between 8:00 am and 5:00 pm Monday through Friday. Service can be coordinated through the City Recorder.
-

Responsibility: The Mayor and City Council members are responsible for their use of EDs and ensuring public records requirements are met for the public records each individual has.

The City’s MIS Manager is responsible for technical support of the City-owned Mayor and City Council EDs, and for providing advice and information to the Mayor and City Councilors on the use of personal EDs.

The City Recorder is responsible for maintaining the archives of the City’s records and coordinating filing and retention of Mayor and City Councilor email.

Review/Update: The MIS Manager and City Recorder will prepare this Council Policy review every two years for Council approval.

Rev #	Name	Change Date	Character of Change
0		02-02-1998	Adopted
1		12-07-0998	Revised
2		10-18-1999	Revised
3		03-05-2001	Revised
4		12-01-2003	Revised
5		11-07-2005	Revised
6		12-17-2007	Revised
7		11-02-2009	Revised
8		02-06-2012	Revised
9	C. Holzworth/ Council		

MEMORANDUM

April 14, 2015

TO: Administrative Services Committee
FROM: Nancy Brewer, City Manager *NB*
SUBJECT: **Draft Policy for Councilor Information Request**

I. Issue

To consider a new City Council Policy on Councilor Information Requests.

II. Discussion

Several new City Councilors have indicated confusion about the best way to seek information from City staff. As we discussed this request, we realized that there has never been documentation of the most frequent kinds of requests for information City Councilors have or how to best ask questions to get an answer. As a result, the attached draft City Council Policy has been developed to give Councilors a starting point for discussion.

III. Requested Action

Review the attached draft policy. Amend as needed and recommend the City Council adopt a new City Council Policy on Councilor Information Requests.

 <p>CORVALLIS ENHANCING COMMUNITY LIVABILITY</p>	<p>City of Corvallis</p> <p>Council Procedures City Council Policy</p> <p>Policy # 2.11</p> <p>Councilor Information Requests</p>	 <p>CORVALLIS ENHANCING COMMUNITY LIVABILITY</p>
---	---	---

Policy: The policy of the City is to provide timely information to City Councilors, in a format that is responsive, complete, and publically transparent.

Purpose: Each City Councilor will have a variety of requests for information during her/his term in office. This policy sets forth general guidelines for how to categorize types of requests, how to most effectively request information and how staff will respond to those requests.

Definitions: Document Request: A request for a copy of an existing document currently under discussion or in use.

Policy Request: A request for information to inform a Councilor about a City policy, or to help a councilor form a policy position. This can also include requesting information about a specific City action/activity (e.g., a Police Tactical Action Plan, a code enforcement case, a program at the Senior Center).

Research Request: A request for information which does not exist, or does not exist in the format the Councilor requested.

Service Request: A request to assist with a specific issue. These are often requests associated with a constituent question/concern and are tied to a specific geographic area (e.g., fill a pothole, ask about a tree in the right-of-way, address a neighborhood concern).

Guidelines: The following guidelines govern Councilor Information Requests:

1. Document Requests – Councilors who wish to see a document the City has may file the request via e-mail with the Department Director (if known) and a copy to the City Manager, or file the request directly with the City Manager:
 - a. The Councilor should specify if he/she wants the document in hard copy, electronic copy, or if the format does not matter.
 - b. If the document is on the City’s website, staff will respond to the City Councilor via e-mail with a link to the document.
 - c. If the document is available in an electronic form but not on the web, and the Councilor wants an electronic copy, a copy of the document will be sent via e-mail.
 - d. If the document is available in an electronic format but the Councilor wants a hard copy, staff will provide the Councilor with a time estimate to create/provide a copy. A significant sized hard copy that is provided to a single Councilor may also have costs for making a copy. That information will be shared with the Council for their consideration.
 - e. If the City does not have the document requested, that information will be shared with the Councilor. If the document (as the Councilor would like it)

could be created, staff will estimate the amount of time it would take to produce. If less than 2 hours of staff time would be needed, the document will be created. If more than 2 hours of staff time would be needed, staff will share the time estimate and/or costs with the Councilor. If the Councilor wishes to have the issue pursued he/she will need to raise the issue at City Council under the Council Reports agenda item for the City Council to discuss and authorize the use of staff time.

2. Policy Request – A policy request may or may not require considerable staff time, but is expected to be information the whole City Council would want/need as a policy issue progresses. The City Councilor should file the request with the City Manager who can determine the best way to address the request. Examples include:
 - a. Simple requests – this would be something along the lines of finding minutes of the Standing Committee and/or City Council when a particular ordinance was adopted or discussion was held and will generally be completed by staff who would provide a link to the files for the Mayor and all City Councilors.
 - b. Extensive requests – this would be something such as an extensive search of an issue with a long legislative history, elections, referral to voters, legal case law, etc. that is expected to take longer than two hours to complete. If the Councilor wishes to have the issue pursued he/she will need to raise the issue at City Council under the Council Reports agenda item for the City Council to discuss and authorize the use of staff time.
3. Research Request – A research request, by definition, will require the use of staff time, and potentially could require the use of a consultant's time. Since this will result in the expenditure of resources, a research request should be raised by the City Councilor during the Council Reports section of the agenda. If the full Council supports the request, staff will develop estimates of the time and cost to complete the research and will provide that to the City Council so that the entire City Council determine whether to direct staff to pursue the research.
4. Service Requests – Councilors should file service requests by e-mail (preferred), phone, or personal conversation as follows:
 - a. If the request is on a single topic, and the Department is known, the Councilor should file the request with the Department Director with a copy to the City Manager.
 - b. If there are several requests on different subjects, or the department is not clear, file the request with the City Manager who will assign follow-up to Departments as appropriate.
 - c. If the service request is outside the City's current policies or practices or core responsibilities, the Councilor will be notified and can raise the issue during Council Reports at a City Council meeting as that may make the issue a policy or research request.

Department Directors and/or the City Manager will respond directly to the Councilor within 5 working days. If the work cannot be completed within this 5 day period, the response will indicate when the work can be completed.

Review/Update: The City Recorder will prepare this Council Policy review one year from adoption, then every three years thereafter for Council approval.

Rev #	Name	Change Date	Character of Change
0		***	Adopted