

**TOWN OF MEAD, COLORADO
RESOLUTION NO. R - 3 - 2000**

**A RESOLUTION OF THE TOWN OF MEAD COLORADO, ESTABLISHING ITS
POLICY REGARDING THE USE OF E-MAIL AND INTERNET ACCESS IN THE
CONDUCT OF TOWN BUSINESS.**

WHEREAS, electronic mail (e-mail) and Internet access has become indispensable workplace communication tools, improper usage creates the potential for Town liability; and

WHEREAS, the recent growth in the use of electronic mail raises new issues and challenges about employee and Board privacy and the Town's ability to regulate this communication medium; and

WHEREAS, the state legislature through the enactment of C.R.S. § 31-72-204.5, has mandated that towns that maintain electronic mail systems create written policies on any monitoring of e-mail communications and the circumstances under which such monitoring will occur; and

WHEREAS, the purpose of this resolution is to establish an overall policy regarding the use of the Internet and electronic mail services as they relate to the operations of the Town and the discussion and formulation of public policy:

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE
TOWN OF MEAD, WELD COUNTY, COLORADO; THAT;**

Section 1. Policy. All electronic communications systems and any information transmitted by or to, received from, or stored in Town of Mead owned computers or data systems is owned and under the custody of the Town of Mead. Furthermore, all electronic communications between elected officials, between Town employees, between elected officials and Town employees, and between elected officials or Town employees and the public, whatever the method of transmission, or manner or place of storage, relating to pending legislation or other public business, shall be subject to the "Open Meetings Act" C.R.S. § 24-6-204 and the "Public Record Act" C.R.S. § 24-72-201 et seq.

Section 2. Privacy and Monitoring. An employee or official of the Town can have no expectations of privacy in using Town owned equipment and systems when transmitting, receiving or storing data or e-mail communications. The Town of Mead may monitor the data systems at any time at its sole discretion, and without prior notice to the employee or official. Monitoring may include printing and reading electronic messages received, transmitted or stored in Town computer systems and may include identification of Internet sites contacted. Electronic messages may be public records, available to the public for inspection upon request.

Section 3. Acceptable Use of the Internet and E-mail. It is the policy of the Town of Mead to encourage effective use of Town owned data systems for the performance of Town business. This includes the use of the Internet and electronic mail by Town employees and officials to:

- a. Provide information both internally and to the public, business and governmental agencies about activities and services of the Town;

- b. Search databases or files for work-related information and for information exchange;
- c. Use for professional activities and career development related to the user's professional capacity.

Section 4. Unacceptable Use of Internet and E-mail. The Town's Internet connection and e-mail system may not be used in any way that is not work-related or which may be seen as insulting, disruptive or offensive by other persons, or harmful to employee morale. Examples of inappropriate uses include, but are not limited to:

- a. Commercial use - any form of commercial use of the Internet or e-mail.
- b. Copyright violations - any use of the Internet or e-mail that violates copyright laws.
- c. Solicitation - the purchase or sale of personal items through advertising on the Internet or e-mail.
- d. Harassment - the use of the Internet or e-mail to harass employees, vendors, customers, and others.
- e. Political - the use of the Internet or e-mail for political purposes, including the lobbying of any government (elected official or agencies) for the purpose of supporting or opposing any issues, programs or projects, without proper authorization.
- f. Aliases - the use of aliases or sending anonymous messages while using the Internet or e-mail.
- g. Misinformation / Confidential Information - the release of untrue, distorted, or confidential information regarding Town business.
- h. Viewing /Downloading of Non-business Related Information. - the accessing, viewing, downloading, or any other method for retrieving non-Town related information. This includes, but is not limited to entertainment sites or pornographic sites.
- i. Representation - to misrepresent an employee's job title, job description or position, or to express views representing the Town of Mead government without proper authorization.

Section 5. Public Records. All correspondence to or from an employee or official in the form of electronic mail may be a public record under the Public Records Act and may be subject to discovery and public inspection under C.R.S. § 24-72-203. E-mail that has no retention value, such as appointment messages and copies of documents that do not relate directly to the functional responsibility of the office or person that receives them, should be deleted as soon as possible after the information has been received and examined. For electronic mail that constitutes a public record,

a printout should be filed with the appropriate records, and then the message should be deleted. E-mail public records include official correspondence, original reports, original policy and procedure directives, official minutes, official documentation related to legal issues or audit issues, original messages documenting Town actions and responsibilities, and any correspondence among elected officials related to pending legislation or other public business.

Section 6. Open Meetings. If elected officials (Board of Trustees) use electronic mail to discuss pending legislation or other public business among themselves, whether or not the e-mail is internal or external on the Internet, the electronic mail shall be subject to the requirements of the "Open Meeting Law" under C.R.S. § 24-6-204. Electronic mail communications among elected officials that does not relate to pending legislation or other public business, whether or not the e-mail is internal or external on the Internet, shall not be considered a "meeting" under C.R.S. § 24-6-204, but may be subject to the "Public Records Act" and the retention of said electronic communications shall comply with Section 5 above.

Section 7. Enforcement. The Town considers any violation of this policy a matter of serious concern. The Town may examine any electronic message on the Town's system. The Town may revoke access to electronic mail without prior notice to the user. Violation of this policy may result in disciplinary action, including termination of employment, or public censure of elected officials. None of the provisions of this policy shall prevent the Town from prosecuting violators to the full extent of the law.

Section 8. Effective Date. This resolution shall become effective immediately upon adoption.

Section 9. Repealer. All resolutions, or parts thereof, in conflict with this resolution are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such resolution nor revive any resolution thereby.

Section 10. Certification. The Town Clerk shall certify to the passage of this resolution and make not less than one copy of the adopted resolution available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 31st DAY OF January
 , 1999.

ATTEST:

TOWN OF MEAD

By Judy L. Hegwood
Judy L. Hegwood, Town Clerk

By Keith A. Goshia
Keith A. Goshia, Mayor