

## **Elected Official Email Policy**

---

### **BACKGROUND**

Elected officials of the City of Cherry Hills Village each have a City email account with which to conduct City business, including correspondence with other elected officials, residents, staff, and the City Attorney. Use of email communications has implications under both the Colorado Open Meetings Law and the Colorado Open Records Act. This policy has been established to ensure that the management of elected officials' email communications complies with the statutory requirements of the Colorado Open Meetings Law and the Colorado Open Records Act, as well as the City's Records Retention Schedule.

### **ADMINISTRATIVE POLICY**

All emails related to City business should be addressed to elected officials' City email accounts. Personal email accounts may be included in addition to City email accounts if requested, but no emails related to City business should be addressed solely to personal email accounts.

#### Permitted Email Communications

Email deliberation between three or more elected officials concerning public business or pending legislation are declared to be a public meeting under the Colorado Open Meetings Law and are prohibited.

The following email communications from or to an elected official or officials are permitted:

1. Communication or deliberation from or to a staff person, the City Attorney, residents or community members.
2. Deliberation between fewer than three elected officials in which other elected officials are not copied and which are not forwarded to other elected officials.

3. Communication between elected officials that does not include deliberation related to the merits or substance of pending legislation or other public business. Examples of permissible communications include:
  - electronic mail communication regarding scheduling and availability;
  - electronic mail communication sent by an elected official for the purpose of forwarding information, responding to an inquiry from an individual who is not a member of the public body, or posing a question for later discussion by the public body.

As used in this policy, “deliberation” means the discussion and/or exchange of viewpoints and opinions on a subject. It specifically does not include the distribution, but not discussion, of information.

#### Retention Policies Applicable to Email Communications

1. Email communications of elected officials may be considered public records under the Colorado Open Records Act. The City’s Records Retention Schedule applies to email communications in the same manner as other records.
2. Certain types of correspondence of elected officials 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.” Examples include drafts and worksheets, desk notes, copies of materials circulated for informational “read-only” purposes, and other records with preliminary or short-term informational value. These emails should be deleted as soon as they are read and are no longer useful.
3. Correspondence of elected officials designated as a public record fall into one of two categories:
  - a. Enduring Long-Term Value: Documentation or correspondence with enduring and long-term administrative, policy, legal, fiscal, historical or research value; records that relate to policy issues and actions or activities in which an important precedent is set; records of historic events relating to the municipality or the community; and other similar records and documentation. The retention period for these records is permanent.
  - b. Routine Value: Operating documentation that is routine and contains no significant administrative, legal, fiscal, historical, information or statistical value. Includes routine communications

sent and received, communications containing duplicates of information that is filed elsewhere, routine requests for information, transmittal documents, etc. The retention period for these records is two years.

### Email Management Policy

In order to ensure that the emails of elected officials are properly managed, the following email management policy should be followed:

1. All emails sent to or from an elected officials' email account will be automatically archived.
2. Archived emails will be managed according to the City's retention policy by the City Clerk.
3. Original emails in the elected officials' email accounts may be saved or deleted as the elected official finds most useful.