

REGULAR WORK SESSION

- In-House Email Training with B4 Studios
 - Review Email Policy
 - Tomkins Lease
- Cy Warman Plaque Placement/Unveiling Plan
- Security Vulnerability Assessment Plan/ER Response Plan Revision
 - Economic Development
 - Board Retreat
 - Mayor's Report
 - FYI Orientation/Board Review
 - FYI Free Dump Day

NO FORMAL ACTIONS CAN BE TAKEN

Posted 4/18/14

OPEN TO THE PUBLIC

CLERK'S MEMO

City of Creede

DATE: February 21, 2014
TO: Mayor Grossman and Trustees Delonga, Wall, Wyley, McDonald, Kim and Zurn
CC: Clyde, Eric H.
FROM: Randi Snead, Clerk/Treasurer
SUBJECT: Email Policy

I've attached an email policy for elected officials for your review. The examples I reviewed were more simple than I expected. All we really need to address, I think, is Colorado Open Meetings Law, Colorado Open Records Act, and guidelines for following our retention schedule unless you have something more you think we should cover? Some larger municipalities go so far as to establish guidelines for email back-up, "email overload," use restrictions, etc., and I can't see a reason for us to get that complicated.

FYI, I hope you don't feel singled out by this policy. Elected officials have different guidelines for adhering to Open Meetings Law, and we already have strict email guidelines for privacy, retention, and use for employees in our new handbook. Let me know if you would like to review the language in that document.

Thank you!

Randi

City of Creede

A Policy Establishing Use, Retention Policies, and Procedures for Electronic Mail Communications by Elected Officials

POLICY

Elected officials of the City of Creede 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 in order 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 and/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 pending legislation or other public business.

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 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.

A Realistic Look at an Emergency Situation **in the City of Creede**

This document is created to indicate to any person reading it will understand why such protocols are put into place. We do not want to create knee-jerk reactions to events that do not benefit from lack of proper action when it is needed. We do not want false alarm to rule the day if such calamity happens. We place people and entities in charge that can manage emergency events effectively and reduce hazards to life and property.

There are two events that can and have happened to Creede. Fire and Flood. A third situation has yet to emerge; human action to disable the City's water supply.

This coming spring melt looks to be less than heavy enough to cause an emergency situation. Even so, future forecasts of heavy snows during the winter months cannot be determined until the snow actually is on the ground. We then must be very prepared to handle heavy snowmelt and swollen creeks leading to town. If prepared and working with Mineral County the water can be kept to within the banks of the creek beds until it gets to the flume that runs through town. The City is exploring solutions to repairing the flume in its entirety. With a properly repaired flume, any heavy snow melt runoff can flow in the flume to the Willow Creek outflow. The City will continue toward that goal.

Fire could come close to town, but fires that are closer than the Papoose Fire could pose a problem if airborne embers are able to be transported to the rooftops of older buildings and structures with roofs that are not fire proof. I think that the City and the Mineral County Fire Protection District can be effective in countering and eliminating that possibility.

Human action to disable the City's infrastructure with intent to do damage and harm is a possibility. However, it is this writer's opinion, not necessarily fact; the City is not high on anybody's list to do harm. There are actions the City has taken to minimize that possibility and more will be done in time.

This is written because we are not in any serious time-crunch to implement emergency protocols at this time. Cloud bursts and flash flooding can come quickly. So quickly, in fact, that the City may not have any time to set up prevention and may well have to be in a reactive mode as the danger is placed on our doorstep. Intense rain events can become overwhelming in a very short amount of time and pass just as quickly.

Wildfires seem to be noticed before too much damage can be done and emergency protocols can mitigate the situations. A fire event within the City Limits is usually limited to a structure or two if they are connected as some are in this town. Since the last Main Street fire, the rebuilt structures incorporate modern technology and lessen the possibility of fire happening again, much less spread to other buildings. As structures within town are remodeled and utilities are updated and construction materials are becoming more fire retardant if not fire proof, the risks are slowly becoming smaller.

We could put the two emergency events together; a flood causing fire and then we would need a serious response to mitigate the situations. As in the wildfires, burn scars increase the

possibility of flooding. Thankfully, the Willow Creek drainages have not been burned. Heavy snow happens within the drainages and that would pose the threat of flood anywhere downstream including the City of Creede. The City can be prepared for that contingency.

Getting to manmade hazardous events; fires are caused by careless humans as much as weather can cause fire in the forests that surround Creede. Human action can do more damage than a naturally occurring event.

The City of Creede will be upgrading its infrastructure by creating levels of protection that surround our critical assets. Fences where needed and repairing or replacing fences that exist. What we have in place has kept our critical assets from unnecessary exposure. There are so many instances where the public that reside and travel the areas around our assets have notified City personnel or the Sheriff's Office of suspicious activity near those assets. Neighborhood Watch is alive and well in this area.

Resources at the City's disposal are available when needed and asked for. Not all resources are available to us, though. The City needs to consider mutual aid agreements and similar tools so we can be ready if needed. We can also contribute to other entities in our region and the State by using these tools when an entity in need can use what resources we may be able to offer. The City has offered our help without any agreement, but it is always better to have a written offer available that spells out what we can do. If we cannot assist, that would be in the written agreement. Once in place, these agreements allow for the State and Federal agencies to offer assistance when our resources are exhausted.

We will follow through with the protocols that are in the Emergency Response Plan and by using the Operations and Maintenance documents we will have an effective means to keep us safe and well.