

RESOLUTION NO. 25-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLD BAR, WASHINGTON, ESTABLISHING A POLICY FOR DISSEMINATION OF WRITTEN COMMUNICATIONS TO AND FROM CITY COUNCILMEMBERS.

WHEREAS, RCW 42.30, the Open Public Meetings Act (OPMA), requires that City Council business be conducted in meetings open to the public, and

WHEREAS, e-mail communication is a simple, fast and expedient method of communication, and

WHEREAS, e-mail and other forms of communication can be used in violation of the OPMA, and

WHEREAS, serial, interactive communications among Councilmembers may violate the OPMA;

WHEREAS, the Council desires to meaningfully communicate with each other and respond to written communications without violating the OPMA; and

WHEREAS, the City Council desires to establish a policy for written communications between Council and staff and among members of the Council, NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF GOLD BAR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. Councilmembers shall not send any written communications, including e-mail, to more than one Councilmember, except that a Councilmember may send written communication to more than one other Councilmember by submitting it to the City Clerk. The City Clerk shall include the communication in the next Council packet scheduled for distribution or at the next Council meeting, whichever occurs sooner. The Clerk may delay distribution of a communication until the Council convenes a meeting, if it appears that distribution in the packet would violate the OPMA. Councilmembers may send communications to more than one councilmember without submitting it to the City Clerk if the communication is in response to a communication from the mayor or staff (outside of a council meeting) to more than one councilmember.

Section 2. The Mayor and staff may send written communications to any and/or all Councilmembers. All responses to such communications by a Councilmember shall be included in the Council meeting packet or distributed at a regular or special meeting of the Gold Bar City Council.

Section 3. Councilmembers may not respond to the author of any councilmember communication sent to more than one Councilmember. The author of the communication may discuss the communication with no more than one other councilmember, except in an open meeting that complies with the OPMA.

Section 4. Each written or e-mail councilmember communication to more than one councilmember shall include the following warning:

UNDER THE OPEN PUBLIC MEETINGS ACT, CHAPTER 42.30 RCW, IT MAY BE POSSIBLE TO HOLD A MEETING THROUGH THE EXCHANGE OF EMAIL OR OTHER WRITTEN COMMUNICATION. THIS MESSAGE IS SENT TO YOU FOR THE PURPOSE OF PROVIDING INFORMATION ONLY;

**TO ASSURE COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT,
RECIPIENTS ARE ASKED NOT TO RESPOND TO THE SENDER AND/OR
OTHER MEMBERS OF THE CITY COUNCIL.**

Section 5. Councilmembers may communicate with one other Councilmember outside of a Council meeting and without first sending the communication to City Hall so long as the communication is not sent or forwarded to any other member.

Section 6. The purpose of this e-mail policy is to prevent inadvertent violations of the Open Public Meetings Act and to establish a process whereby written Council communications are retained at City Hall so that they are readily available for public disclosure as required by the Public Disclosure Act. It is not the intent of this policy to infringe upon the First Amendment rights of Councilmembers to express their opinions and lobby for their constituencies. In this regard, the sole means of enforcement of this policy shall be the refusal of participating Councilmembers to read any communications disseminated in violation of this policy.

RESOLVED this ___15th___ day of _____March_____, 2005.

APPROVED by the Mayor this _____ day of _____, 2005.

MAYOR, COLLEEN HAWKINS

ATTEST:

HESTER GILLELAND, CITY CLERK

FILED WITH THE CITY CLERK:

PASSED BY THE CITY COUNCIL:

RESOLUTION NO. _____