

## RESOLUTION NO.

**WHEREAS**, the administration of government in a manner that is open and accessible to the public is a highly valued principle of the Austin City Council; and

**WHEREAS**, the Austin City Council believes that conducting the City's business in an open and transparent manner is essential to the public interest; and

**WHEREAS**, the current law regarding many open government issues has been complicated by changing technologies and means of communication, as evidenced by the divergent positions taken by the Texas Attorney General and the Texas courts on issues such as the treatment of information on private electronic devices; and

**WHEREAS**, although the law regarding personal electronic devices is unsettled in Texas, the Austin City Council desires to bring clarity to city operations by establishing a policy that ensures the public's access to government; **NOW, THEREFORE**,

### **BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

The City Council establishes the following policy regarding the conduct of city business through written communication on personal communication devices:

1. City accounts shall be used to conduct city business.
2. If circumstances require a City official or employee subject to this resolution to conduct city business on a non-city account, the official or employee shall promptly forward the associated electronic communications to a city account. Once forwarded to a city account, the communication will be public information as set out in the Texas Public Information Act.
3. This policy applies to the Mayor and all members of the City Council, and all city employees directly appointed by the City Council, including the City Manager, the City Clerk, the City Auditor, the Chief Judge of the Municipal Court, and the Municipal Court Clerk. This policy does not waive any exception under the Texas Public Information Act.

### **BE IT FURTHER RESOLVED:**

That the City Manager is directed to develop a policy regarding the conduct of city business on personal communication devices by all other city employees and report progress back to the City Council within 30 days.

### **BE IT FURTHER RESOLVED:**

That the City Clerk is directed to develop a policy regarding the conduct of city business on personal communication devices by members of city boards and commissions with sovereign authority, and report progress to the City Council within 30 days.

### **BE IT FURTHER RESOLVED**

That the City Manager and the City Clerk are directed to work with the Communications and Technology Management Department to estimate implementation costs of all policies

developed pursuant to this resolution.

This policy applies to all communications occurring immediately after the adoption of this resolution.

ADOPTED: \_\_\_\_\_, 2011      ATTEST: \_\_\_\_\_  
                 Shirley A. Gentry  
                 City Clerk