

MOBILE COMPUTING DEVICE POLICY FOR CITY OF BRIGHTON ELECTED OFFICIALS

I. GENERAL PROVISIONS

- A. Each City elected official will receive a functioning mobile computing device like an iPad tablet and/or lap top computer for his or her official use. The City will retain all rights of ownership associated with each mobile computing device issued for the use of City elected officials while serving as an elected official. The mobile computing device issued to each City elected official is City-owned equipment and will remain the property of the City. The City will issue devices to elected officials with standardization and cost-effectiveness as a priority, and City elected officials will not be given selection choices.

- B. City-issued mobile computing devices will be loaded with software for the conduct of City business as deemed necessary by the City's Information Technology (IT) Department. Although the installation of other programs or applications is not prohibited, no additional programs or applications shall be installed on City issued mobile computing devices without prior consultation with the City's IT Department.

- C. City-issued mobile computing devices are primarily intended for the conduct of City business. The use of City-issued mobile computing devices for purposes other than City business is permitted; however, users are cautioned that data kept on City-owned mobile computing devices may be considered "kept and maintained" by the City under the Colorado Open Records Act and be subject to inspection and copying.

- D. City-issued mobile computing devices may be used for the full spectrum of City business, including but not limited to: note-taking, public meeting preparation, public meeting participation, constituent communications, electronic mail communication, receipt of electronically-stored documents, internet research, storage of electronically-stored documents, transmission of electronically-stored documents, display of electronically-stored documents and modification of electronically stored documents.

- E. Each elected official will receive through the City's IT Department a password and a dedicated electronic mail address. Elected officials may use their City- issued mobile computing devices to receive, review and transmit electronic communication and documents within the City's computer systems as coordinated and facilitated through the City's IT Department.

- F. Each City elected official will take reasonable precautions to assure the security of the City's computer systems is protected, and that the City-issued mobile computing devices in his or her possession are properly cared for at all times.

- G. The City will provide a cellular telephone to elected officials for City business unless an elected official declines. Use of personal cellular telephones for

City related business is done at the elected official's risk; users are cautioned that data kept on cellular telephones used for City-related business may be considered "kept and maintained" by the City under the Colorado OpenRecords Act (the "Act") and subject to release under the Act.

II. ELECTRONIC MAIL COMMUNICATION

- A. City-issued mobile computing devices may be used for email communication for any lawful purpose. The electronic files associated with City elected official email communication will be kept and maintained by the City within its computer facilities.
- B. The Colorado Open Records Act applies to electronic mail communication kept or maintained by the City. As such, elected official email communication documents may be subject to inspection and copying, subject to provisions of the Act.
- C. The retention, preservation and destruction of email files kept or maintained by the City will be governed by the City's IT Department policies, City retention schedules, and any litigation holds placed, as any of these may later be amended.

III. OTHER ELECTRONIC DOCUMENTS

- A. City elected officials will receive most documents related to City business through the City-issued mobile computing devices via electronic mail. City elected officials may use their City-issued mobile computing devices for any necessary and convenient purpose related to these documents. City elected officials may use City-issued mobile computing devices for receipt and storage of documents related to City business; however, users are cautioned that data kept on City-owned computer facilities may be considered "kept and maintained" by the City under the Colorado Open Records Act.
- B. Documents and images stored on City-issued mobile computing devices may be considered "kept and maintained" by the City under the Colorado Open Records Act, thus subjecting all such documents and images to inspection and copying subject further to the provisions of the Act. City elected officials are not required to keep or maintain any documents within the City-issued mobile computing devices, unless requested by the City Attorney to do so, and may delete or save to other data storage devices any files as is deemed appropriate from time to time. City-installed software, application or other program files may not be deleted without prior consultation with the City's IT Department.

IV. USE OF CITY-ISSUED MOBILE COMPUTING DEVICES DURING PUBLIC MEETINGS

- A. City elected officials shall not use City-issued mobile computing devices for transmitting and/or receiving any data communication (including but not limited to electronic email or texts) to or from any person, including other Councilmembers, during any meetings convened for the conduct of any public business.

- B. City elected officials shall refer to their Council rules for use of mobile computing devices during meetings.
- C. The use of City-issued mobile computing devices shall not distract, deter, interrupt, or in any way interfere with the conduct of public business during public meetings of City elected officials.
- D. In order to assure the preservation of due process rights for participants in *quasi-judicial* proceedings before the City Council, the use of mobile computing devices and cellular telephones is prohibited.
- E. Subject to the foregoing limitations and consistent with the City elected official's duties, cellular telephones may be used during public meetings ONLY for an emergency, at which time the Councilmember shall so inform the presiding officer and excuse himself or herself from the meeting.

V. USE OF CITY-ISSUED MOBILE COMPUTING DEVICES FOR CANDIDATE AND/OR ISSUE CAMPAIGNS

The use of City-issued mobile computing devices for the purpose of promoting a candidate nomination, retention, recall, or election, or for the purpose of promoting or discouraging a local ballot issue is prohibited.

VI. RETURN OF MOBILE COMPUTING DEVICES

All City-issued mobile computing devices issued to an elected official must be returned when they are no longer in office. If an elected official needs a replacement device during a term of office, the old device must be returned within 7 days.