

**EAST GOSHEN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

RESOLUTION NO. 2011-43A

**A RESOLUTION GOVERNING E-MAIL COMMUNICATIONS BY AND
AMONG SUPERVISORS, STAFF AND OTHER TOWNSHIP
AUTHORITIES, BOARDS AND COMMISSIONS AND ADVISORY GROUPS**

WHEREAS, the Pennsylvania Sunshine Act, 65 Pa. C.S.A. §701 *et. seq.*, as amended (the “Act”), requires that all Township business be conducted only within the context of a public meeting, excluding those matters which fall within the exceptions to the open meeting requirement under §707, §708 and §712 of the Act; and

WHEREAS, today’s communication technology such as e-mail is a valuable tool and allows for the near real-time communication of information to multiple recipients; and

WHEREAS, care must be taken that the Board of Supervisors (the “Board”), Township Staff, the members of other Township Authorities, Boards and Commissions (the “ABCs”) and/or any other Advisory Group(s) appointed by the Board (the “Advisory Groups) do not violate the Act by conducting deliberations outside of an open meeting via e-mail; and

WHEREAS, e-mails typically occur at random rather than by prearrangement; however, the Board nonetheless believes the Policy stated herein is appropriate in order to comply with the Act; and

WHEREAS, the Policy stated herein is not intended to address the dissemination of factual information pertaining to Township business such as meeting dates and times; and

WHEREAS, the Right to Know Act, Act 3 of 2008, as amended (the “New Law”) became effective January 1, 2009; and

WHEREAS, under the New Law, all Township records, including e-mails, are presumed to be public records and subject to disclosure.

BE IT RESOLVED THAT the foregoing recitals are incorporated herein by reference and deemed essential parts hereof.

BE IT FURTHER RESOLVED THAT in consideration of the requirements of the Act and the New Law, the Board hereby establishes regulations for the use of e-mail by the members of the Board, Township Staff, the ABCs and/or Advisory Groups in accordance with the following guidelines:

1. Deliberations and official actions among a quorum of the Board, ABCs and/or Advisory Groups shall not take place by means of the exchange of e-mails, whether via personal e-mail accounts or Township e-mail accounts.

- a. For the purpose of this Resolution, “deliberation” shall include the discussion of Township business held for the purpose of making a decision as well as the making of any recommendation or providing an individual position or opinion on Township business.
 - b. For purposes of this Resolution, “official actions” means the establishment of policy; decisions on Township business; and a vote or recommendation on any motion, proposal, rule, regulation, statute, ordinance, report or order.
2. Nothing in this Resolution shall preclude any member of the Board, Township Staff, any ABCs and/or Advisory Groups from communicating by e-mail with one or more members of the Board or any ABCs or any Advisory Groups, including a quorum of the Board or any ABCs or any Advisory Group, for the purpose of disseminating or sharing information pertinent to Township business.
 - a. For the purpose of this Resolution, “information” is defined as a series of factual statements related to meeting schedules and agendas, including supporting background documents and data, to be discussed at a future meeting.
 - b. Background data created for a particular business item should be acknowledged at the next public meeting where the item is discussed.
3. E-mails received from Township residents may be acknowledged at the next regular public meeting after receipt of such e-mails.
4. Township e-mail accounts shall be used strictly for Township business. Township e-mail accounts shall not be used for viewing, accessing or transmitting any material that a reasonable individual may find personally offensive or inappropriate, including sexually suggestive materials.
 - a. All information sent and/or received via the Township e-mail accounts and the Township server is and shall be the property of the Township. The contents of all such e-mail accounts shall be considered public records unless it can be shown that the e-mail content falls under one of the exclusions of the New Law.
 - b. Township e-mail accounts shall not be used to communicate material such as, but not limited to, deliberations, decisions, official actions, opinions, and legal advice from the Township Solicitor without prior approval from the Township Solicitor or the Board.
 - c. The Township reserves the right to search and audit all work-provided electronic equipment of Township employees. The Township may monitor e-mail activity with or without notice, and no employee has an expectation of privacy with regard to Township e-mail accounts and electronic equipment.

5. All e-mails sent and received from Township owned computers and through Township webmail/Outlook accounts will be archived in a Township sponsored e-mail archival system. E-mails will be archived in accordance with the schedule established by the Pennsylvania Historical and Museum Commission.
6. Members of the Board of Supervisors and the Chairman of the Township ABC's, shall be issued a Township e-mail account that is connected to the Township archival system and they will utilize either webmail or Outlook software for all e-mails related to Township business. The e-mail accounts for the Chairman of the Township ABC's shall be set up to forward all incoming e-mails to the Chairman's personal e-mail account and to a Township webmail account so that it can be archived. This will eliminate the need for the Township ABC chairmen to monitor their respective Township e-mail account on a regular basis and ensure that e-mails are responded to promptly.
7. All e-mails originated by ABC Chairmen must be sent from Township e-mail accounts. However, the ABC Chairmen may utilize their personal e-mail provided they "cc" the staff liaison on any e-mail. This will ensure the e-mail is included in the Township archival system.
8. E-mails received via personal e-mail accounts that are Township related shall be forwarded to the Township archival system by either forwarding it to the staff liaison, if no response is required, or by "cc"ing the staff liaison on the response.
9. The procedures in paragraphs 6, 7 & 8 shall become effective on January 1, 2012.

RESOLVED AND ADOPTED, this 20th day of December 2011.

ATTEST:

**EAST GOSHEN TOWNSHIP
BOARD OF SUPERVISORS**

Secretary

McClepper

M. Stone

Car R. Bortone