

## **EXECUTIVE ORDER NO. S-28-15 (REVISED)**

### **Preferred Communications for Official City Business**

In order to ensure government transparency and compliance with the Nebraska Public Records Act (hereinafter “the Act”), to the extent practical, employees should use email or other written communications in their work when conducting official City business in order to create and maintain a City-controlled record, should one be required for essential City operations. Official City business shall not include communications of a personal, non-work related nature.

### **Personal E-mail Accounts**

Personal email accounts shall not be used for official City business unless City methods of communications are not available or expedient or an approved exception is made based on particular circumstances. In those cases where personal email accounts are used for official City business, those communications, if they involve essential City operations, shall be maintained and produced in accordance with this Executive Order and the Act.

### **Personal Text Messages**

Text messages from personal cellphone accounts shall not be used for official City business unless City methods of communications are not available or expedient or an approved exception is made based on particular circumstances. In those cases where text messages from personal cellphone accounts are used for official City business, those communications, if they involve essential City operations, shall be maintained and produced in accordance with this Executive Order and the Act. In any event, text messages from any device, personal or City issued, should only be used for routine, informational matters such as scheduling and notifications that require timely and convenient communication and, thus, may be deleted at any time. Communications by or between law enforcement personnel are exempt from this Order.

City employees shall not accept or respond to news media requests via text messaging.

### **Voice Mails**

Voice mails left on cellphones will be treated under the same rules as text messages. Voice mails on other City-provided phones will be considered to be records of or belonging to the City and subject to the Act. However, voice mails may be deleted at any time.

### **Document Retention**

Emails and written communications related to official City business shall be maintained by the City in accordance with an approved document-retention policy and produced under the Act as

directed by the City Attorney. Records essential to City operations are defined in the document retention policy.

### **Public Records Requests**


All requests for documents and records under the Act made to any department other than the Police Department shall be made in writing to the City Clerk. Requests received by Directors, Mayor's Staff, City Council and staff, or any City employee will be directed to the City Clerk for review and response. The City Clerk shall then refer the request to the appropriate department. If there is a question about whether any requested record may be withheld or a decision is made to withhold a record, the request shall be sent to the City Attorney for advice or to prepare a denial letter that complies with law. All City officials and employees are reminded that requests must be responded to within four business days or a response must be sent stating when a response may be made. The Police Department shall develop a policy for receipt and response of requests for police reports and other records.

### **Evolving Technology**

The intent of this Executive Order is to identify sanctioned channels of communication for official City business so as to comply with the Act. Evolution in technology will create new channels of communication which will be addressed on a case-by-case basis.

BY THE POWER VESTED IN ME AS MAYOR BY SECTION 3.04 OF THE HOME RULE CHARTER OF THE CITY OF OMAHA, 1956, AS AMENDED, I HEREBY PROCLAIM THIS TO BE THE EXECUTIVE ORDER ESTABLISHING AND GOVERNING THE MAYOR'S PREFERRED COMMUNICATIONS FOR OFFICIAL CITY BUSINESS.

WITNESS my hand as Mayor of the City of Omaha this 4<sup>th</sup> day of June, 2015.

  
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Jean Stothert, Mayor  
City of Omaha