

REVISION TO COUNCIL OPERATING PROCEDURE 1 ADDING E-MAIL GUIDELINES

Situation: Recent proliferation of internet and electronic mail (e-mail) communication activity has raised the issue of acceptance of electronic testimony as public comment on Council agenda items. Legal Counsel has advised the Council is not obligated to accept electronic testimony if sufficient justification exists. However, if the Council elects to not accept electronic testimony, it must have a written policy stating so, including justification rationale. Further, the Council has been advised to deal with any e-mail comments received until policy language has been adopted. No government-wide policy currently exists, although some federal agencies currently "...treat e-mails the same way that we regard letters...". At this time, one regional Council accepts electronic testimony, two do not, and the remaining Councils have yet to formally decide.

While both pro and con arguments can be made on this issue, staff recommends the Council be open to considering a procedural change allowing conditional acceptance of electronic testimony. In general, the use of e-mail and internet-based information exchange is already being used to increase public participation in the Council process; acceptance of e-mail testimony in a similar manner as other written testimony would seem to further serve Council goals to encourage public involvement. Staff recommends the Council consider the use of e-mail as a method of receiving public testimony as a discussional item at the March meeting, and consider adopting receptive, but conditional, policy language at the April meeting.

A possible revision to Council Operating Procedure 1, for purposes of discussion only, is provided in Supplemental Attachment H.5.a.

Until new, receptive policy language is adopted, staff recommends the Council adopt a policy that e-mail not be accepted as formal public comment. This recommendation is based on the lack of full consideration of additional, possibly negative impacts not yet evaluated and the lack of full consideration of alternatives.

Council Action:

- 1. Discuss possible changes to Council Operating Procedure 1 and provide direction to Council staff in preparation of an e-mail public testimony policy. (Supplemental Attachment H.5.a).**
- 2. Schedule future agenda item for Council action to adopt an e-mail policy.**
- 3. Adopt a policy of not accepting e-mail as formal testimony until further notice.**

Reference Materials:

1. Council Operating Procedure 1-Council, revised 06/25/99 (Supplemental Attachment H.5.a.).

PFMC
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