

RESOLUTION

A RESOLUTION OF THE
COUNCIL OF THE CITY OF
KNOXVILLE TO ADOPT A
PLAN FOR THE
KNOXVILLE CITY COUNCIL
INTERNET FORUM.

RESOLUTION NO: R-120-2012

Vice Mayor Pavlis and Councilmembers

REQUESTED BY: Palmer, Della Volpe &
Campen

PREPARED BY: Council

APPROVED: 05-01-2012

APPROVED AS AN EMERGENCY
MEASURE: _____

MINUTE BOOK: 76 PAGE _____

WHEREAS, the Tennessee General Assembly has enacted legislation allowing local governments to establish a legislative forum to enable electronic communications (Public Chapter 175, Acts of 2009; Tennessee Code Annotated Section 8-44-109); and

WHEREAS, the Knoxville City Council wishes to establish an internet forum.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF
THE CITY OF KNOXVILLE:**

SECTION 1: That the Council of the City of Knoxville will host the forum on a City of Knoxville server. This server will be available at all times other than that necessary for technical maintenance or unforeseen technical limitations. It is estimated that the server will be available over 98% of the time based on the City of Knoxville's experience with its present web server. Said server will be replaced on at least a four year cycle.

SECTION 2: The City of Knoxville Information Technology (IT) Department shall maintain and monitor the forum to ensure that it functions properly, but will not delete or edit any comment posted.

SECTION 3: A link to the forum will be published on the City Council web page with a contact e-mail address and phone number to report problems.

SECTION 4: Every January and July passwords will be changed by the IT Department. All passwords will require at least six letters and two numbers. The IT Department will inform the members of City Council of the new passwords before the password is changed.

SECTION 5: All communication will remain on the active page for at least one year. Every three years, the IT Department will archive and remove postings that have been on the forum for over one year.

SECTION 6: Only members of City Council can post to the forum.

SECTION 7: Members of the City Council are prohibited from using the forum until they accept the "Terms of Use Agreement" of the forum.

SECTION 8: Free public access to the forum will be available at the Office of the Knoxville City Council, City Recorder's Office, 400 Main Street, Room 460, Knoxville, Tennessee 37902. This office will provide at least one computer that anyone can use to access the forum during normal business hours.

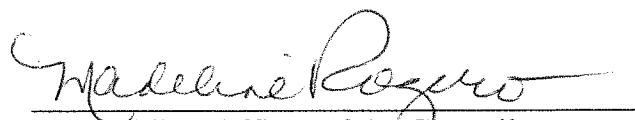
SECTION 9: City Council acknowledges that the forum cannot be used until the Office of Open Records Counsel issues a Report of Compliance.

SECTION 10: Prior to commencing use of the forum, City Council shall conduct a public hearing relative to its intent to utilize the forum. A copy of the public comments shall be kept on record for public inspection.

SECTION 11: Public notice of the City Council's intention to use the electronic forum and the link to the forum will be placed in the same paper used to notify the public of its public meetings. As long as the City Council chooses to utilize an internet forum, it will fulfill its statutorily set responsibilities regarding that use. Failure by the City Council to fulfill its ongoing responsibilities will render the Report of Compliance void. If the City Council determines that it is no longer going to utilize the forum, notification will be given to both the public and to the Office of Open Records Counsel.

SECTION 12: This Resolution shall take effect from and after its passage, the welfare of the City requiring it.


Cindy Mitchell
City Recorder


Madeline Rogers
Presiding Officer of the Council

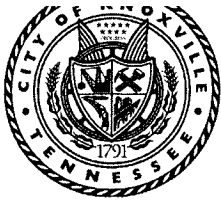
Terms of Use Agreement for the Knoxville City Council Forum

1. This forum is for the exchange of ideas and/or questions. It is not to be used for personal attacks or to promote commercial or private ventures. This forum is to be used to discuss City Council matters only.
2. The only users allowed to post are members of the City Council (hereinafter "members"), but the content is available to the public.
3. No one other than a member may post to the forum, and a member may not allow anyone else access to his/her account.
4. The use of objectionable or inflammatory remarks shall be avoided.
5. Once posted, the communication will remain available over the internet for at least one year. Comments posted in error cannot be deleted and will not be edited.
6. The forum will be password protected. Each member shall notify the City Recorder if his/or her password is compromised.
7. Each member shall protect his/her password so that no one else may post in the member's name. City Council will assume that items posted from a member's user account came from the member.
8. If a member has his/her computer remember passwords, the member must protect access to his/her computer.
9. The forum will be available at all times except for technical maintenance or unforeseen technical limitations.
10. The views expressed on the forum are those of the posting member. It should not be assumed that the views expressed represent the official views of City Council.
11. Communication over the forum is not a substitute for decision making in an open meeting held in accordance with the Tennessee Open Meeting Law. The City Council meeting is where official votes are taken.
12. Participation in the forum is not eligible for any per diem reimbursement.

I, _____, acknowledge that I have read and agree to these terms of use for the Knoxville City Council Forum, Signature on this "Terms of Use Agreement" acknowledges receipt of a copy of the Public Chapter 175, Acts of 2009.

Signature: _____
Member, Knoxville City Council

Date: _____



CITY OF KNOXVILLE, TENNESSEE

City Council

AGENDA INFORMATION SHEET

11a

AGENDA DATE: May 1, 2012

DEPARTMENT: Legislative

DIRECTOR: City Council

AGENDA SUMMARY A Resolution to adopt a plan for the Knoxville City Council Internet Forum.

COUNCIL DISTRICT(S) AFFECTED

All

BACKGROUND

Tennessee Code Annotated Section 8-44-109 allows electronic communications between the members of a governing body over the internet in certain circumstances. When the procedures are followed, communications between members of the governing body posted to a complying internet forum shall be deemed to be in compliance with the State's open meetings laws.

Requested by Vice Mayor Pavlis, and Councilmembers Palmer, Della Volpe and Campen.

OPTIONS

Approve, deny, or postpone for future consideration

RECOMMENDATION

Approve

ESTIMATED PROJECT SCHEDULE

The State's Office of Open Records Counsel has to review the plan after it is passed. They intend to respond in less than 30 days after receiving the approved Resolution and Terms of Use Agreement.

PRIOR ACTION/REVIEW

None.

FISCAL INFORMATION

Requested by:

Nick Pavlis, Vice Mayor

ATTACHMENTS:

- Resolution (DOC)
- Attachment (DOCX)