

Clerk's Guide

to Reducing Risk and Achieving Compliance





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Introduction

A clerk's role is multifaceted. In addition to ensuring compliance with a number of frequently updated federal, state, and local laws, they must also build trust with residents and strive to improve the civic experience.

Doing it all can feel impossible, but the right technology stack can help. Software not only takes the guesswork out of compliance, it can help agencies save time and money. When clerks are able to eliminate busywork, they can focus more on what really matters: building more vibrant communities.

This eBook explores some of the biggest challenges clerks face and how purpose-built software solutions can transform their workday.





Inside the Laws and Regulations that Clerks Need to Know

Clerks must ensure that all municipal operations meet the strict — and frequently evolving — legal standards set by local, state, and federal governments. Compliance requires constant vigilance.

While every municipality has different laws it must observe, a few of the more notable ones include: the [Government in the Sunshine Act](#) (and open meetings laws), the [Freedom of Information Act](#) (FOIA), and the [Americans with Disabilities Act](#) (ADA). In the first half of this eBook, we will explore these laws and how they impact clerks. In the second, we'll show you how the right software can make a difference in productivity and morale.



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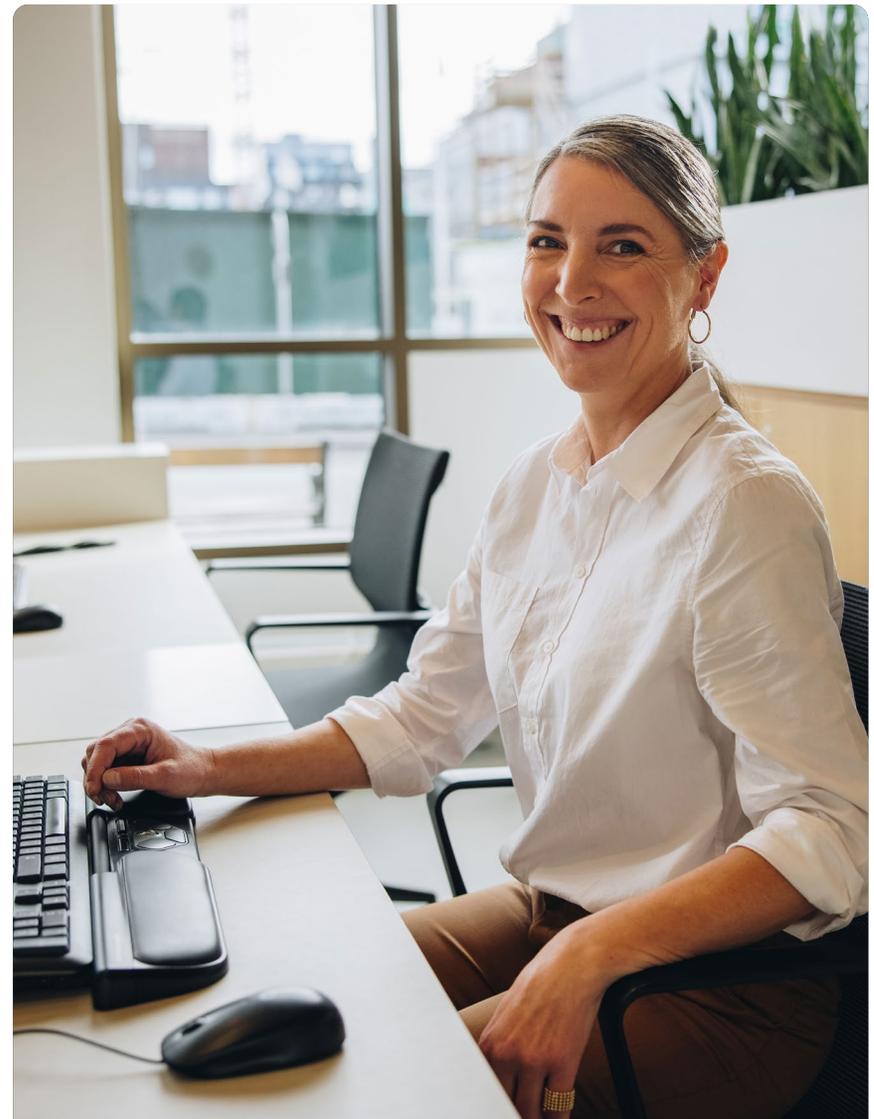


What is the Government in the Sunshine Act?

The Government in the Sunshine Act is a federal law passed in 1976 [that aims to ensure government transparency](#). Relatedly, each state has its own sunshine laws, or open meetings laws, that require public bodies, such as government agencies, boards, and commissions, to conduct business openly. These laws are designed to promote government accountability and to prevent favoritism, cronyism, and corruption.

Failure to comply with open meetings laws can result in fines and penalties, public censure or impeachment, and legal challenges — not to mention the loss of public trust. A few open meetings laws that have been in the news include:

- Tennessee’s [change](#) to its Open Meetings Act that requires legislative bodies to publish a detailed agenda at least 48 hours before every meeting.
- Indiana’s [requirement](#) that all government meetings be live-streamed or recorded.
- Lawmakers in California [voted against](#) letting local advisory boards meet remotely, requiring them to meet in a place accessible to the public.





What is the Freedom of Information Act (FOIA)?

The federal Freedom of Information Act (FOIA) and related state laws require government agencies to keep detailed records of their business dealings, including their electronic information, for the public to access. But what does that really mean, especially in today's digital age?

In years, state lawmakers have had to contend with how social media posts impact public records laws.

A few examples include:

TEXAS

"The general forms in which the media containing public information exist include a book, paper, letter, document, e-mail, internet posting, text message, instant message, other electronic communication, printout, photograph, film, tape, microfiche, microfilm, photostat, sound recording, map, and drawing and a voice, data, or video representation held in computer memory."

"Social media sites may contain communications sent to or received by state employees, and such communications are therefore public records subject to State Records Retention requirements. These retention requirements apply regardless of the form of the record (digital text, photos, audio, or video, for example)."

PENNSYLVANIA

"Record: Information, regardless of physical form or characteristics... includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically, and a data-processed or image-processed document."



Of course, given how prolific agencies can be on social media, this new guidance can lead to a backlog of requests and an avalanche of lawsuits if they fall behind.

FLORIDA

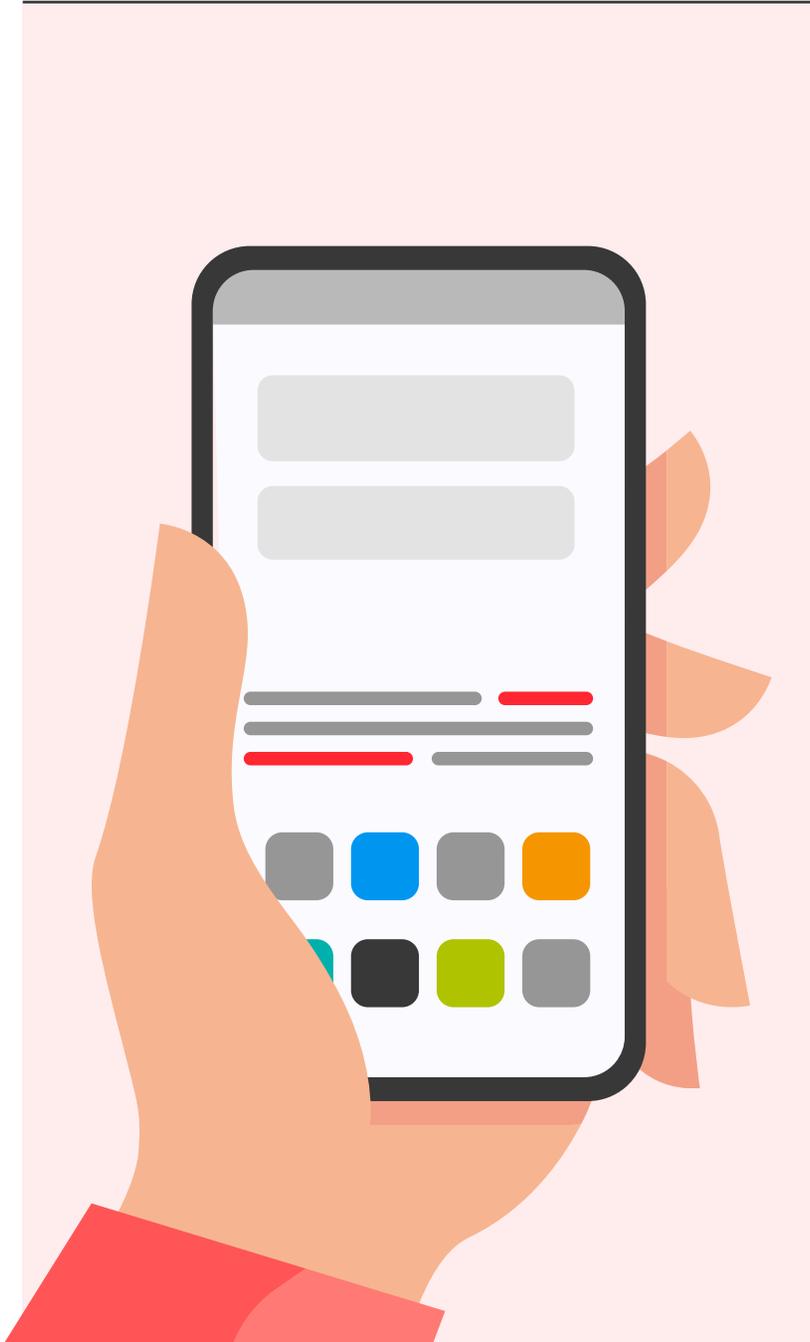
“Public records’ means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.”

OREGON

“Like other forms of communication, social media posts are public records. That means you are required to retain them, which is additionally covered by the First Amendment, the U.S. Constitution, and the Oregon Constitution. Agencies that use social media must understand that they will need to retain content and decide whether to moderate comments that appear on their sites.”

NORTH CAROLINA

“Communication through local government-related social media is considered a public record... and will be managed as such.”



What is the Americans With Disabilities Act (ADA)?

The federal Americans with Disabilities Act was designed to prohibit discrimination against people with disabilities and ensure that all residents have equal access to government programs and services. In 2024, the Department of Justice [mandated](#) “the adoption of specific technical standards for making accessible the services, programs, and activities offered by state and local government entities to the public through the web and mobile applications.” This [includes](#) nearly every aspect of government websites, including portable document formats (PDFs).

Meanwhile, each state has its own set of regulations around accessibility, particularly as it relates to online activity. In 2024, [Colorado](#) implemented a law stating that if a government entity fails to meet web accessibility standards, they could face injunctions, monetary damages, or fines of up to \$3,500, payable to affected parties.



Why Software is Critical for Sunshine Law Compliance

To promote transparency and ensure orderly proceedings, laws often require government entities to publicize when they're meeting, allow residents access to meetings, and provide detailed agendas in advance of each meeting. Assembling these deliverables can be time-consuming and laborious, and without an easy way to collaborate with stakeholders, information can get siloed.

However, the CivicPlus® [Agenda and Meeting Management](#) software automates the agenda creation process and includes role-based permissions and full audit capabilities. Clerks can boost productivity with collaboration tools such as messaging, advanced versioning, and customizable approval templates, and eliminate user error with automatic notifications and routing.

Not only can you create agendas more quickly, but with [CivicPlus Municipal Websites](#), you'll also ensure that they're automatically posted to the public portal within the software suite.

How Technology Can Ensure Equitable Access to Virtual Meetings

In many states, including [Indiana](#), the public must have access to all government meetings — including virtual. This may involve providing links or access codes to remote participants and ensuring meeting content is accessible to residents with disabilities.

With the CivicPlus [Agenda and Meeting Management](#) tool, you can livestream your meetings and allow residents to submit comments through the public portal. Meanwhile, [CivicPlus Media](#) enables closed captioning for recorded video so that individuals with hearing impairments can participate in essential discussions, too.

These solutions not only help you maintain compliance with federal and state laws, but can also help you build trust with all residents by promoting transparency and accessibility.



The Secret to Staying Compliant With Public Records Laws

As a clerk, you're already aware that your social media activity must be archived to comply with public records laws — but do you have a process in place to achieve this? Do you fully understand the type of information that needs to be documented and how it must be preserved (i.e., taking screenshots of social media interactions is not compliant)?

[CivicPlus' Social Media Archiving tool](#) captures critical information from your social media accounts so you can easily respond to legal requests and maintain compliance. Our solution ensures:

- **Complete social media archiving:** Capture all essential information from social media, including hidden and deleted content.
- **Swift audit response:** Rapidly address audits, FOIA, eDiscovery, and litigation requests with ease.
- **Advanced alerting:** Ensure complete awareness with advanced alerts for keywords, questions, personal information, inappropriate images, blocked users, and policy violations.
- **Efficient data management:** Quickly find and export the records you need using filters, keywords, and customizable, automated tags for seamless content organization.
- **Authentic metadata retention:** Preserve critical metadata, including digital signatures and timestamps, to ensure data authenticity.
- **Seamless collaboration:** Manage data with ease across different access levels and set custom record retention periods to stay compliant.



How to Stop the Build-Up of FOIA Requests

FOIA requests can build up quickly — especially in today’s digital age. It’s important to have a system in place to manage requests in a timely manner, or you and your agency could face [a number of negative consequences](#).

With [NextRequest](#), you can rapidly respond to audits, examinations, and legal inquiries, building trust with residents and reducing your risk of costly litigation. Our software solution allows for:

- **Swift audit and request responses:** Respond promptly to audits and requests with our streamlined solutions.
- **Seamless identification and redaction:** Easily identify and redact sensitive information such as social security numbers, emails, phone numbers, and more.
- **Comprehensive tracking and compliance proof:** Track records requests, deadlines, communications, and document production for proof of compliance.
- **Compliance assurance:** Stay up to date and compliant with federal and state laws that empower public access to records across the United States (U.S.), including public records laws, open records laws, and sunshine laws.

Plus, you can relax knowing that your agency’s sensitive information is safeguarded with industry-leading security, compliance, and data-protection measures. You’ll be able to further reduce your risks with:

- **Advanced risk module:** Utilize our integrated risk module to effectively identify and manage potential risks.
- **Robust encryption:** Secure all data with encryption both at rest and in transit, ensuring maximum protection against unauthorized access.
- **Compliance assurance:** Align with Criminal Justice Information Services (CJIS) and HIPAA Security Rule controls to maintain regulatory compliance and data integrity.
- **Certified security standards:** Rest assured with our annual System and Organization Controls (SOC) 2 audit, verifying our commitment to data security and operational excellence.



Conclusion

At CivicPlus, we know that a clerk's job is complicated. That's why we created the Clerk Productivity Bundle.

Purpose-built for clerks by former clerks, this bundled software solution has everything you need to ensure compliance with sunshine laws, public records requests, and accessibility mandates — all while building a more integrated, streamlined workflow.



OUR BUNDLE CONSISTS OF:

 **CIVICPLUS**
agenda and meeting
management

municode
codification
POWERED BY CIVICPLUS

 **CIVICPLUS**
municipal websites

ArchiveSocial
social media
archiving
POWERED BY CIVICPLUS

 **NextRequest**
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