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STATE OF NEVADA
COUNTY OF WASHOE

ss Sue Dummar

Being first duly sworn, deposes and says:
That as the legal clerk of the RENO
GAZETTE-JOURNAL, a daily newspaper
published in Reno, Washoe County,
State of Nevada, that the notice:

Ordinance 1167

has published in each regular and entire
issue of said newspaper on the following
dates to wit:

July 12, 19, 2002

Signed *Sue Dummar*

Subscribed and sworn to before me this

JUL 19 2002

Tana Ciccotti
Notary Public

PROOF OF PUBLICATION

**NOTICE OF ADOPTION
WASHOE COUNTY
ORDINANCE NO. 1167**

NOTICE IS HEREBY GIVEN THAT: Bill No. 1343, Ordinance No. 1167 entitled

An Ordinance amending the Washoe County Code by amending the De Minimus use provisions, by providing that the County Computer System is the property of Washoe County, by providing that no expectation of privacy is created when using County computers, by recognizing electronic mail (e-mail) as similar to telephone use for purposes of personal use by County Officers and employees and authorizing such use, by describing, limiting and restricting authorized personal use of County computers, and providing other matters properly relating thereto.

was adopted on Tuesday, July 9, 2002 by Commissioners Bond, Galloway, Sferazza, Shaw and Short. This ordinance shall be in full force and effect from and after July 22, 2002.

Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk, 75 Court Street, Reno, Nevada.

AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners
No. 2605 July 12,19, 2002

02-760

TANA CICCOTTI
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 02-75259-2 - Expires May 16, 2006

JUL 24 2002

SUMMARY: An ordinance amending Washoe County Code by amending provisions relating to personal use of county computers.

BILL NO. 1343

ORDINANCE NO. 1167

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY AMENDING THE DE MINIMIS USE PROVISIONS, BY PROVIDING THAT THE COUNTY COMPUTER SYSTEM IS THE PROPERTY OF WASHOE COUNTY, BY PROVIDING THAT NO EXPECTATION OF PRIVACY IS CREATED WHEN USING COUNTY COMPUTERS, BY RECOGNIZING ELECTRONIC MAIL (E-MAIL) AS SIMILAR TO TELEPHONE USE FOR PURPOSES OF PERSONAL USE BY COUNTY OFFICERS AND EMPLOYEES AND AUTHORIZING SUCH USE, BY DESCRIBING, LIMITING AND RESTRICTING AUTHORIZED PERSONAL USE OF COUNTY COMPUTERS, AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Purpose.

When the board of county commissioners enacted Ordinance No. 1053 in February of 1999, the board recognized that in providing for de minimis use it was allowing county officers and employees to use modern technology to assist these individuals to efficiently fulfill their roles as both county officers/employees and their roles as members of society. Since the enactment of Ordinance No. 1053, use of electronic mail (e-mail) via the computer has become a much used alternative to use of the telephone as a means of communicating. It is the board's desire in enacting this ordinance to recognize that e-mail has become a part of everyday communication for personal use and to allow that personal use during work time without limiting its use to non-work time when it is a substitute for personal use of telephones by county officers and employees and so long as the use otherwise meets the requirements of the de minimis use provisions of the county code. Further, the board in allowing for this use of e-mail, also desires to caution users that the county owns the data and electronic messages within the county's computer system and use of this system by officers, employees and other users does not create an expectation of privacy in that use.

02-760

SECTION 2. Section 5.340 of the Washoe County Code is hereby amended to read as follows:

5.340 Ownership of county computer system; de minimis use of county property, equipment or other county facility authorized; restrictions and prohibitions.

1. For purposes of this section, limited use for personal purposes, also referred to as "personal use" of county computers, as well as business related uses, does not create any expectation of privacy in that use by county officers, employees or other users. All data and other electronic messages within the

county's computer system are the property of Washoe County. The county has the right to periodically and/or randomly inspect, review, audit and monitor employees' computer files, Internet use, electronic messages and other data stored in the county computer system.

2. The board of county commissioners authorizes the limited use for personal purposes by county officers and employees of county property, equipment or other facility if:

(a) The use does not interfere with the performance of public duties including duties of both the officer/employee and other county staff, or interfere with the provision of county services;

(b) The cost or value related to the use is nominal; and

(c) The use does not create the appearance of impropriety.

This section does not prohibit the use of mailing lists, computer data or other information lawfully obtained from a county agency which is available to members of the general public for nongovernmental purposes. Further, this section does not prohibit the use of telephones and electronic mail (e-mail) if there is not a special charge for that use. If there is a special charge for that use, then the use is not prohibited but the officer or employee must reimburse the cost or pay the charge to the county in accordance with subsection 3 below, unless the use is made necessary because the officer or employee is attending to county business.

3. Except as provided in subsection 2 above, if the county incurs a cost as a result of a use that is authorized hereunder, or if the county would ordinarily charge a member of the general public for the use, the county officer or employee shall reimburse the cost or pay the charge to the county.

4. A county officer or employee shall not use any county time, property, equipment, or other facility to benefit that officer's or employee's private business interests. This prohibition includes, but is not limited to: selling products for private business, solicitation related to private business or personal interests, mass mailings, keeping private business accounts, or similar uses.

5. With the exception of use of county computers for electronic mail (e-mail), the personal use of county computers as authorized in subsection 2, shall not exceed 30 minutes per workweek which may not occur during the officer's or employee's work time, which time may not be accumulated from week to week.

For purposes of this section, use of computers is use of a county computer to access Internet web sites, use of a modem from a noncounty location to access a county computer, use of county owned software or computer programs, and use of county owned computer hardware to run personal software or programs. Notwithstanding the authorization for limited use of county computers, and personal use of county telephones and electronic mail (e-mail), county officers and employees shall not use county computers, telephones or electronic mail for personal use if the use would violate the provisions of paragraph (a), (b) or (c) of subsection 2, or if the use would violate any county or department policies. Prohibited uses include, but are not limited to:

(a) Interdepartmental e-mails to groups of persons regarding noncounty community-wide projects or events or noncounty social events;

(b) Noncounty business uses which violate county policies on sexual harassment, discrimination and harassment, workplace violence, or other county policies.

6. The limited use of county property, equipment or other facility as set forth in this section shall not be deemed a violation of section 5.337(1).

7. The county may adopt policies to interpret and implement the provisions of this section and to further prescribe, restrict or limit use of the county's computer system. In addition, county department heads may adopt more restrictive policies on the use of the county property, equipment or other facility than as set forth in this section, but department heads may not adopt less restrictive policies. A county department head who adopts a more restrictive policy than as set forth in this section, must file a copy of the policy with the human resources department.

8. Nothing herein prohibits the limited use of county property, equipment, or other facility for personal purposes where the use is necessary as a result of emergency circumstances.

SECTION 3. Effective date. This ordinance shall be effective on and after July 22, 2002.

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

Proposed on the 18th day of June, 2002.

Proposed by Commissioner Shaw.

Passed on the 9th day of July, 2002.

Vote:

Ayes: Commissioners Sterrazza, Bond, Galloway, Shaw, and Short

Nays:

Absent:

Peter Sterrazza
Chairman
Washoe County Commission

ATTEST:

Lancy L. A. Short
County Clerk

Chief Deputy

This ordinance shall be in force and effect from and after the 22nd day of July, 2002.