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Comment:	
Verified by: <i>Tomiles</i>	11/26/07

WASILLA CITY COUNCIL INFORMATION MEMORANDUM

IM No. 07-27

TITLE: REVISOR OF ORDINANCE SERIAL NO. 07-57

Agenda of: November 26, 2007
 Originator: J. Newman, Deputy Clerk

Date: November 14, 2007

Route to:	Department	Signature/Date
X	Deputy Administrator Planning, Economic Development, Human Resources	<i>[Signature]</i>
X	City Clerk	<i>[Signature]</i>

REVIEWED BY MAYOR DIANNE M. KELLER: _____

FISCAL IMPACT: yes\$ or no Funds Available yes no
 Account name/number:
 Attachments: Ordinance Serial No. 07-57

SUMMARY STATEMENT:

Pursuant to WMC 2.08.090.D, Revisor of ordinances, the following editorial corrections to the Wasilla Municipal Code are being reported to the City Council and will be included in the next code supplement.

Regarding Ordinance 07-57, the following editorial corrections will be made to Section 2:

2.12.040.A.2
 Elected city officials' **shall not** use [OF] electronic facilities to ...

2.12.040.A.3
 (2) use the internet to participate in [SUCH AS] chat rooms ...

(Note, **Bold and underline** is language added and [CAPS AND BRACKETS] is language deleted.)

Vote: Holler, Larson, Massie, Menard, Metiva, Woodruff in favor

**CITY OF WASILLA
ORDINANCE SERIAL NO. 07-57**

AN ORDINANCE OF THE WASILLA CITY COUNCIL ADOPTING WMC 2.12.040, USE OF CITY ELECTRONIC COMMUNICATION AND INFORMATION PROCESSING FACILITIES, TO ESTABLISH POLICIES AND PROCEDURES FOR ELECTED CITY OFFICIALS' USE OF CITY ELECTRONIC COMMUNICATION AND INFORMATION PROCESSING FACILITIES.

* **Section 1. Classification.** This ordinance is of a general and permanent nature and shall become part of the city code.

* **Section 2. Adoption of section.** WMC 2.12.040, Use of City Electronic Communication and Information Processing Facilities, is adopted to read as follows:

2.12.040 Use of city electronic communication and information processing facilities.

A. This section governs elected city officials' use of computers and computer software, telephones, voice mail, fax machines, photocopiers, and other electronic communication and information processing facilities owned or leased by the city (collectively, "electronic facilities").

1. Elected city officials may use electronic facilities to conduct city business; provided that reasonable occasional personal use of such items is not prohibited. The city at any time may restrict or prohibit personal use of electronic facilities.

2. Elected city officials' ^{Shall not use} [use of] electronic facilities to (1) communicate a message that might be construed as discrimination or harassment, or offensive to others based on race, color, marital or veteran status, sex, disability, age, religion,

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

national origin, or other legally protected status; (2) solicit for a private business enterprise or for other personal gain; (3) conduct any illegal activity; (4) promote religious or political beliefs; (5) support or oppose any candidate for public office, or ballot proposition.

3. Specifically, and without limiting the generality of the preceding paragraphs, an elected city official may not use electronic facilities to (1) create or send abusive or inappropriate email, (2) use the internet to participate in [such as] chat rooms and similar activities not related to official duties, or (3) print, display, download, send or forward any sexually explicit or otherwise inappropriate or abusive images, messages, cartoons, or jokes.

4. Regardless of any permission for reasonable occasional personal use of electronic facilities, no elected official has any privacy interest in their use. Email and internet communications, and other computer files, can be retrieved and traced to the sender even after they have been "deleted." In addition, in response to public records requests or in connection with legal proceedings, the city may be required to produce email messages, internet communications, and other communications or files sent from, received by, or stored on electronic facilities. The city may at any time review, audit, and download email messages, internet communications, and other communications or files that elected officials send from, receive by, or store on electronic facilities.

5. Elected officials must exercise special care in handling privileged, proprietary, confidential, or copyrighted information and communications. Any dissemination of such materials must be limited to persons with a legal right to access them. Almost all software is copyrighted.

Bold and underline added. [CAPS AND BRACKETS, DELETED.]

6. Due to the city's limited network and storage capacity, elected officials shall not download any programs, or graphic, video or audio files, to electronic facilities unless it is necessary for city business purposes and authorized by the city clerk and the management information systems division.

7. All traffic to and from the internet must travel through the city's approved internet gateway in order to assure maximum security, virus protection, monitoring, and system management capabilities. Elected officials may be provided a city email account.

8. Any executable files, programs or utilities downloaded or received (by email, disk or other media) from the internet or other external source must be scanned for viruses and licensed prior to launching. All files shall be scanned with anti-virus prevention software provided by the city. If the elected city official requires assistance in scanning for viruses or licensing software, please contact the city clerk and the management information systems division. Elected city officials are prohibited from using the city's systems for transmission of destructive programs such as viruses or self-replicating code.

9. The city may assign passwords to elected officials for access to electronic facilities. Passwords are the property of the city, and elected city officials have no right of privacy in a password, or in the information to which the password gives access. For example, assigning an elected official a password to log on to a computer does not mean that the elected official's use of that computer is in any way private; the city retains the right, at all times, to access data on the computer.

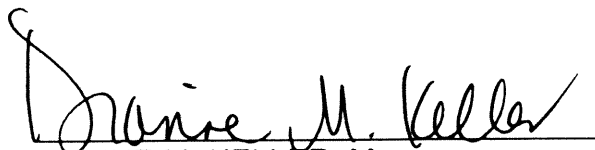
Bold and underline added. [CAPS AND BRACKETS, DELETED.]

10. An elected city official shall promptly notify the city clerk of any loss or damage to electronic facilities for which the elected official is responsible, and pay the cost of repair or replacement of the lost or damaged electronic facilities.

11. The management information systems division will notify the city clerk of any misuse of electronic facilities by an elected city official. Upon a first report the city clerk will give the elected city official oral notice of the misuse. Upon a second report, the city clerk will give the elected official written notice of the misuse, and provide a copy of the notice to all other elected city officials. Upon a third report, the city clerk will ask for an executive session with the city council and mayor to discuss the matter and take action as needed.

* **Section 3. Effective date.** This ordinance shall take effect upon adoption by the Wasilla City Council.

ADOPTED by the Wasilla City Council on October 22, 2007.


DIANNE M. KELLER, Mayor

ATTEST:



KRISTIE SMITHERS, MMC
City Clerk

[SEAL]

Bold and underline added. [CAPS AND BRACKETS, DELETED.]