

**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.**

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\* **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' 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,

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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.

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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.

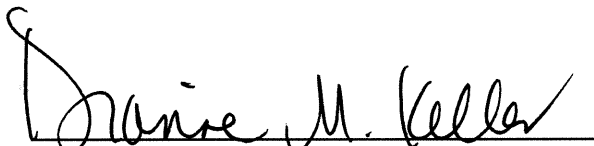
**Bold and underline added.** [CAPS AND BRACKETS, DELETED.]

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.

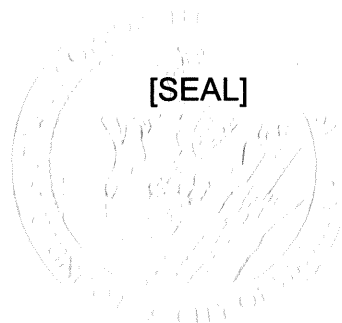
\* **Section 3. Effective date.** This ordinance shall take effect upon adoption by the Wasilla City Council.

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

  
DIANNE M. KELLER, Mayor

ATTEST:

  
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KRISTIE SMITHERS, MMC  
City Clerk



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**CITY OF WASILLA  
LEGISLATION STAFF REPORT**

**RE: Ordinance Serial No. 07-57, ADOPTING WMC 2.12.040, ELECTRONIC COMMUNICATIONS AND DOCUMENT PROCESSING IN REGARD TO THE USE OF THE INTERNET, EMAIL, COMPUTERS AND COMPUTER SOFTWARE, TELEPHONES, VOICE MAIL, FAX MACHINES, PHOTOCOPIERS, AND OTHER CITY COMMUNICATION OR DOCUMENT PROCESSING EQUIPMENT OR FACILITIES BY ELECTED OFFICIALS.**

Agenda of: October 8, 2007

Date: September 27, 2007

Originator: Kristie Smithers, City Clerk at the request of Deputy Mayor Cox

Route to:	Department	Signature/Date
X	Deputy Administrator Planning, Economic Development, Human Resources, Risk Management & MIS	
X	City Clerk	

**REVIEWED BY MAYOR DIANNE M. KELLER:** \_\_\_\_\_

**FISCAL IMPACT:**  yes\$ or  no

Funds Available  yes  no

Account name/number:

Attachments: Proposed Resolution

**SUMMARY STATEMENT:**

Deputy Mayor Cox would like the City Council to consider the adoption of Ordinance Serial No. 07-57 related to the use of city owned computers and other related items by elected officials.

Over the past few years, the City Council has increased its use of city owned computers. And there is a possibility that in the future the City Council may consider purchasing lap top computers for elected officials. In addition the Mayor is also allowed the use City purchased computers and other equipment.

The proposed ordinance reads similar to the policy in place for city employees. Even if the City Council does not authorize the purchase of lap top computers, this code section is needed to cover the use of City purchased equipment by all elected officials. It is a good beginning that may need to be expanded upon as the use of city purchased equipment increases.

