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STATE OF NEVADA
COUNTY OF WASHOE

ss: Julia Ketcham

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 referenced below has published in each regular and entire issue of said newspaper between the dates: **10/31/03 - 11/07/03**, for exact publication dates please see last line of Proof of Publication below.

Signed: *Julia Ketcham*

NOV 7 2003

Subscribed and sworn to before me



TANA CICCOTTI
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 02-74259-2 - Expires May 16, 2006

Tana Ciccotti

Proof of Publication

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1219 NOTICE IS HEREBY GIVEN THAT: Bill No. 1399, Ordinance No. 1219 entitled AN ORDINANCE AMENDING THE WASHOE COUNTY CODE TO ADD PROVISIONS TO THE DE MINIMUS USE SECTION OF THE CODE TO AUTHORIZE COUNTY OFFICERS AND EMPLOYEES TO USE A COUNTY MAINTAINED COMPUTER BULLETIN BOARD FOR CERTAIN PERSONAL USES, INCLUDING, BUT NOT LIMITED TO, ADVERTISING FOR PURCHASE OR SALE PERSONAL ITEMS, INFORMING OTHER COUNTY OFFICERS AND EMPLOYEES OF UPCOMING SOCIAL EVENTS, AND FOR SUCH OTHER PERSONAL USES AS THE COUNTY PERMITS THROUGH RULES POSTED ON THE BULLETIN BOARD WEB PAGE. was adopted on October 28, 2003 by Commissioners Galloway, Humke, Shaw and Weber. Commissioner Sferrazza was temporarily absent. This ordinance shall be in full force and effect from and after November 7, 2003. Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk, 3650 South Center Street, Suite 100, Reno, Nevada. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No.126023 Oct 31, Nov 7, 2003

SUMMARY: An ordinance amending Washoe County Code by authorizing county officers and employees to use a county maintained computer bulletin board for certain personal uses.

BILL NO. 1399

ORDINANCE NO. 1219

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE TO ADD PROVISIONS TO THE DE MINIMIS USE SECTION OF THE CODE TO AUTHORIZE COUNTY OFFICERS AND EMPLOYEES TO USE A COUNTY MAINTAINED COMPUTER BULLETIN BOARD FOR CERTAIN PERSONAL USES, INCLUDING, BUT NOT LIMITED TO, ADVERTISING FOR PURCHASE OR SALE PERSONAL ITEMS, INFORMING OTHER COUNTY OFFICERS AND EMPLOYEES OF UPCOMING SOCIAL EVENTS, AND FOR SUCH OTHER PERSONAL USES AS THE COUNTY PERMITS THROUGH RULES POSTED ON THE BULLETIN BOARD WEB PAGE.

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

SECTION 1.

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. Except as otherwise provided herein, 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. The county may provide access via computer to a bulletin board for use by county officers and employees. If provided, this section does not prohibit a county officer or employee from advertising on the county maintained bulletin board: personal items for purchase or sale so long as those items are not connected with a private business interest of the officer or employee, posting information regarding upcoming social events, or such other uses as may be permitted by the county through rules posted on the bulletin board web page.

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.

[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 14th day of OCTOBER, 2003.
Proposed by Commissioner SFERRAZZA.
Passed on the 28th day of OCTOBER, 2003.

Vote:

Ayes: HUMKE, SHAW, GALLOWAY & WEBER

Nays: (NONE)

Absent: SFERRAZZA

David E. Rubin
Chairman
Washoe County Commission

ATTEST:
Amy Harvey
County Clerk

This ordinance shall be in force and effect from and after the 7th day of NOVEMBER, 2003.