



NOTICE OF PUBLIC MEETING

CITY OF ALBANY
CITY COUNCIL WORK SESSION
Municipal Court Room
Monday, July 28, 2008
4:00 p.m.

AGENDA

- 4:00 p.m. **CALL TO ORDER**
- 4:00 p.m. **ROLL CALL**
- 4:00 p.m. **BUSINESS FROM THE PUBLIC**
- 4:05 p.m. **ELECTRONIC AGENDA PACKETS & LAPTOPS**
– Dan Bedore, Jeff Christman, Wes Hare, Stewart Taylor
Action Requested: Information; discussion; decision.
- 5:30 p.m. **COUNCILOR COMMENTS**
- 5:45 p.m. **CITY MANAGER REPORT**
- 6:00 p.m. **ADJOURNMENT**

City of Albany Web site: www.cityofalbany.net

The location of the meeting/hearing is accessible to the disabled. If special accommodations to attend or participate in the meeting/hearing are needed, advance notice is requested by notifying the Human Resources Director at 917-7500.



TO: Albany City Council

FROM: Dan Bedore, Mayor
Jeff Christman, Councilor
Wes Hare, City Manager
Stewart Taylor, Finance Director

DATE: July 25, 2008, for the July 28, 2008, City Council Work Session

SUBJECT: Electronic Agenda Packets and Laptops for the City Council

RELATES TO STRATEGIC PLAN THEME: • An Effective Government

Action Requested:

Decision from the Councilors about how they want to receive agenda packets.

Discussion:

Agenda packets for council meetings, council work sessions, Audit Committee, CARA, and ARA are available on the City's Web site. An agenda can be downloaded from the Web and saved onto one's computer.

Questions to Consider

- Should the decision be an all or nothing item? If one Councilor does not want to use electronic packets, can the rest do so?
- Should the City purchase the laptops?
- Should Councilors purchase them individually with the City making a one-time payment to a Councilor for the purchase?
- Will laptops stay at City Hall or go with the Councilors?
- What about the cost for supplies (paper, toner, flash drives, etc.)?
- Do Councilors want to download from the Web and save an agenda or receive it on a flash drive that could be delivered on Fridays?

Policy Considerations

- A laptop could be provided strictly for City purposes without being considered compensation as long as a policy is in place which prohibits personal and non-City business use and periodic checks are made to monitor compliance with the policy. Any personal use of the laptop could be challenged as an ethics violation and may be considered a taxable benefit. All City use would be subject to public records disclosure and retention requirements.
- Any use of a City laptop is subject to the provisions of Human Resources Policy number HR-ER-13-002, Use of Office and Telecommunications Equipment (see attachment).
- If a laptop is going to be considered personal property, the value of a laptop would be added to a paycheck as "other compensation" and taxed as regular income. The laptop would be considered privately owned and could be used for City and personal use. All City use would be subject to public records disclosure and retention requirements.

➤ **244.040 Prohibited use of official position or office; exceptions; other prohibited actions.** (1) Except as provided in subsection (2) of this section, a public official may not use or attempt to use official position or office to **obtain financial gain or avoidance of financial detriment** for the public official, a relative or member of the household of the public official, or any business with which the public official or a relative or member of the household of the public official is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the public official's holding of the official position or office.

(2) Subsection (1) of this section does not apply to:

(a) Any part of an official **compensation package** as determined by the public body that the public official serves.

Matt Harrington, City's Graphic & Web Specialist, will be giving a demonstration on how to access an agenda from the Web page, maneuvering through the electronic agenda, and using software features to make notes and highlights on a save copy of an electronic agenda.

Budget Impact:

\$13,500 has been budgeted in the current Council/Nondepartmental budget for laptops and related software and equipment.

Current Cost for a laptop and related software and equipment

- If City purchased: approximately \$1,850/laptop
 - (City must purchase a different license for Acrobat software.)
- If Councilor purchased: approximately \$1,700/laptop

JC:DB:WH:ST:ldh

Attachments

c: Jim Delapoer, City Attorney



City of Albany

Human Resources Policy

Policy #: HR-ER-13-003

Title: Use of Office and Telecommunication Equipment

**Employee
Relations**

Purpose

This policy is meant to provide employees and managers with an understanding of the proper uses of City office and telecommunication equipment.

Policy

This policy is applicable to all employees.

- Office equipment, furniture, lockers, supplies, telephones, cellular phones, including voice based and text messaging formats, and other telecommunications equipment, computer hardware and software, and access to the Internet acquired by the City are to be used for official City business functions. They are not to be used for personal purposes except as outlined in this policy. The City will not be responsible for personal items that are damaged, lost, or stolen. *Employees are hereby notified that they shall have no reasonable expectation of privacy for any items listed in this paragraph.*
- Any use of City equipment or personal equipment, used in the course of city business that degrades, humiliates, or embarrasses any person is strictly prohibited. This includes, but is not limited to any degrading comments based on race, sex, age, religion, national origin, disability, or any other protected class.
- The proper use of office and telecommunication equipment is an important method of effectively carrying out the of the City's mission. This equipment includes computers, facsimile machines, printers, telephones, cellular phones, radios, mobile data terminals, copy machines, and other similar items. In addition to the hardware components listed above, information systems also include the software components that make the machines and devices effective such as but not limited to computer programs, E-mail, text messaging, on-line data services, voice mail, Internet access, etc. Like other City assets, these systems are acquired to help City employees carry out their job responsibilities efficiently. It is important that these tools be used appropriately.
- The Oregon Government Standards and Practices Commission has issued a draft advisory opinion that governs the use of electronic and telecommunications equipment by public employees. This policy complies with that draft advisory opinion.

A. Telephone (non-cellular)

- 1) Long distance calling should be used prudently since each minute is billed to the City.
- 2) Employees may not make personal long distance calls using the City's long distance service, even if the employee reimburses the City for the costs of these calls. It is the responsibility of each department to monitor employee long distance calls based upon the call accounting reports available from Finance. In order to make personal long distance calls, employees will have to use their personal long distance calling card.



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- 3) Employees should use extra care in making local personal calls, which do not have extra toll charges connected with them. Frequent or protracted personal conversations take away from productive work time. Abuse of work time is subject to disciplinary action. Expressly prohibited is the use of City telephone instruments for carrying out noncity business, trade, advertising, and/or selling personal or noncity business items.

B. Cellular Telephones

- 1) City employees who use cellular telephones for City business use the phones with different frequency, varying from occasional use to frequent use. Given the variations, the purpose of this policy is to provide for flexible, cost-effective use of cellular telephones. It is the City's intent to minimize the number of City-provided cellular phones to the fullest extent possible.
- 2) Use of any cellular phone at any time should be done in a safe, common sense manner. Except in the case of an emergency, use of a cellular telephone while operating a vehicle on City business is strongly discouraged. If such use is necessary, it must be performed in keeping with current applicable Oregon motor vehicle codes.

C. Other

- 1) The following options are available to City of Albany employees who use cellular telephones for City business:
 - a. Phones supplied by the City.
 - (1) Employees with a daily business need for a cellular phone may be assigned a City-issued phone.
 - (2) Use of City-issued cellular phones is restricted to City business; personal calls (outgoing or incoming) will only be allowed infrequently for limited duration in emergencies when these calls cannot be made from a land line within a reasonable period of time.
 - (3) City-issued phones will be City property and will be on a cellular telephone plan provided by the City.
 - b. Personal cellular telephones provided as an employment benefit.
 - (1) The City recognizes that, due to the nature of some positions, it may be more cost-effective and give more flexibility to provide some employees a cellular phone allowance in lieu of providing the employee with a City-owned cellular phone.



- (2) Under this plan, managers may designate employees who will be provided with a monthly allowance to obtain a personal cellular phone.
 - (3) The monthly allowance will be \$35. Managers will need to notify Payroll of the names of employees to receive the allowance. Since this method of payment is not expense-substantiated, the allowance is considered a taxable fringe benefit and will be included in the employee's end-of-month paycheck.
 - (4) The monthly allowance may be adjusted periodically by Finance to attempt to conform generally to commercially available cellular telephone usage plans.
 - (5) Under this plan, the employee is allowed unrestricted business and personal use of his or her cellular telephone.
 - (6) Each employee who receives a cellular telephone allowance is responsible for obtaining their own phone and usage plan.
 - (7) Employees who receive a cellular phone allowance may seek separate reimbursement from the City for excessive charges incurred for a specific emergency situation with the approval of their supervisor.
- 2) Employees who carry personal cellular telephones that are rarely used for City business shall submit an expense reimbursement form to cover business use charges.
 - 3) All employees should use City-issued phone cards for long-distance calls via land lines, when possible, when doing business out of town or outside of the cellular service home calling area.

D. Mobile and Portable Radio Telephone Interconnect

- 1) The air time for radios with this feature is expensive and parallels cellular telephone usage. Inbound telephone interconnect time is charged as well as outbound time. The procedures outlined for cellular telephones also apply to radio telephone interconnect charges.

E. Telephone On-Line Subscription Services

- 1) The City budget may provide funds for subscription to telephone or computer subscription services such as on-line database information services. Supervisors are responsible for monitoring proper use of these subscription services. Use of such services for noncity or personal use is prohibited.



F. Computers, Printers, Copiers, Facsimile Machines

- 1) The intent of this equipment is to be used to carry out official City business. Employees are not to use this equipment for noncity or personal work unless given prior approval by their supervisor. Employees are prohibited from using this equipment for profit-making ventures or businesses.
- 2) Copiers and Facsimile Machines. These may be used to produce limited numbers of personal copies or faxes, provided they are not for a noncity, profit-making business and provided the employee records the number of copies made, faxed, or received as a fax and reimburses the City at the prescribed rate. Also, in order to send personal long distance faxes, employees will have to use their personal long distance calling card.
- 3) Computers. Department Directors may authorize the use of computers and related office equipment for training or development purposes if it is intended to increase employee work skills, produce a usable product pertinent to City operations, or maintain a professional certification pertinent to the employee's job with the City. ***Employees are hereby notified that they shall have no reasonable expectation of privacy for any information stored within their computers.*** Individual hard drives and floppy disks are subject to inspection by supervisors and information systems staff at any time. Supervisors may permit employees to use City computers for limited personal use during nonwork time, especially if that use benefits the City by improving an employee's skills or knowledge. Personal use must comply with the other restrictions and prohibitions spelled out in this policy. Use of City computers for carrying out a noncity business, trade, advertising, and/or selling personal or noncity business items is prohibited.

All documents stored on the City's electronic media (whether on the network directory, the PC hard drive, or floppy diskette) may be considered a public record. The only exception to this is for subject matter which is specifically exempt based on Oregon state law. If material is exempt from public disclosure, then it may be stored in an electronic file (i.e., disk drive, floppy disk) in a directory or on a disk titled "Confidential." However, it is the content of the material and not its storage location or designation as confidential which would allow the City not to disclose the information. Should a request be made for information within an employee's confidential directory, then the City Attorney will make a determination whether the specific material requested falls within one of the exemptions.

- 4) Software. Management approval is required for employees to install personally owned software on city computers. Directors, managers, and supervisors may install demo software to evaluate programs for City use.



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Copying of City-owned software is prohibited unless explicitly approved by management and allowed under software license requirements. All managers shall check with Information Technology before approving installation of personal software or copying of City-owned software.

- a) Exempt personnel (those receiving administrative leave) with the consent of their supervisor may use City software on their home computer exclusively to do City business provided there is no violation of software licensing regulations.
- b) Nonexempt personnel (those eligible for overtime) may use City software on their home computer exclusively to do City business only when overtime has been preauthorized by their supervisor and provided there is no violation of software licensing regulations.

G. E-Mail and Voice Mail

- 1) E-mail is provided as a communication avenue for City business. E-mail is considered a public record, and all messages sent on E-mail should be viewed in this light. Any message or wording that degrades, humiliates, or embarrasses any person is strictly prohibited. Employees should periodically review their E-mail and appropriately delete messages that no longer are germane to operations.
- 2) Voice mail is assigned to City employees based on the need to enhance telephone communications with internal and external customers. Voice mail allows callers to leave messages for City staff members. Employees should not leave messages which should not be shared with any other person. As with E-mail, employees should periodically delete voice mail messages that are no longer germane to operations.
- 3) Examples of inappropriate/unacceptable use of E-mail and voice mail are as follows:
 - * Messages of a confidential nature, such as comments on employee performance
 - * Messages of a political nature, such as messages regarding a candidate for elected office
 - * Messages which are comments or jokes which demean other people, including citizens, coworkers, supervisors, or subordinate staff
 - * Messages you would want no one other than the intended recipient to ever see or hear
- 4) Users are entirely responsible for the use and content of their E-mail and voice mail. Improper use could result in disciplinary action. Supervisors may review E-mail and voice mail at any time. Users should report inappropriate use of E-mail and voice mail to any member of management or the Human Resources Department.



5) To ensure that only authorized users gain access to E-mail, voice mail, and Internet accounts, users must safeguard their individual network passwords.

6) Retention

- a. City employees have an obligation to apply the appropriate retention to E-mail sent and received and to provide access to E-mail in compliance with the public records law. Individual employees should not make public disclosure decisions. The retention requirements apply to records that are either created or received "in connection with the transaction of public business."
- b. When E-mail messages are filed as part of the documentation supporting an agency program or function, they have the same retention as the records with which they are filed. City employees may need to print E-mail in order to store the E-mail with the appropriate records.

E-mail messages may be filed as one of the other correspondence categories only when they do not relate directly or obviously to an agency program. These other categories of correspondence include:

- (1) Correspondence, Ephemeral (Minimum retention: Retain until read)
- (2) Correspondence, General (Minimum retention: One year)
- (3) Correspondence, Policy and Historical (Minimum retention: Permanent)
- (4) Correspondence, Program (Minimum retention: For the same period as the program or functional record series to which it relates)
- (5) Correspondence, Financial (Minimum retention: Accounts Receivable Correspondence: two years after collected or deemed uncollectible; Other Correspondence: two years)

Our E-mail system allows users to enclose or attach records to messages. These enclosed or attached records need to be filed according to their function and content. These records will have the same retention as the records with which they are filed.

- c. The Archives Division issues retention and disposition schedules that specify how long to keep different records. There are two types of schedules:



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- (1) Special Schedules apply to records that are unique to an agency and its programs and functions and are specific authorizations for an agency to dispose of records.
 - (2) General Schedules apply to records commonly found in most agencies and are contained in the Archives Division's Administrative Rules (Chapter 166).
- 7) "Everyone" e-mail lists
- a. On rare occasions, employees may need to communicate quickly with everyone in their work group, division, department, or building. The "Everyone" e-mail lists were developed for that purpose. The following applies to all messages sent using the "Everyone" email lists:
 - (1) Messages to an Everyone list must be work-related.
 - (2) The subject matter must be used in the message's subject line – i.e. Lights On, Found Keys, etc.
 - (3) The content of the message must be direct and concise so that the meaning is not open to interpretation or assumption.
 - (4) Messages that are intended for distribution on an Everyone list must be submitted to the Public Information Officer for approval; in the absence of the PIO, these messages should be submitted to Executive Assistant to the City Manager or the Graphics Specialist.

H. Internet Usage

- 1) Employees are given access to the Internet to perform their work assignments. The Internet must not be used for personal profit or entertainment by any City employee.
- 2) The Internet is a worldwide network of interconnected computers containing billions of pieces of information and many diverse points of view. Employees are responsible for the material they access and obtain from the Internet. All Internet use by City employees on City equipment is monitored and subject to periodic review. Employees may only access the Internet through the City's network, which has an approved Internet firewall. Employees may not access the Internet directly by modem, unless the accessing computer is not connected to the network.
- 3) Employees will not view, send, receive, print, or otherwise disseminate materials that degrade, humiliate, or embarrass any person. This includes



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but is not limited to any degrading materials or information based on race, sex, age, religion, national origin, or disability. Sexually explicit materials may not be viewed, archived, stored, sent, received, distributed, edited, or recorded using the City's equipment. Users are to report inappropriate use of the Internet through the City's system to their supervisor, department manager, or Human Resources.

- 4) Anything created or viewed by City employees on the Internet will be treated as a public record and archived as specified by public records rules. Confidential and/or sensitive information should be avoided.
- 5) All files and data received from the Internet or from computers or networks that do not belong to the City must be scanned for viruses and other destructive programs. Files that are attached to E-mail leaving the City's network should also be checked for viruses.
- 6) ***Employees have no expectation of privacy as to their use of the Internet through the City's network.*** The City has the right to monitor any sites employees visit on the Internet, including web pages, chat rooms, and news groups. Human Resources may authorize Information Technology to review Internet activity and analyze usage patterns of employees at any time. The City may choose to distribute this data to the management staff.
- 7) Employees must comply with all software licenses, copyrights, and all other state and federal laws governing intellectual property and online activity, including downloading of any copyright protected computer programs. Questions regarding licenses, copyrights, and intellectual property should be directed to the Information Technology staff.
- 8) Employees are not to use the Internet for noncity or personal work unless given prior approval by their supervisor. Any personal use must be in compliance with all aspects of this policy, particularly paragraphs 1 through 7 of this section. No use will be made of the Internet by an employee for a profit-making venture or business or for any political use prohibited by Oregon law. Personal use of the Internet should take place only during nonworking hours, should be infrequent, and should not be a substitute for an employee obtaining a private Internet account. Frequent or protracted personal use of the Internet is prohibited. Personal use of the Internet during work time or use of the Internet that has not been authorized by an employee's supervisor is subject to disciplinary action.

I. Mobile Data Terminals

- 1) Since these terminals combine components of E-Mail and on-line computer subscription services, the same procedures apply to mobile data terminals as apply to E-Mail and on-line computer subscription services.



J. Summary

- 1) The proper use of City office and telecommunication equipment enhances productivity and allows the City to better meet increased service needs. It is the responsibility of each employee to use this equipment in an appropriate manner. Violation of this policy or procedures set forth in this document may be grounds for disciplinary action.

Definitions

Voice Mail - is any recorded message made on the City's telephone system and includes both incoming messages and the prerecorded greetings to callers.

Personal Computer (PC) - is any computer device (desktop, laptop, or portion of the network) used to create or access information stored on an electronic media.

Electronic Mail (E-mail) - is a package of services designed to allow users to "send" or "receive" memos, notes, reports, or communications from other system users.

Internet Mail - is a package of services designed to allow City Staff to "send" or "receive" memos, notes, reports, or communications from other Internet system users (e.g., other cities or state agencies). Internet E-mail is a small part of the data network commonly referred to as the "Internet."

Public Record - means a document, book, paper, file, sound recording, machine readable electronic record or other material regardless of physical form or characteristics made, received, filed, or recorded in pursuance of law or in connection with the transaction of public business, **whether or not confidential or restricted in use**. Public Record includes any writing containing information relating to the conduct of the public's business, including but not limited to court records, mortgages, and deed records prepared, owned, used, or retained by a public body regardless of physical form or characteristics.

References

Human Resources Policy Ethics
 Archives Division's Administrative Rules (Chapter 166)

Review and Authorization

Supersedes: HR-ER-13-002	Created/Amended by/date: SR; 07/21/2008	Effective Date: 08/01/2008
HR Director: <i>David Glew</i>	City Manager: <i>John Spore</i>	



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1. Form or worksheet revision related to this document? No Yes

If yes, attach a copy of the revised form or worksheet.

2. Training required? No Yes

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