

TO: BOARD OF DIRECTORS

FROM: MARIO IGLESIAS
GENERAL MANAGER



**AGENDA ITEM
E-2
MARCH 22, 2017**

DATE: MARCH 17, 2017

**REVIEW AND CONSIDER FUTURE AMENDMENTS TO ELECTRONIC
MAIL AND RECORD RETENTION POLICIES**

ITEM

Review and consider directing staff to prepare amendments to existing Electronic Mail and Record Retention Policies. [RECOMMEND DISCUSSION AND DIRECTION TO PREPARE AMENDMENTS TO THE ELECTRONIC MAIL AND RECORD RETENTION POLICIES]

BACKGROUND

The Nipomo Community Services District ("District") has existing policies governing employee use of electronic mail (email) and governing the retention of District records. Neither policy directly addresses the use of private email accounts or devices for District business. Until very recently, there was some legal uncertainty regarding whether emails sent or received using private devices or private accounts were considered public records under the Public Records Act, Government Code section 6250, et seq. ("PRA"). In the case of *City of San Jose v. Superior Court* ("*San Jose*") the California Supreme Court ruled on March 2, 2017, that public officials and employees may be required to disclose communications transmitting using their private accounts or devices in response to a PRA request.

Because of the implications of the *San Jose* decision, staff is recommending that your Board review its existing email and record retention policies and provide direction on possible amendments to those policies.

CASE SUMMARY

In *San Jose*, the Court considered a PRA request submitted to the City of San Jose for redevelopment-related materials, including emails and text messages sent or received on private electronic devices used by the mayor, two council members, and their staffs. The narrow legal issue was whether those private electronic communications, which were located on private accounts but addressed public business, were nonetheless "public records" as defined by the PRA.

The Court unanimously ruled that writings concerning the conduct of public business are not exempt from disclosure under the PRA simply because they were sent or received using a nongovernmental account. The Court reasoned that the City's refusal to disclose *any* writings located in a nongovernmental account was not supported by the PRA or a related provision of the California Constitution that requires statutes to be broadly construed if they further the people's right of access. Recognizing that "in today's environment, not all employment-related activity occurs during a conventional workday, or in an employer-maintained workplace," the Court concluded that the writings of public officials and employees about public business may be subject to the PRA regardless of the type of account used in their preparation or transmission.

Guidance for Public Agencies

The Court's opinion contains important limitations intended to protect the privacy interests of public agency officials and employees. In particular, the Court emphasized that:

- Public agencies will generally not be required to disclose writings “that are primarily personal, containing no more than incidental mentions of agency business . . .”
- Public agencies are generally obliged to disclose all public records they can locate “with reasonable effort” but need not undertake “extraordinarily extensive or intrusive searches.”
- Public agencies may reasonably rely on officials and employees to search their own personal files, accounts, and devices for responsive material when a records request is received.
- Public agencies can adopt policies that will reduce the likelihood that public records will be located in any nongovernmental account, such as a requirement that officials and employees “use or copy their government accounts for all communications touching on public business.”

The Court stressed, however, that this did not mean that “any particular search method is required or necessarily adequate.”

EXISTING DISTRICT POLICIES

Currently, the District's adopted policies governing records retention and the use of District email were adopted via Resolution 2015-1391 and Resolutions 99-713 and 2014-1344, respectively. None of the existing policies addresses the use of private email accounts or devices by District employees or officers.

The Electronic Mail/Internet Use Policy and Guidelines adopted by Resolution 99-713 and the Employee Handbook adopted by Resolution 2015-1391 explain that emails sent through District accounts may be subject to disclosure under the PRA. These policies further provide that emails are considered transitory communications not intended to be kept for future reference, and that any emails intended to be retained in the ordinary course of District business or as official records must be saved in the appropriate electronic or hard copy file.

The District's Record Retention Policy adopted by Resolution 2015-1391 sets forth the required retention periods for certain categories of records. The policy does not specifically address electronic records or emails.

It is recommended that your Board consider providing direction to staff on potential amendments to these policies to address the use of private email accounts and devices, as well as any required retention periods for emails and other electronic records.

FISCAL IMPACT

No fiscal impact anticipated.

STRATEGIC PLAN

Goal 6. GOVERNANCE AND ADMINISTRATION. Conduct District activities in an efficient, equitable and cost-effective manner.

- 6.2 Utilize technology to maximize productivity and communications.
- 6.4 Periodically review, update and reaffirm District policies and procedures.

RECOMMENDATION

Review the District's existing electronic mail (email) and records retention policies and provide direction to staff regarding potential amendments to the policies.

ATTACHMENTS

- A. Resolution 99-713
- B. Resolution 2014-1344, NCSD Employee Handbook, Section 4020-Technology Usage, Pages 27-28
- C. Resolution 2015-1391

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ATTACHMENT A

NIPOMO COMMUNITY SERVICES DISTRICT

RESOLUTION NO. 99-713

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ESTABLISHING ELECTRONIC MAIL/ INTERNET USE
POLICY AND GUIDELINES**

WHEREAS, in consideration of the advent and use of electronic mail and internet use (herein "E-Mail"), the Nipomo Community Services District (herein "District") finds it to be in the best interest of the District to adopt policy guidelines regarding E-Mail use by District elected officials, appointed officials, employees and consultants.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Directors of the Nipomo Community Services District as follows:

1. The attached Electronic Mail/Internet Use Policy and Guidelines is hereby adopted by the Nipomo Community Services District Board of Directors.
2. A copy of said Policy shall be delivered to each District elected official, appointed official, employee, and consultant.


Upon motion of Director Kaye, seconded by Director Mobraaten on the following roll call vote, to wit:

AYES: Directors Kaye, Mobraaten, Simon, Mendoza and Blair
NOES: None
ABSENT: None
ABSTAIN: None

the foregoing resolution is hereby passed and adopted this 17th day of November, 1999.



ROBERT L. BLAIR
President of the Board
Nipomo Community Services District

ATTEST:


DONNA K. JOHNSON
Secretary to the Board

APPROVED:


JON S. SEITZ
District Legal Counsel

NIPOMO COMMUNITY SERVICES DISTRICT
ELECTRONIC MAIL / INTERNET USE POLICY AND GUIDELINES

PURPOSE:

The District may provide staff with electronic computer systems (hereinafter "System"), including Electronic mail and Internet access, for the purpose of performing business and public policy research, communication and related information exchange. The purpose of this document is to establish guidelines for the use of electronic mail (hereinafter "E-mail") on the computer network of the Nipomo Community Services District (hereinafter "District").

POLICY:

E-mail is a business tool which is to be used in accordance with generally accepted business practices and current law reflected in the California Public Records Act to provide an efficient and effective means of communications for the District.

The District respects the individual privacy of its employees. However, an employee cannot expect privacy rights to extend to work-related conduct or the use of District-owned equipment or supplies. Consequently, E-mail users shall have no reasonable expectation of privacy in communications sent over the E-mail network as E-mail communications are not confidential. For purposes of this policy, E-mail shall also include all messages transmitted on the Internet.

APPLICATION

The policy and guidelines shall apply to all District elected officials, appointed officials, employees, consultants and other non-employees utilizing electronic communications with the District (hereinafter "E-mail users").

GUIDELINES

1. The System and the contents thereof are the sole property of the District and therefore not considered personal. Communications sent over the System may be subject to disclosure under the Public Records Act or litigation.
2. Communications transmitted over the System are restricted to business activities of the District or communications that contain information related to the accomplishment of District business, administration or practices.
3. Generally E-mail messages are restricted to transitory communications which are not required or intended to be kept for future reference.
4. E-mail messages which are intended to be retained in the ordinary course of the District's business are recognized as official records that require

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protection/retention in accordance with the California Public Records Act. Because the E-mail system is not designed for long term storage, E-mail communications which are intended to be retained as an official record shall be printed out and the hard copy filed in the appropriate subject file.

5. E-mail messages which are responsive to existing public record requests, subpoena or production demand, or which are otherwise relevant to pending litigation or claim shall be printed out and the hard copy shall be retained.
6. Use of the System for transmitting any information that is discriminatory, harassing, or obscene, including but not limited to, comments based on race, national origin, gender, sexual orientation, age, disability, religion, or political beliefs, is strictly prohibited.
7. Use of the System for transmitting any information that counsels insubordination, harms close working relationships, publicizes a personal dispute, undermines the District's ability to provide public services through its employees or harms the integrity of the System or network is strictly prohibited.
8. Use of the System to solicit, promote or proselytize others for non-job related commercial ventures, religious or political causes, or other non-job-related activities is strictly prohibited.
9. E-mail messages transmitted to or from District Legal Counsel and/or his/her employees and agents are considered to be confidential work product communications and subject to the attorney/client privilege.
10. All materials – diskettes, applications, documents downloaded materials, etc. – brought into the workplace from external source must be approved by the General Manager or Administrative Assistant before being installed or used on the District's computer system.
11. The District reserves the right to monitor the System including reviewing, auditing, and disclosing all matters sent over and/or stored in the System.

DISCIPLINE

Anyone found to have engaged in any of the prohibited practices mentioned above will be subject to termination of System access, disciplinary action up to and including termination of employment, and/or criminal prosecution.

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EMPLOYEE GUIDELINES
E-MAIL ETIQUETTE AND USE

1. Remember you are representing the District through your communications both internally and externally, and it is critical that you maintain a positive image for both yourself and the District.
2. Be certain that your message is addressed to the proper person. Be sure you check the list of persons being E-mailed when you choose a REPLY ALL function. E-mail should not be used for broadcast purposes unless the message is of interest to all users.
3. Capitalize words only to emphasize an important point or to distinguish a title or heading. Capitalizing whole words that are not title is generally interpreted as shouting.
4. Be professional and careful of what you say about others. E-mail is easily forwarded and blind copied.
5. Be cautious when using sarcasm and humor. Without face to face communication, humor may be viewed as criticism. By the same token, also carefully read what others write. The perceived tone may easily be misinterpreted.
6. Some E-mail messages, especially those written in "the heat of the moment," are best unsent. Think twice before sending angry or sarcastic messages or using E-mail to let off steam.
7. Be aware that deleting or erasing information, documents, or messages maintained on the District's network is, in many cases, ineffective. Information kept on the District's system may be electronically recalled or recreated regardless of whether it may have been erased or deleted by an employee. Further, since the District may periodically back-up files and messages, and because of the way in which computers re-use file storage space, files and messages may exist even after a user assumes they are deleted. Finally, information or messages may still exist in the storage areas of other users. Therefore, employees who delete or erase information or messages should not assume that such information or messages are confidential.

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EMPLOYEE ACKNOWLEDGMENT: E-MAIL POLICY & GUIDELINES

I hereby acknowledge receiving and reading a copy of the Nipomo Community Service District Electronic Mail/Internet Use Policy & Guidelines and the Employee Guidelines for E-Mail Etiquette and Use. I also understand that any questions concerning the policy may be addressed to the General Manager.

I understand that the District's E-mail system and computer network are for District business only. I further understand that all information contained on or communicated through the E-mail system and computer network is subject to monitoring, review and disclosure. Consequently, I may not assume that any information stored on or communicated through any District system or network is confidential or private. Finally, I understand that violation of this Electronic Mail Policy may result in disciplinary action, up to and including dismissal.

Name (print): _____

Signature: _____

Date: _____

E-mail policy
Resolution 99-713

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ATTACHMENT B

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION 2015-1391

A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING RECORDS RETENTION POLICY AND
REPEALING RESOLUTION 2000-718

WHEREAS, the California Secretary of State has issued local government records management guidelines, and certain legislation has been passed and signed into law that augments the authority of local governments and districts to establish records retention schedules that comply with the Secretary of State guidelines (AB 474 amending California Government Code Sections 60200 et seq.); and

WHEREAS, said Board of Directors is authorized by the provisions of California Government Code Section 60200 et seq., to establish a records retention schedule applicable to district records; and

WHEREAS, an appropriate records retention schedule assists the District by documenting which records require office or temporary storage, which records have historic value, and which records should be destroyed because they no longer have any administrative, fiscal or legal value; and

WHEREAS, it is timely to repeal the existing records management and records retention schedule (Resolution 2000-718).

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED, by the Board of Directors of the District as follows:

Section 1: Authorization for Destruction of Records. The Record Retention Schedule set forth in Exhibit "A" hereto is adopted as the approved schedule for the District in compliance with Government Code Sections 60200 et seq., and after such records have been retained for the time periods and according to the process set forth therein, such records may be destroyed upon the request of the General Manager without further action by the Board of Directors of the District.

Section 2: Authorization of Record after Scanning. Any record not expressly required by law to be filed and preserved in original form may be destroyed at any time after it is electronically stored in conformance with the requirements of Government Code Section 60203.

Section 3: Destruction of Duplicates. Pursuant to Government Code Section 60200, any duplicate record, paper or document, the original or a permanent photographic copy of which is in the files of the District, may be destroyed after

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confirmation that such original or permanent photographic copy remains on file with the District.

Section 4: Retention of Records Not Mentioned. All records, papers and documents not mentioned in this Resolution may be scanned as archival records or destroyed so long as such disposal is consistent with the recommendations of the Local Government Records Management Guidelines as set forth by the Secretary of State (June 2004) as the same may be amended from time to time.

Section 5: Retained Records. Notwithstanding the provisions of Section 1 above or any other provision of law, pursuant to Code Section 60201(d) the District may not destroy or dispose of any record that is any of the following:

- a. Relates to formation, change of organization, or reorganization of the District;
- b. An ordinance adopted by the District. However, an ordinance that has been repealed or is otherwise invalid or unenforceable may be destroyed or disposed of five years after it was repealed or became invalid or unenforceable;
- c. Minutes of any meeting of the Board of Directors of the District;
- d. Relates to any pending claim or litigation or any settlement or other disposition of litigation within the past two years;
- e. Is the subject of any pending request made pursuant to the California Public Records Act (Chapter 3.5, Division 7, Title 1, commencing with Section 6250 of the Code), whether or not the District maintains that the record is exempt from disclosure, until the request has been granted or two years have elapsed since the District provided written notice to the requester that the request has been denied;
- f. Relates to any pending construction that the District has not accepted or as to which a stop notice claim legally may be presented;
- g. Relates to the title to real property in which the District has an interest;
- h. Relates to any non-discharged contract to which the District is a party;
- i. Has not fulfilled the administrative, fiscal, or legal purpose for which it was created or received;
- j. Is an unaccepted bid or proposal, which is less than two years old, for the construction or installation of any building, structure, or other public work;
- k. Specifies the amount of compensation paid to District employees or to independent contractors providing personal or professional

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services to the District, or relates to expense reimbursement to District officers or employees or the use of District paid credit cards or any travel compensation mechanism. However, a record described in this paragraph may be destroyed or disposed of pursuant to Section 60201 of the Code seven years after the date of payment; and

- I. Any other records required by law to be filed or preserved.

Section 6: Resolution 2000-718 is hereby repealed in its entirety.

Section 7: Incorporation of Recitals. The Recitals are true and correct and incorporated herein by this reference. The Recitals and referenced reports and studies contained therein constitute and support the findings of the District in support of this Resolution.

Section 8: Effect of Repeal on Past Actions and Obligations. This Resolution does not affect prosecutions for violations committed prior to the effective date of this Resolution, does not waive any fee or penalty due and unpaid on the effective date of this Resolution, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any prior Resolution or Ordinance.

Section 9: CEQA Findings. The Board of Directors of the District finds that the records retention policy adopted by this Resolution exempt from the California Environmental Quality Act pursuant to Public Resources Code § 21080(b)(8) and CEQA Guidelines Section 15273. The District General Manager is directed to prepare and file appropriate notices.

Section 10: Severance Clause. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Resolution. The Governing Board of the District hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

Section 11: Effective Date. This Resolution shall take effect immediately.

NIPOMO COMMUNITY SERVICES DISTRICT
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A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING RECORDS RETENTION POLICY AND
REPEALING RESOLUTION 2000-718

Upon the motion of Director Armstrong, seconded by Director Woodson, and on the following roll call vote, to wit:

AYES: Directors Armstrong, Woodson, Eby, and Gaddis
NOES: None
ABSENT: Director Blair
CONFLICTS: None

the foregoing resolution is hereby adopted this 14th day of October, 2015.


CRAIG ARMSTRONG
President of the Board

ATTEST:

APPROVED AS TO FORM:


MICHAEL S. LEBRUN
General Manager and Secretary to the Board


MICHAEL W. SEITZ
District Legal Counsel

EXHIBIT A

NIPOMO COMMUNITY SERVICES DISTRICT
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A RESOLUTION OF THE BOARD OF DIRECTORS OF
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ADOPTING RECORDS RETENTION POLICY

LEGEND Records Retention	
AC = Active	T = Termination
AU = Audit	AD = Adoption
CU = Current Year	CL = Closed/Completion
E = Election	L = Life
P = Permanent	S = Supersede

CITATIONS	
B&P - Business and Professions	FMLA – Family & Medical Leave Act, 1993
CAC – California Administrative Code	GC – Government Code
CCP – Code of Civil Procedure	H&S – Health & Safety
CCR – Code of California Regulations	OSHA – Occupational Safety & Health Act
CEQA – California Environmental Quality Act	UFC – Uniform Fire Code
CFR – Code of Federal Regulations	USC – United States Code
EC – Election Code	

EXHIBIT A

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ADMINISTRATION			
Record Series	Retention	Citation	Descriptor
AUDIT			
Annual Financial Report	CL + 2	GC34090	Independent auditor analysis
Bonds	CL + 10	GC34090; CCP 337.5	Final bond documentation
Budget	P	GC34090	Annual operating budget approved by Legislative Body
Budget Operating (copies)	S	GC34090	Departmental Reference
Hearing or Review	AU + 2	GC34090; OMBA-128	Documentation created and or received in connection with an audit hearing or review
Reports	AU + 4	GC34090; OMBA-128	Internal and/or external
Reviews, Internal/External Periodic	CU	GC34090; GC6250	Daily, weekly, monthly, quarterly or other summary, review, evaluation, bg, list, statistics, except a report
ELECTIONS			
Ballots Prop.218/Assessment Districts	P	California Constitution Art. XIII	Property related fees/(Assessment Ballot proceeding)
Certificates of Election	T + 4	GC 81009(a) (d)	Certificates of election; Original reports and statements
FAIR POLITICAL PRACTICES			
Administration/ Campaign Statements and Conflict of Interest	CU + 5		FPPC Opinions
History	P	GC34090	History of elections
Statement of economic interest - Elected Officials	T + 7	GC 81009(e)	FPPC Filings
Oaths of Office	T + 6	GC34090; 29 USC 1113	Elected Officials
Petitions	8 months	EC 17200, 17400; GC 7253.5; EC 14700 + GC 3756:8	From date of filing or election; Initiative, referendum, recall, Charter Amendments
GENERAL SUBJECT			
Administration	P	GC34090	
Biographies	CU + 2	GC34090	
Classifications and Appointments	P	GC 34090; GC 12946; 29 CFR	Includes supplemental Personnel records. Wage rate tables 2 years.

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ADMINISTRATION			
Record Series	Retention	Citation	Descriptor
		516.6(2); 29 CFR 1602.4	
Correspondence/ Originating Department	CU + 2	GC34090(d)	If not attached to agreement or project file
Goals & Objectives	CU + 2	GC34090	Departmental goals & objectives
Policies & Procedures, Departmental	S + 5	GC34090(d)	Retain while current
Promotional Marketing			
External	CU + 7		
Internal	2		
Reports			
Departmental	CU + 2	GC34090	Special or final summary, review or evaluation
Staff	CU + 2	GC34090	Non-agenda related, includes supporting documentation
Special Projects	CU + 2	GC34090	
Support Services	CU + 2	GC34090	Reproduction; printing; postal/mailling services, other internal resources
Travel Records	CU + 2	GC34090	
GRANTS			
Community Development Block Grant and Urban Development	T + 4	GC34090; 24 CFR 570.502 24 CFR85.42*	Applications, reports, contracts, supporting documents; *OMB Cir. A-102, A-110, A-128
Federal and State	CL + 5	GC34090	Refer to grant application close-out procedure
Financial Records	CL + 5	GC34090	Refer to grant application close-out procedure
Unsuccessful	CL + 2	GC34090	Applications not entitled
HUMAN RESOURCES			
Benefit Plan Claims	P	GC6250 et seq; OMBA-129 29 CFR 1602.30; 32; Lab Rel Sec 1174*	May include dental, disability, education, health, life and vision including dependent care and Employee Assistance *29 CFR 1637.3; 29 USC 1027; 29 CFR 1627.3; 29 USC 1113
Benefit Plan Enrollment, Denied	CL + 4	GC34090; OMBA-128	
Bond, Personnel Fidelity	T + 2	GC34090	Employee Fidelity Bonds
Employee Handbook	S + 2	GC 34090	General employee information including benefit plans
Employee Programs	CL + 2	GC 34090; GC12946	Includes recognition
Employee Rights General Employees	T + 2	GC12946; 29 CFR	May include Arbitration, grievances, union requests,

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ADMINISTRATION			
Record Series	Retention	Citation	Descriptor
		USC211 (e); 203(m); 207(a)	sexual harassment and Civil Rights, complaints,
Hourly Employees	T + 6	GC12946; GC34090*	*29 CFR 1627.3, Labor Relations Section 1174
Immigrant		Immigration Reform/Control Act 1986 Pub. L 99-603	1-9's
Medical Leave	CL + 30	FMLA 1993 US OSHA; 29 CFR: 1910.20*	May include Family leave; certifications; tests; W-4's; *29 CFR 1602.30.32; 49 CFR 193-9;
Motor Vehicle Pulls (DMV)	CL + 7	GC12946, *	*CA 91009; 8 USC 1324 (a)
Negotiation	P	29 USC Sections 211(c), 203(m), 207(a)	Notes, notebooks, correspondence, contracts, and Memorandums of Agreements
Non-Safety Employees	T + 3	Reference: 29 CFR 1627.3; CCR Sec 1174; 29 CFR 1602.30.32; GC6250 et seq; 29 CFR; GC 12946, 34090*	Non-safety employees may include: Release Authorizations; Certifications; Reassignments; outside employment; commendations disciplinary actions; terminations; Oaths of Office; evaluations-pre-employee medicals; fingerprints; identification cards (ID=s) *1607.4; 29 CFR 655.202; 29 CFR 516.6 et seq; 45 CFR 1068.6(a)
Personnel Records (copies)	CU + 2	GC34090 ; GC6250	Attendance; evaluations; drafts; worksheets; postings
PERS, Social Security, SSI	P	29 CFR 1627.3(2); GC 12946, 34090	EEOC/ADEA
Recruitment	CL + 3	Reference: GC12946; GC6250 et seq; 29 CFR 1602 et seq 29 CFR 1607; 29CFR 1627.3	Applications, resumes, alternate lists/logs, indices; ethnicity disclosures; examination materials; examination answer sheets, job bulletins; eligibility; electronic database
Reports	CU + 2	GC34090	Employee statistics, benefit activity; liability loss
Surveys and Studies	CU + 2	GC 12946, 34090; 29	Includes classification, wage rates

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ADMINISTRATION			
Record Series	Retention	Citation	Descriptor
		CFR 516.6(2); 29 CFR 1602.14	
Training Records Non-Safety	CU + 7	GC6250 et seq	Employee applications, volunteer program training, class training materials, internships;
Personnel (by name)	T + 7	GC34090	Paperwork documenting officers internal and external training
Vehicle Mileage Reimbursement Rates	S + 2	GC34090	Annual mileage reimbursement rates
INFORMATION SERVICES			
Internet, World Wide Web	S + 2	GC34090	Management/Policies and supporting documentation
Inventory, Information Systems	S + 2	GC34090	Hardware/Software Inventory logs; systems manuals
Network Information Systems (LAN/WAN)	CU + 4	GC34090; CCP 337.2; 343	Configuration maps and plans
Program Files and Directories	CU + 2 CU + 2 months CU + 1 CU + .5	GC34090 GC34090.7	Annual Backup Daily Backup Monthly Backup Weekly Backup
LEGAL/ LEGISLATIVE			
Agendas	CU + 2	GC34090	Original agendas and special meeting notices, including certificates of posting, original summaries, original communications and action agendas for Council, Boards and Commissions
Agenda Reports (Master, Subject Files)	CU + 2	GC34090 (d)	Documentation received, created and/or submitted to Council
Appeals, Civil	CU + 3	CCP 583.320(a) (3);GC 34090	
Applications, Boards, Commissions, Committees	CL + 2	GC34090	Not selected
Applications, Boards, Commissions, Committees	T + 5	GC34090; GC40801	Selected
Legal Advertising	CU + 4	CCP 343, 349 et seq.; GC 9112; GC34090	Includes public notices, legal publications

EXHIBIT A

NIPOMO COMMUNITY SERVICES DISTRICT
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ADMINISTRATION			
Record Series	Retention	Citation	Descriptor
Minutes	P	GC34090(d); GC36814; GC40801	Official minutes and hearing proceedings of governing body or board, commission or committee
Notices, Meeting	CU + 2	GC 34090.7, 54960.1(c)(1)	Special meetings
Opinions	S + 2	GC34090 ; GC6254	Confidential
Ordinances	P	GC34090(d) 40806	Charter amendments; municipal code
Petitions	CU + 1	GC50115; GC6253	Submitted to legislative bodies
Resolutions	P	GC34090(d) 40801	Legislative actions
Tapes, Audio/Video	CU + 3 mos.	GC 34090.7	When used for minute preparation and may have historical value.
MUNICIPAL CLERK			
Assessment Districts	P	GC34090	Original documentation
Inventory, Records	CU + 2	GC34090; 80 0PS Atty. Gen. 106	Inventory of non-current or inactive records holdings and location, indices. Tapes may be recycled.
Municipal Code	P	GC34090	Supplements included
Public Records Request	CL + 2	GC34090	
Records Management	CL + 2	GC34090	Document includes retrieval, transfers - inactive
Records Management Disposition Certification	P	GC34090	Documentation of final disposition or records
Records Retention Schedules	S + 4	CCP 343	
POLICIES/ PROCEDURES			
General Administrative	S + 2	GC34090; 40801	All District policies and procedures
Policy, Board/ Proclamations	S + 2	GC34090	Policies, directives rendered by Board not assigned a resolution or ordinance number
PUBLIC FINANCING AUTHORITY			
Administration	P	GC34090	
Financial Records	P	GC34090, 40802, 53901	
Management Reports	2	GC34090	
PUBLIC INFORMATION			

EXHIBIT A

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION 2015-1391

A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING RECORDS RETENTION POLICY

ADMINISTRATION			
Record Series	Retention	Citation	Descriptor
Brochures, publications, newsletter, bulletins	S + 2	GC34090	
Calendar,	CU + 2	GC 34090	
Media Relations	CU + 2	GC 34090	Includes cable, newspaper, radio, message boards, and presentations.
RISK MANAGEMENT			
Accident Reports - Assets	CL + 7	29 CFR 1904.2; 29,*	Reports and related records * CFR 1904.6
Bonds, Insurance	P	CCP 337.2; 343	Bonds and insurance policies insuring city property and other assets
Claims, Damage	CL + 5	GC34090; GC25105.5	Paid/Denied
Incident Reports	CL + 7	29 CFR 1904.2; 29 CFR 1904.6	Theft, arson, vandalism, property damage or similar occurrence (excluding fire/law enforcement)
Insurance, Joint Powers Agreement	P	GC34090	
Insurance, Certificates	P	GC34090	Insurance certificates filed separately from contracts, includes insurance filed by licensees
Insurance, Liability/Property	P	GC34090	May include liability, property, Certificates of Participation, deferred, use of facilities
Insurance, Workers Compensation	P	GC6410; 29 CFR 1910.20	Indemnity; PERS - working files - originals with Administrator
Photographs, Negatives, Film	CL + 2	GC34090	
Risk Management Reports	CL + 5	OMB 1220-0029; 29 CFR1904.4; GC 34090	Federal OSHA Forms; Loss Analysis Report; Safety Reports ;Actuarial Studies
Workers Compensation	P	CCR 14311; 15400.2; CA Labor Code 110-139.6	Claim files, Reports, Incidents (working files) originals filed with Administrator

DEVELOPMENT			
Record Series	Retention	Citation	Descriptor
ADMINISTRATION			
Benchmark Data	CU + 2	GC34090d	Horizontal, vertical & control
Bids & Proposals	CL + 2	GC34090d	

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DEVELOPMENT			
Record Series	Retention	Citation	Descriptor
(Unsuccessful)			
Bonds	CL + 10	CCP 337.5	Housing; Industrial Development
Development Security	CL + 2	GC34090	Documentation created and or received in connection with the performance of work/services for the city, or for parcel maps and subdivision work
Code Books	P	GC34090e	National Electrical Code, Uniform Building, Fire, Mechanical, Plumbing & Supplements
Contractor	CU + 2	GC34090d	Current listing
Correspondence	CU + 2	GC34090d	Working documentation
Development Conditions	L	GC34090	Mitigation measures; filed with case files
Development Agreements	P	CCP337, 337.1(a), 337.15; GC34090; 4 8 CFR 4.703	Infrastructure contracts, franchises. Original maintained for 7 years.
Development Standards	P	GC34090a	Landscape mediums, parkway landscape development, public works construction
Drawings, Project Plan	CU + 2	GC34090d	Does not include those usually filed with case or project
Franchises	P	GC65864, 65869.5, 34090*	Including subdivision agreements, contracts for sale or purchase of property, cable, grant of easements and involving construction of improvements *CCP 337.2, 343; AC16023
General Subject Files	CU + 2	GC34090d	Internal working files including correspondence
Grants, Community/Urban Development (includes CDBG)	CL + 4	24CFR 570.502(b) (3); 241CFR 85.42 & OMB Cir. A- 110, Attach. C; *	Project files, contracts, proposals, statements, reports, sub-recipient dockets, Environmental review, grant documents, applications, inventory, consolidated plan, etc. Includes Section 108 loan guarantee
Historic Preservation Inventory	2	GC34090d	Historic structures & landmarks
Incident Files	2	GC34090d	Emergency Call Outs
Land Uses, nonconforming	P	GC34090a	Building or site usage which does not conform to current standards
Logs	CU + 5		Logs, registers or similar

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DEVELOPMENT			
Record Series	Retention	Citation	Descriptor
			records listing permits, certificates of occupancy issued; may include inspection, building activity, daily, plan check, utility
Maps & Plats	P	GC34090a	Engineering & field notes and profiles; cross-section of roads, streets, right-of-way, bridges; may include annexations, parks, tracts, block, storm drains, water easements, bench marks, trees, grading, landfill, fire hydrants, base maps, etc.
Master Plans, Annual	S + 2	GC34090	Special or long range program plan for municipalities - coordination of services; strategic planning
Permits, Construction	P	GC34090a; H&S19850; 4003; 4004	Plans, building, signs, grading, encroachment, including blueprints and specifications
Permits, Other	CL + 2	GC34090d	Alterations, encroachment, excavations, road, street sidewalks & curb alterations, transportation, swimming pool drainage, temporary uses, etc.
Photographs	S + 2	GC34090d	Aerial photographs
Projects, Not Completed or Denied	CL + 2	GC34090d	Building, engineering, planning
Reports	cu + 2	GC34090	Activity, periodic
Studies, Special Projects & Areas	CL + 2	GC34090d	Engineering, joint powers, noise, transportation
Surveys	P	GC34090a	Recording data and maps
ENGINEERING			
Capital Improvement Projects	CL + 10	CC337.15	Supporting documents including bidders list, specifications, reports, plans, work orders, schedules, etc.
Special Districts	P	GC34090a	Supporting documents re: improvement, lighting, underground utility; bonds, taxes & construction
Street/Alley (Abandonment/ Vacation)	CL + 2	GC34090d	Relinquishment of rights and fee title
MUNICIPAL FACILITY			
Capital Improvements,	P	2.083110;	Contains records re: Planning,

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DEVELOPMENT			
Record Series	Retention	Citation	Descriptor
			design, construction,
Construction		GC34090a; 4004; H&S 19850; GC34090a	conversion or modification of local government-owned facilities, structures and systems
Facility Rentals/Use	CU + 2	GC34090	Permits, contracts, diagrams, schedules, insurance binders
Maintenance & Operations	CU+ 2	GC34090d	Service requests, invoices, supporting documentation; buildings, equipment, field engineering, public facilities including work orders and graffiti removal
PROPERTY			
Abandonment	P	GC34090a	Buildings, Condemnation, Demolition
Acquisition/ Disposition Disposition	CL + 10	GC34090a; GC6254	Supporting documents re: sale, purchase, exchange, lease or rental of property by City
Annexation Case Files	P	GC34090a	Reports, agreements, public notices
Appraisals	CL + 2	GC34090; GC6254(h)	Exempt until final acquisition or contract agreement obtained
Deeds & Promissory Notes	P	GC34090a *	* 24 CFR 570.502(b)(3); 24 CFR 8.42 & OMB Circ. SA-110
Maps, City Boundary	P	GC34090d	Recorded maps, surveys, monuments
Lot Split Cases	P	GC34090	
Relocation Files	CL + 2	GC34090	e.g., Redevelopment

FINANCE			
Record Series	Retention	Citation	Descriptor
ACCOUNTING			
Accounts Payable	AU + 4	GC34090	Invoices, check copies, supporting documents
Accounts Receivable	AU + 4	GC 34090	
Applications	CL + 2	GC34090	Utility connections, disconnects, registers, service
Assessment Districts	P	GC 34090	Collection information; Original documentation files with municipal clerk
Bank Reconciliation	AU + 5	GC34090; 26 CFR 16001-1	Statements, summaries for receipts, disbursements & reconciliation
Billing Records	AU + 2	GC34090	Customer name, service address, meter reading, usage, payments, applications/cancellations
Budget	AU + 2	GC 34090	
Budget adjustments,	AU + 2	GC34090	Account transfers

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ADOPTING RECORDS RETENTION POLICY

FINANCE			
Record Series	Retention	Citation	Descriptor
journal entries			
Checks	AU + 5	GC34090; CCP 337	Includes payroll, canceled & voided checks
Deposits, Receipts	AU + 4	GC 34090; CCP 337	Checks, coins, currency
Invoices	AU + 2	GC34090	Copies sent for fees owed, billing, related documents
Journals			
Utility Billing	CU + 2	GC34090	Billing including monthly activity
Voucher	AU + 4	GC34090; CCP 337	Account postings with supporting documents
Taxes, Receivable	AU + 3	CCP338	
Warrant Register	AU + 2	GC 34090.7	
ADMINISTRATIVE SERVICES			
Budget Operating (copies)	S	GC34090	Departmental Reference
Budget, Proposed	CU + 2	GC34090	Presented to Board
Adopted	P	GC 34090	
FIXED ASSETS			
Inventory	AU + 4	GC34090; 26 CFR 301 65- 1(F)	Reflects purchase date, cost, account number
Surplus Property			
Auction	AU + 2	GC34090	Listing of property
Disposal	AU + 4	GC34090; CCP 337	Sealed bid sales of equipment
Vehicle Ownership & Title	L	VC 9900 et seq.	Title transfers when vehicle sold
PAYROLL			
Adjustments	AU + 4	GC 34090 29 CFR 516.5-516.6	Audit purposes
Employee Time Sheets	AU + 6	GC34090; 29 CFR 516.2*	Signed by employee for audit & FEMA Reports *20 CFR 516.6(1); IRS Reg. 31.6001-1(e)(z); R&T 19530; LC 1174(d)
PERSEmployee Deduction Reports	T + 4	GC34090; CAC 22- 1085-2	Record of deductions (PERS Public Employee Retirement System) *26CFR 31.6001-1;29 CFR 516.5, 516.6, LC 1174(d)
Register	P	GC34090; GC37207	Labor costs by employee & program
Salary Records	T + 3	GC34090; 29 CFR 516.2	Deduction authorization, beneficiary designations, unemployment claims, garnishments
PURCHASING			

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FINANCE			
Record Series	Retention	Citation	Descriptor
Bids, RFQ's, RFP's Successful Unsuccessful	AU + 4 AU + 5 cu + 2	GC34090; CCP 337; *	Requests for Qualifications; Requests for Proposals regarding goods and services * GC 25105-1; GC 34090
Requisitions			
Purchase Orders	AU + 4	GC34090; CCP 337	Original documents
REPORTS			
Audits	P	GC 34090	
Deferred Compensation	T + 5	GC34090; 26 CFR 16001- 1*	Records of employee contributions and payments *29 CFR 1627.3(2)
Federal and State Tax	AU + 4	GC34090; 29USC 436 *	Forms 1096, 1099, W-4's and W-2's *26 CFR 31.6001.1-4; IRS REG 31.6001-1(e)(2);R&T 19530;29 CFR 516.5-516.6
Financial, Annual	AU + 7	GC 34090.7	
Investment Transactions	P	GC34090; CCP 337; GC 53607	Summary of transactions, inventory & earnings report
Labor Distribution	AU + 2	GC34090	Costs by employee & program
Meter Reading	CU + 2	GC34090	
State Controller	P	GC34090	Controller may destroy after 5 years
TREASURER			
Bank Statements	AU + 2	FC 3368, 30210; GC 43900 et seq	Financing authority
Bonds			
Account Statements	CL + 10	GC34090; CCP 337.5	Monthly statement of transactions.
Administration	CL + 10	GC34090; CCP 337.5	Supporting documents
Bonds and Coupons	CL + 2	GC34090; 53921	Paid/canceled

PUBLIC WORKS			
Record Series	Retention	Citation	Descriptor
WASTEWATER			
Collections/ Facilities	CU + 2 CU + 2	GC34090 GC34090	Daily records, usage Correspondence, maps, patron list
Incineration Plants, Sludge	CU + 2	40 CFR 61.54	Sludge, sampling, charging rate to measure mercury content
Incinerator Operations, Treatment Plant	CU + 2	40 CFR 60.153	Gas flow through wet scrubbing, oxygen content of exhaust gas, sludge rate, temperatures, fuel flow, total solids and volatile solids

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ADOPTING RECORDS RETENTION POLICY

PUBLIC WORKS			
Record Series	Retention	Citation	Descriptor
Maintenance and Operations	CU + 2	GC34090	Includes work orders, inspection, repairs, cleaning, reports, complaints
Maps, Septic Tank	P	GC34090	Location maps
Rates	CU + 2	GC34090	
UTILITIES			
WATER			
Billing/Customer Records	CU + 2	GC34090	Billings, correspondence, complaints
Connection Records	P	GC34090	Maps, water line connections
Grants (see Admin.)			
Inventory, Equipment	CU + 2	GC34090	
Locations	P	GC34090	Mains, valves, hydrants, wells
Maintenance and Operations	CU + 2	GC34090	Includes work orders, inspection, repairs, cleaning, reports, complaints
Service	CU + 2	GC34090	Includes work orders, entry cards, manholes, service to property owners
Well & Pumping	CU + 2	GC34090	Times operational, power used and quantity
Maps	P	GC34090	Line location; easements
Master Plans	CU + 2	GC34090	Copies
Meter Operations	CU + 2	GC34090	Reader reports, orders, tests Maintenance Reports
Permits			
National Pollutant Discharge Elimination System (NPDES)	P	40 CFR 122.28	Municipalities of 100,000/more, compliance with Clean Water Act re: pollutants
Others	CU + 2	GC34090	May depend on terms of state or federal agency
Policies and Procedures	S + 2	GC34090	Includes rules and regulations
Rates	S + 2	GC34090	
Reclamation	CU + 5	40 CFR 122.41	Daily operations including sewage flow, grit removal, chlorine usage, lab analysis results, etc.
Reports			
Conservation	CU + 2	GC34090	
Consumption	CU + 2	GC34090	
Corrosion Control	CU + 12	40 CFR 141.91	Compliance documentation
Discharge Monitoring	CU + 5	40 CFR 122.41	Average amount of pollution discharged into waters of municipality.
Drinking	CU + 10	40 CFR 141.33	

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NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION 2015-1391

A RESOLUTION OF THE BOARD OF DIRECTORS OF
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PUBLIC WORKS			
Record Series	Retention	Citation	Descriptor
Water Corrections			
Hydrograph	P	GC34090	Daily flow of streams
Lead Service Line	CU + 12	40 CFR 141.91	Compliance documentation
Public Education	CU + 12	40 CFR 141.91	Compliance documentation
Quality Parameters	CU + 12	40 CFR 141.91	Compliance documentation
Sanitary Surveys	CU + 10	40 CFR 141.33	Statistics, reports, correspondence
Source Water	CU + 12	40 CFR 141.91	Compliance documentation, e.g. lead & copper
State Certification	CU + 12	40 CFR 141.91	Compliance documentation
Variances, Water System	CU + 5	40 CFR 141.33	
Well Level	CU + 2	GC34090	
Sources	CU + 2	GC34090	May include wells, rivers, lakes, districts
Surveyor Field Notes	P	GC34090	Notes preparatory to maps of water installations
Surveys, Water System Sanitary	CU + 10	40 CFR 141.33	Statistics, reports, correspondence
Tests			
Bacteriological Analysis	CU + 5	40 CFR 141.33	Compliance records include location, date, method and results; corrections, analysis of bacterial content
Chemical Analysis	CU + 10	40 CFR 141.33	Compliance records include location, date, method used and results; corrections, analysis of chemical content
Quality	CU + 12	40 CFR 141.91	Compliance documentation including sampling data, analysis, reports, surveys, documents, evaluation, schedules, valves, etc.
Valve Main Records	P	GC34090	
Violations, Drinking Water	CU + 3	40 CFR 141.33	

March 22, 2017

ITEM E-2

ATTACHMENT C

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2014-1344**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
APPROVING EMPLOYEE HANDBOOK**

WHEREAS, the Board of Directors of Nipomo Community Services District (herein "District") previously adopted Personnel Policies and Procedures on May 23, 2007; and

WHEREAS, on April 11, 2014, the District Board of Directors reviewed the draft Employee Handbook and requested staff to circulate said draft Employee Handbook to District employees for comment and further set the date of May 28, 2014, for adoption; and

WHEREAS, the Employee Handbook, attached as Exhibit "A" to this Resolution, has been reviewed by the Board of Directors and District employees.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Directors of the Nipomo Community Services District, as follows:

1. The Employee Handbook, attached hereto as Exhibit "A", is hereby adopted.
2. Severability. If any section, subsection, clause, or phrase of the District's Employee Handbook, as adopted by this Resolution is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of the Employee Handbook.
3. Effective Date. This Resolution and the Employee Handbook adopted herein, shall take effect immediately.

Upon motion by Director Vierheilig, seconded by Director Gaddis on the following roll call vote, to wit:

AYES: Directors Vierheilig, Gaddis and Armstrong
NOES: Director Harrison
ABSENT: Director Blair
CONFLICTS: None

The foregoing resolution is hereby adopted this 28th day of May 2014.


CRAIG ARMSTRONG
President, Board of Directors

ATTEST:


MICHAEL S. LEBRUN
Secretary to the Board

APPROVED AS TO FORM:

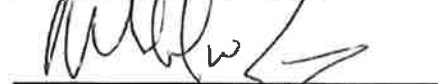

MICHAEL W. SEITZ
District Legal Counsel

Exhibit "A"

***NIPOMO
COMMUNITY
SERVICES
DISTRICT***

EMPLOYEE HANDBOOK

Rev. MAY 2014

4020 - TECHNOLOGY USAGE

- A. Usage of District Technology Resources:** The District provides various technology resources to its employees, including computers, cell phones, smart phones, tablets, electronic mail, internet access, and other forms of technology. These resources are provided to employees for work-related purposes. These technology resources are business tools, which are to be used in accordance with generally accepted business practices and to provide an efficient and effective means of communications for the District.
- B. Privacy:** An employee cannot expect privacy rights to extend to any use of District-owned technology resources, equipment, or supplies. The District has the right to monitor and inspect all technology resources at any time to ensure proper business use. As a result, any information placed on any District computer, to or from a District e-mail account or otherwise, is subject to inspection and disclosure by the District. As a result, no one should have any reasonable expectation of privacy in communications sent over the District e-mail network. E-mail communications are not confidential. For purposes of this policy, e-mail shall also include all messages transmitted on the Internet.
- C. E-mail Usage:** All District employees, consultants and other non-employees utilizing electronic communications with the District (hereinafter "E-mail users") must abide by the following requirements:
1. **District Property:** The District's electronic systems and the contents thereof are the sole property of the District and therefore not considered personal. Communications sent over the System is subject to monitoring by the District and may be subject to disclosure under the Public Records Act or litigation. Communications transmitted over the System should be restricted to business activities of the District or communications that contain information related to the accomplishment of District business, administration or practices. Incidental personal use is allowed, subject to the provision below.
 2. **E-mail Retention:** E-mail messages which are intended to be retained in the ordinary course of the District's business are recognized as official records that require protection/retention in accordance with the California Public Records Act. Because the e-mail system is not designed for long-term storage, e-mail communications, which are intended to be retained as an official record, shall be filed in electronic or hard copy form as appropriate in the appropriate subject file. E-mail messages which are responsive to existing public record requests, subpoena or production demand, or which are otherwise relevant to pending litigation or claim, shall be likewise retained in electronic or hard copy format.
 3. **Improper Use:** All of the following will be considered and treated as improper use which is strictly prohibited:
 - a. Use of the System for transmitting any information that is discriminatory, harassing, or obscene, including but not limited to:

CHAPTER FOUR – DISTRICT EQUIPMENT, PROPERTY AND REIMBURSEMENT

comments based on race, national origin, gender, sexual orientation, age, disability, religion, or political beliefs.

- b. Use of the System for transmitting any information that counsels insubordination, harms close-working relationships, publicizes a personal dispute, undermines the District's ability to provide public services through its employees or harms the integrity of the System or network.
 - c. Use of the System to solicit, promote or proselytize others for non-job related commercial ventures, religious or political causes, or other non-job-related activities.
 - d. Use of the System in any way that communicates with the Board of Directors in such a way as to violate the Ralph M. Brown Act.
4. **Attorney-Client Privilege:** E-mail messages transmitted to or from District Legal Counsel and/or his/her employees and agents are considered to be confidential work product communications and subject to the attorney/client privilege.
5. **Pre-Approval of Outside Information:** All materials – diskettes, flash drives, CDs, DVDs, applications, documents, downloaded materials, etc. – brought into the workplace from external sources must be approved by the General Manager or Assistant General Manager before being installed or used on the District's computer system.
6. **Monitoring:** The District reserves the right to monitor the System including reviewing, auditing, and disclosing all matters sent over and/or stored in the System.
- D. Incidental Personal Use:** Employees are allowed incidental personal use of the District's Technology Resources during non-working periods. This incidental personal use shall not interfere with District business. Even if technology resources are used during non-working periods, employees should not have any expectation of privacy of information transmitted or placed on the District's technology resources. The information is still subject to review, monitoring, and disclosure.
- E. Social Media:** Employees are not allowed to use the District's Technology Resources for personal access to any type of social media, including Facebook, Twitter, blogs, etc. These items (and any others properly characterized as forms of social media) should not be accessed for personal use from any District computer, cell phone, smart phone, tablet or other technology resources.
- F. Discipline:** Anyone found to have engaged in any of the prohibited practices mentioned above will be subject to termination of System access, disciplinary action up to and including termination of employment.