

TO: BOARD OF DIRECTORS

REVIEWED: MARIO IGLESIAS
GENERAL MANAGER



FROM: WHITNEY MCDONALD
GENERAL COUNSEL

DATE: JULY 21, 2017

**AGENDA ITEM
E-3
JULY 26, 2017**

**REVIEW AND CONSIDER ADOPTING REVISED POLICY ON THE USE
OF EMAIL AND OTHER TECHNOLOGY RESOURCES**

ITEM

Review and consider adopting a Resolution and revised Policy on the Use of Email and Other Technology Resources. [RECOMMEND DISCUSSION AND ADOPTION OF RESOLUTION AND POLICY ON THE USE OF EMAIL AND OTHER TECHNOLOGY RESOURCES]

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* (2017) 2 Cal.5th 608 ("*San Jose*"), the California Supreme Court ruled on March 2, 2017, that public officials and employees may be required to disclose communications transmitted using their private accounts or devices in response to a PRA request.

On March 22, 2017, your Board considered the implications of the *San Jose* decision and directed staff to revise the existing email policy. Staff and District Legal Counsel have prepared a revised policy for your Board's consideration.

EXISTING DISTRICT POLICIES

Currently, the District's policies governing the use of District email were adopted via Resolutions 99-713 and 2014-1344. 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 2014-1344 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 existing policy adopted by Resolution 99-713 also includes email etiquette guidelines and a form of acknowledgement the policy for District employees.

REVISED EMAIL USE POLICY

Similar to the existing policy, the revised Policy on the Use of Email and Other Technology Resources ("Revised Policy") explains that emails sent through District accounts are the property of the District and may be subject to disclosure under the PRA. These policies further provide that emails are considered transitory communications and should not be retained unless required by law or the District's Records Retention Policy.

Importantly, the Revised Policy includes the following new provision concerning use of private email accounts and private technology for conducting the District's business:

10. **Use of Private Email Accounts.** District officials, employees, and consultants are discouraged from using his/her private email account or server to conduct District business. All electronic files on personal technology devices pertaining to District business may be subject to public disclosure under the Public Records Act, cooperation with law enforcement, or litigation. All District business-related emails received or sent by District employees or elected or appointed District officials in or from their private email accounts or servers should be forwarded to the individual's District email address. The District's email address should not be used in the "From" field when a District employee, elected or appointed official of the District, or District consultant is sending email from a private email account.

The Revised Policy also includes direction on how District employees and officials will need to search for and provide emails that may be responsive to a PRA request. Revised Policy 11, appearing on page 6, explains that when a PRA request is received that seeks emails, the District Secretary or his designee will request, in writing, that each potentially affected District employee or official search his or her District email account and any personal email account or electronic device for records that may be responsive. The District Secretary will identify search terms based on the request, and each District employee or official will be required to provide the District Secretary with any emails turned up during the search.

The Revised Policy also provides direction for best practices when using and storing emails. For instance, the Revised Policy provides that all non-District related emails, such as solicitations, "junk mail," or personal communications (i.e. regarding lunch plans), should be deleted upon receipt. The Revised Policy also states that all emails contained in "Deleted" or "Trash" folders that are older than 30 days will be automatically deleted from the District's server. Please refer to Policies 5-7, appearing on pages 4 and 5, for further particulars.

Similar to the existing policy, the Revised Policy includes a list of prohibited uses of District email and requires all employees, officials, and consultants to acknowledge receipt of and agreement to the Revised Policy.

Staff and District Legal Counsel have crafted the Revised Policy to comply with all legal requirements and to provide workable direction to District staff, officials, and consultants regarding the use of email for District business. Revisions to the District's Records Retention Policy, previously adopted in 2015, are also underway and will be brought to your Board for consideration and adoption at a future meeting.

It is recommended that your Board consider adopting the attached Resolution and Revised Policy.

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

Adopt the Resolution and Policy on the Use of Email and Other Technology Resources.

ATTACHMENTS

- A. NCSD Policy on the Use of Email and Other Technology Resources
- B. Existing Policy with Mark-ups of Proposed Revisions
- C. Resolution 2017-XXXX
- D. Resolution 99-713
- E. Resolution 2014-1344

July 26, 2017

ITEM E-3

ATTACHMENT A

NIPOMO COMMUNITY SERVICES DISTRICT

POLICY ON THE USE OF EMAIL AND OTHER TECHNOLOGY RESOURCES

PURPOSE:

This Policy governs the appropriate use and retention of electronic mail (“email”) and other technology resources for written communications used in carrying out Nipomo Community Services District (“District”) functions, activities, and other business, and the retention of emails and other electronic communications that are made public records. The District Board of Directors (“Board of Directors”) affirms the public’s right to access public records maintained by the District and the right to set forth the procedures by which such District records will be made available to the public. The Board of Directors is mindful of the constitutional right of privacy afforded to individuals and it is the intent of the Board of Directors to promulgate a process that strikes an appropriate balance between the objectives of open government, the individual’s right of privacy, and the District’s legitimate interest in maintaining the confidentiality of certain public records.

APPLICABILITY:

This Policy applies to all District employees, elected and appointed District officials, and District consultants and other non-employees utilizing email and other technology resources for the purpose of conducting District business, regardless of the user’s location when accessing the email system, network, or other technology resource.

DEFINITIONS:

“District records” includes include any writing containing information relating to the conduct of the public’s business that is prepared, owned, used, or retained by the District, regardless of the physical form and characteristics. “District records” also includes any recorded and retained communications regarding official District business sent or received by any elected or appointed District official, employee, or consultant, via a personal email system or other personal technology resource of a District official, employee, consultant or third party or other personal technology resource not owned by the District or connected to a District computer network. The records do not have to be written but may be in another format that contains information such as computer tape or disc, video or audio recording, or email or text message. For the purposes of this definition, “District” shall mean any entity controlled by the Board of Directors.

“Personal email account” includes all email accounts, systems, servers, or services that are not maintained or controlled by the District, including but not limited to any such account maintained or controlled by a business, consultant, individual, or other agency or public entity.

“Technology resources” includes all electronic media and storage devices, software, and means of electronic communication including any of the following: personal computers and workstations; laptop computers; mini and mainframe computers; tablets; computer hardware such as disk drives, tape drives, external hard drives and flash/thumb drives; peripheral

equipment such as printers, modems, fax machines, and copiers; computer software applications and associated files and data, including software that grants access to external services, such as the Internet or cloud storage accounts; electronic mail (or email); telephones; mobile phones; smart phones; personal organizers and other handheld devices; pagers; voicemail systems; and instant messaging systems. "Technology resources" is also intended to broadly include new or emerging devices, technology, software and means of communications that may be developed or implemented in the future.

"Writing" includes any handwriting, typewriting, printing, photostating, photocopying, photographing, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation including letters, words, pictures, sounds, or symbols, or combinations thereof, as well as all papers, maps, magnetic or paper tapes, photographic films and prints, and text messages, and as otherwise defined in the California Public Records Act, Cal. Gov. Code Section 6250 et seq., as amended from time to time.

POLICY:

1. Emails and other electronic communications on District accounts, services, servers and other District technology resources are intended for District-related business purposes only. All electronic communications and other writings regarding District business are the property of the District, just as are hard copies of District records. The District reserves the right to retrieve and make proper and lawful use and/or disclosure of any and all communications transmitted through the District's email system or any other District technology resource.
2. Use of personal email systems, accounts, services, or servers to conduct District business is discouraged. If any District records are sent, received, or maintained on personal email systems, accounts, services, servers and other personal technology resources, they are the property of the District, just as are hard copies of District records. The District reserves the right to retrieve and make proper and lawful use and/or disclosure of any and all District records that are transmitted or maintained through the user's personal email system or any other personal technology resource.
3. The District respects the individual privacy of its officials, employees and consultants. However, the privacy rights of a District official, employee or consultant do not extend to (a) work-related communications, (b) the use of District-owned equipment, accounts, or services, including District email systems and other technology resources, or (c) emails and other District records relating to District business transmitted or maintained using personal email systems or other personal technology resources.
 - District officials, employees, and consultants have no reasonable expectation of privacy in communications transmitted over the District's email network or other District technology resources. Such communications are not confidential, notwithstanding any password and/or login credentials.

- District officials, employees, and consultants should not receive, send, or store District records on a personal email account. Any such communications would be public records subject to disclosure under the Public Records Act, and may also be subject to record retention requirements under state or federal law.
- District records, even when stored on a home or personal email device or other personal technology resource, may also be recovered and discoverable in litigation.

REQUIREMENTS

These requirements apply to all District technology resources, and to all personal technology resources used for District business, except as otherwise expressly stated.

1. **District Technology Resources Limited to District Business.** All messages transmitted over the District's email system or any other District technology resource should be limited to those which involve District functions, activities, or other business, or that contain information essential to its officials, employees, and consultants for the accomplishment of District-related tasks.
2. **Transitory Nature of Email and Other Electronic Messages.** Email messages and other electronic messages relating to District business are temporary communications that shall not be retained, either electronically or in hard copy, unless retention is required by law or where retention of a particular message would serve a useful purpose for the District. Emails and other electronic messages do not become public records under the Public Records Act when they are intended for a temporary purpose and are discarded after that purpose is achieved unless they are subject to a litigation hold letter from the District Counsel's Office or a pending request made pursuant to the Public Records Act. Care should be taken that no emails or other electronic messages are retained for longer than the temporary period specified in this Policy unless they are meant to be official records. Emails and other electronic messages intended to be permanent records should be filed as such, and kept under the District's records retention policy, either electronically or in hard copy, to signify the permanent or long-term status of the record. However, temporary communications, drafts, and intra-agency notes and memoranda are not public records.
 - Emails and other electronic messages requiring retention and which should be filed as permanent records either electronically or in hard copy, may include, but are not limited to:
 - * General correspondence and/or interoffice messages regarding management, financial, operating procedures or policy matters;
 - * Messages regarding District policy or the policy process;
 - * Messages regarding vital public information (for example, critical environmental data and reports); and

* Messages that otherwise are necessary to conduct the District's business.

3. **Retention Schedule.** Please note that emails or other electronic messages retained in electronic folders or in hard copy may be public records and should follow the District's retention schedule in terms of how long any such public records must be kept pursuant to legal requirements. It is the responsibility of each District official, employee, and consultant to determine if an email or other electronic message should be made an official public record and/or if it is covered within the scope of the District's records retention schedule regardless of whether the email or electronic message is sent, received, or stored using a District email system or technology resource, or a personal email account or technology resource. Emails and other electronic messages that are public records will be retained for as specified in the District's retention schedule, whichever is longer. It is important to organize these records chronologically to easily determine which records have reached their legal retention and should be destroyed. When in doubt as to if an email or other electronic message should be made an official public record and retained, each user should consult his/her supervisor, or in the case of elected or appointed officials, the District Manager and/or the District Counsel. Each individual should consult the District's retention schedule for the appropriate legal retention requirements for categories of District records. Upon termination of an individual's status as an official, employee, or consultant of the District, each individual shall transmit to the District any District records sent, received, or stored within a personal email account or personal technology resource.

4. **Litigation Holds and Pending Public Records Requests.**

- Notwithstanding any other provision of this Policy, no District official, employee, or consultant shall knowingly destroy emails or other electronic messages that may be subject to a litigation hold letter issued by the District Counsel's Office. A litigation hold places a freeze on the authorized destruction of a particular record or type of record due to a reasonably anticipated or ongoing claim, a pending regulatory or governmental investigation, a pending subpoena, or any litigation proceedings.
- No District official, employee, or consultant should knowingly delete any email message or other electronic message that may be responsive to a pending Public Records Act request that the District has received.
- Destruction of emails and other electronic messages under this section may resume after notice is provided by the District Counsel.

5. **Management of Email and Other Technology Resources.** District officials, employees, and consultants who utilize the District email system or other District technology resource, or who use personal technology resources, are solely responsible for the management of their electronic mailboxes and other technology resource accounts. All technology resource users must periodically review email and other electronic messages to determine when specific emails or other electronic messages are needed for District business, and take appropriate action to store necessary emails and other electronic messages in a separate

email folder or network location, or printed out and filed in an appropriate subject file to ensure the content of the email or electronic message is preserved. Such stored emails or other electronic messages constitute public records unless otherwise exempt under the Public Records Act. All District officials, employees, and consultants who use personal email accounts and other personal technology resources for District business must manage such accounts and resources to be consistent with this Policy.

6. Non-District Record Materials. Email messages or other electronic messages that do not meet the District's public record criteria should be deleted on a regular basis. These types of messages may include but are not limited to:

- Personal correspondence (e.g., "Let's do lunch," "Can I have a ride home?"); calendar confirmations; voice mails; other incidental communication.
- Transient communications that serve to convey information of temporary importance in lieu of oral communication.
- Unsolicited promotional materials.
- Information and/or reference items (e.g., something the receiver already knows and does not need to save, or can be printed out and it is not needed as a support file as part of a District project).

Questionable emails should be retained or referred to a supervisor or the District Manager or District Counsel for determination.

7. District Technical Limitations and Requirements.

- All emails in "Deleted Items" or "Trash" folders in District user accounts that are older than 30 days will be deleted AUTOMATICALLY from the District's email system on a daily basis. The District may retain an email past its minimum retention period for operational purposes where it determines the email meets an administrative or fiscal need.
- Electronic mail is not backed-up on a permanent basis. The District stores electronic mail only to the degree that allows the District to restore current electronic mail in the event of a systems failure.

8. District Right of Access. The District may access any messages in the District's email system or other District technology resources at any time regardless of content. Access may occur for reasons of, but not be limited to, random review, situations indicating impropriety, violation of District policy, legal requirements, suspected criminal activities, breach of electronic mail security or other security, locating substantive information that is not more readily available by some other means, or for the performance of routine maintenance.

9. Disclosure. The contents of electronic mail or other technology resources may be disclosed

within or outside of the District without the permission or knowledge of the official, employee, or consultant.

10. **Use of Private Email Accounts.** District officials, employees, and consultants are discouraged from using his/her private email account or server to conduct District business. All electronic files on personal technology devices pertaining to District business may be subject to public disclosure under the Public Records Act, cooperation with law enforcement, or litigation. All District business-related emails received or sent by District employees or elected or appointed District officials in or from their private email accounts or servers should be forwarded to the individual's District email address. The District's email address should not be used in the "From" field when a District employee, elected or appointed official of the District, or District consultant is sending email from a private email account.

11. **Responding to Public Records Requests.** In the case of a Public Records Act request or subpoena for emails or other electronic messages that may be in the District email account, District technology resources, personal email account, or other personal technology resource of a District official, employee, or consultant, the District Secretary or his or her designee will request, in writing, that the user search that user's District email account, District technology resources, and any applicable personal email accounts, devices, and other technology resources, for any responsive District records. The District Secretary will request that the user turn over all District records that might be responsive for review by the District Secretary and, as applicable, by the District Counsel. In transmitting the request for records, the District Secretary will identify the search terms that the District employee, official, or consultant will use in conducting a search for District records based on the Public Records Act request or subpoena. Upon request of the District Secretary, and in full compliance with the Public Records Act, each official, employee, and consultant is required to turn over all potentially responsive communications and other District records in his/her possession, in any personal email account, on any other personal technology resource generated, or obtained during his/her term(s) of service, employment, or performance of contract with the District. Any determination regarding privilege or exemption, as well as the final determination of responsiveness, shall be made by the District Secretary and/or District Counsel.

By signing the Acknowledgment attached hereto as Exhibit "A," each District official, employee, and consultant agrees and understands his/her obligation to comply with this provision.

CONFIDENTIALITY

1. While the District's electronic mail system and other technology resources may provide for the sending of material referred to as PRIVATE, users must be aware that such communications are accessible to certain employees of the District who have the responsibility to monitor and control the computer programs of the District. As with all computer systems, there is also the possibility of unauthorized access by people for whom the communication was not intended. Therefore, use of this capability must be exercised

with appropriate caution.

2. It is a violation of this Policy, and an abuse of authority, for any District official, employee, or consultant, including system administrators, supervisors, or programmers, to use the District's email, computers or other technology resources for purposes of satisfying idle curiosity about the affairs of others, with no substantial business purpose for obtaining access to the files or communications of others. Officials, employees, or consultants found to have engaged in such "snooping" or other prohibited actions may be subject to discipline and/or other sanction consistent with District policies and procedures. In addition to any other sanction imposed, the District may restrict or remove an official's, employee's, or consultant's access to the District email system or other technology resource upon determination of violation of this Policy.

TRAINING

Training on the District's email system and other technology resources will be administered by the Assistant General Manager. Officials, employees and consultants should contact Assistant General Manager or their point of contact person if they have any questions.

PROHIBITED USES OF DISTRICT EMAIL AND OTHER TECHNOLOGY RESOURCES

The following uses of the District's email system and other technology resources are not District-related business and are prohibited. A determination by the District that a District official, employee, or consultant has engaged in any prohibited conduct listed below may subject that individual to disciplinary action or other sanction, including but not limited to, termination; restriction on his/her use or access to the District's technology resources, or such other remedies as may be authorized by District policies and procedures or applicable law.

1. Any use for or in connection with the establishment or conduct of outside employment, private, profit-making activity such as "for sale" notices and wanted ads or other, or for other personal or pecuniary gain or solicitation.
2. Support or opposition to, or fundraising for campaigns, for candidates running for elected office or for ballot measures.
3. Messages of a religious nature or promoting or opposing of religious beliefs.
4. Transmitting pictures, information, comments or other text that is insulting, offensive, disrespectful, discriminatory, demeaning, defamatory, pornographic, sexually suggestive, or sexually explicit.
5. Violates the District's policies against discrimination, harassment or retaliation based on sex or gender, pregnancy, childbirth (or related medical conditions), race, color, religion, national origin, ethnicity, ancestry, age, physical disability, mental disability, medical condition, marital status, sexual orientation, family care or medical leave status, military status, veteran status, or any other status protected by state and federal laws.

6. Threats of violence or abusive conduct, sexual or ethnic slurs, obscenities, or any representation of obscenities.
7. Libel, slander, or defamation.
8. The purchase of applications, programs or other items from the internet, through the use of a District email account or other technology resource, unless permission is granted by the District Manager.
9. Personal access to any type of social media, including but not limited to Facebook, Snapchat, Twitter, chat rooms, blogs, etc., except for District-run Web pages and blogs.
10. Use of software not required for District business or other official activities, use of software for games, or any other entertainment software.
11. Attempting to circumvent security and data protection policies.
12. Any violation of any District ordinance, resolution, policy, or procedure or any other action contrary to the best interests of the District.
13. Any use related to promoting, planning or participating in personal activities, hobbies, or private events.
14. Any unlawful or illegal purpose.
15. For broadcast purposes District-wide, without the District Manager's approval.

Violations of this Policy shall be reviewed on a case-by-case basis. Violation of this Policy may result in loss of or restriction of a user's privileges to the District's technology systems at any time without prior notice. In addition, a District email user who violates this Policy may be subject to disciplinary or legal action up to and including termination from employment and/or criminal or civil penalties or other legal action.

ACKNOWLEDGMENT OF RECEIPT

Each District official, employee, and consultant shall, prior to commencement of work or services, shall sign an Acknowledgment of Receipt of this Policy, as set forth in Exhibit "A", attached to this Policy. However, this Policy applies to all District officials, employees, and consultants regardless of whether he or she has signed an Acknowledgment of Receipt of this Policy, as set forth in Exhibit "A" or otherwise.

EXHIBIT "A"

**ACKNOWLEDGEMENT OF RECEIPT FORM REGARDING THE NIPOMO
COMMUNITY SERVICES DISTRICT'S DISTRICT POLICY ON USE OF EMAIL AND
OTHER TECHNOLOGY RESOURCES**

I, _____, certify:

1. I have received and read a copy of the Email and Other Technology Resources Policy of the Nipomo Community Services District ("District"). I acknowledge and understand the terms of this Policy and agree to abide by them at all times.
2. I understand that violation of this Policy may result in result in loss of or restriction upon my privilege to use District email or other technology resources at any time without prior notice.
3. I further understand that my violation of this Policy may subject me to disciplinary or legal action up to and including termination from employment and/or criminal or civil penalties or other legal action.
4. If employee, check box: I further acknowledge that this document will be placed in my personnel file.

Dated _____

By: _____
(Signature)

Print Name: _____

Title: _____

July 26, 2017

ITEM E-3

ATTACHMENT B

NIPOMO COMMUNITY SERVICES DISTRICT

ELECTRONIC MAIL / INTERNET USE POLICY ON THE USE OF EMAIL AND GUIDELINES OTHER TECHNOLOGY RESOURCES

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: This Policy governs the appropriate use and retention of electronic mail ("email") and other technology resources for written communications used in carrying out Nipomo Community Services District ("District") functions, activities, and other business, and the retention of emails and other electronic communications that are made public records. The District Board of Directors ("Board of Directors") affirms the public's right to access public records maintained by the District and the right to set forth the procedures by which such District records will be made available to the public. The Board of Directors is mindful of the constitutional right of privacy afforded to individuals and it is the intent of the Board of Directors to promulgate a process that strikes an appropriate balance between the objectives of open government, the individual's right of privacy, and the District's legitimate interest in maintaining the confidentiality of certain public records.

APPLICABILITY:

This Policy applies to all District employees, elected and appointed District officials, and District consultants and other non-employees utilizing email and other technology resources for the purpose of conducting District business, regardless of the user's location when accessing the email system, network, or other technology resource.

DEFINITIONS:

"District records" includes include any writing containing information relating to the conduct of the public's business that is prepared, owned, used, or retained by the District, regardless of the physical form and characteristics. "District records" also includes any recorded and retained communications regarding official District business sent or received by any elected or appointed District official, employee, or consultant, via a personal email system or other personal technology resource of a District official, employee, consultant or third party or other personal technology resource not owned by the District or connected to a District computer network. The records do not have to be written but may be in another format that contains information such as computer tape or disc, video or audio recording, or

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email or text message. For the purposes of this definition, "District" shall mean any entity controlled by the Board of Directors.

"Personal email account" includes all email accounts, systems, servers, or services that are not maintained or controlled by the District, including but not limited to any such account maintained or controlled by a business, consultant, individual, or other agency or public entity.

"Technology resources" includes all electronic media and storage devices, software, and means of electronic communication including any of the following: personal computers and workstations; laptop computers; mini and mainframe computers; tablets; computer hardware such as disk drives, tape drives, external hard drives and flash/thumb drives; peripheral equipment such as printers, modems, fax machines, and copiers; computer software applications and associated files and data, including software that grants access to external services, such as the Internet or cloud storage accounts; electronic mail (or email); telephones; mobile phones; smart phones; personal organizers and other handheld devices; pagers; voicemail systems; and instant messaging systems. "Technology resources" is also intended to broadly include new or emerging devices, technology, software and means of communications that may be developed or implemented in the future.

"Writing" includes any handwriting, typewriting, printing, photostating, photocopying, photographing, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing any form of communication or representation including letters, words, pictures, sounds, or symbols, or combinations thereof, as well as all papers, maps, magnetic or paper tapes, photographic films and prints, and text messages, and as otherwise defined in the California Public Records Act, Cal. Gov. Code Section 6250 et seq., as amended from time to time.

POLICY:

1. Emails and other electronic communications on District accounts, services, servers and other District technology resources are intended for District-related business purposes only. All electronic communications and other writings regarding District business are the property of the District, just as are hard copies of District records. The District reserves the right to retrieve and make proper and lawful use and/or disclosure of any and all communications transmitted through the District's email system or any other District technology resource.

Use of

~~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.~~

2. personal email systems, accounts, services, or servers to conduct District business is discouraged. If any District records are sent, received, or maintained on personal email systems, accounts, services, servers and other personal technology resources,

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they are the property of the District, just as are hard copies of District records. The District reserves the right to retrieve and make proper and lawful use and/or disclosure of any and all District records that are transmitted or maintained through the user's personal email system or any other personal technology resource.

3. The District respects the individual privacy of its officials, employees, and consultants. However, an employee cannot expect the privacy rights of a District official, employee or consultant do not extend to (a) work-related conduct or the use of District-owned equipment or supplies. Consequently, E-mail users shall communications, (b) the use of District-owned equipment, accounts, or services, including District email systems and other technology resources, or (c) emails and other District records relating to District business transmitted or maintained using personal email systems or other personal technology resources.

- District officials, employees, and consultants have no reasonable expectation of privacy in communications sent transmitted over the E-mail District's email network as E-mail or other District technology resources. Such communications are not confidential. For purposes of this policy, E-mail shall also include all messages transmitted on the Internet, notwithstanding any password and/or login credentials.

APPLICATION

The policy and guidelines shall apply to all District elected officials, appointed officials, employees, and consultants and other non-employees utilizing electronic communications with the should not receive, send, or store, District (hereinafter "E-mail users").

GUIDELINES

2. The System and the contents thereof are the sole property of the District and therefore not considered records on a personal. Communications sent over the System may email account. Any such communications would be public records subject to disclosure under the Public Records Act or litigation, and may also be subject to record retention requirements under state or federal law.
- Communications District records, even when stored on a home or personal email device or other personal technology resource, may also be recovered and discoverable in litigation.

REQUIREMENTS

These requirements apply to all District technology resources, and to all personal technology resources used for District business, except as otherwise expressly stated.

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~~3.1. District Technology Resources Limited to District Business. All messages transmitted over the System are restricted to business District's email system or any other District technology resource should be limited to those which involve District functions, activities of the District, or communications other business, or that contain information related to essential to its officials, employees, and consultants for the accomplishment of District business, administration or practices-related tasks.~~

~~4. Generally E-mail messages are restricted to transitory communications which are not required or intended to be kept for future reference.~~

~~5. 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 printed out and the hard copy filed in the appropriate subject file.~~

~~2. 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.~~
Transitory Nature of Email and Other Electronic Messages. Email messages and other electronic messages relating to District business are temporary communications that shall not be retained, either electronically or in hard copy, unless retention is required by law or where retention of a particular message would serve a useful purpose for the District. Emails and other electronic messages do not become public records under the Public Records Act when they are intended for a temporary purpose and are discarded after that purpose is achieved unless they are subject to a litigation hold letter from the District Counsel's Office or a pending request made pursuant to the Public Records Act. Care should be taken that no emails or other electronic messages are retained for longer than the temporary period specified in this Policy unless they are meant to be official records. Emails and other electronic messages intended to be permanent records should be filed as such, and kept under the District's records retention policy, either electronically or in hard copy, to signify the permanent or long-term status of the record. However, temporary communications, drafts, and intra-agency notes and memoranda are not public records.

• Emails and other electronic messages requiring retention and which should be filed as permanent records either electronically or in hard copy, may include, but are not limited to:

* General correspondence and/or interoffice messages regarding management, financial, operating procedures or policy matters;

* Messages regarding District policy or the policy process;

* Messages regarding vital public information (for example, critical environmental data and reports); and

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* Messages that otherwise are necessary to conduct the District's business.

3. **Retention Schedule.** Please note that emails or other electronic messages retained in electronic folders or in hard copy may be public records and should follow the District's retention schedule in terms of how long any such public records must be kept pursuant to legal requirements. It is the responsibility of each District official, employee, and consultant to determine if an email or other electronic message should be made an official public record and/or if it is covered within the scope of the District's records retention schedule regardless of whether the email or electronic message is sent, received, or stored using a District email system or technology resource, or a personal email account or technology resource. Emails and other electronic messages that are public records will be retained for as specified in the District's retention schedule, whichever is longer. It is important to organize these records chronologically to easily determine which records have reached their legal retention and should be destroyed. When in doubt as to if an email or other electronic message should be made an official public record and retained, each user should consult his/her supervisor, or in the case of elected or appointed officials, the District Manager and/or the District Counsel. Each individual should consult the District's retention schedule for the appropriate legal retention requirements for categories of District records. Upon termination of an individual's status as an official, employee, or consultant of the District, each individual shall transmit to the District any District records sent, received, or stored within a personal email account or personal technology resource.

4. **Litigation Holds and Pending Public Records Requests.**

- Notwithstanding any other provision of this Policy, no District official, employee, or consultant shall knowingly destroy emails or other electronic messages that may be subject to a litigation hold letter issued by the District Counsel's Office. A litigation hold places a freeze on the authorized destruction of a particular record or type of record due to a reasonably anticipated or ongoing claim, a pending regulatory or governmental investigation, a pending subpoena, or any litigation proceedings.
- No District official, employee, or consultant should knowingly delete any email message or other electronic message that may be responsive to a pending Public Records Act request that the District has received.
- Destruction of emails and other electronic messages under this section may resume after notice is provided by the District Counsel.

5. **Management of Email and Other Technology Resources.** District officials, employees, and consultants who utilize the District email system or other District technology resource, or who use personal technology resources, are solely responsible for the management of their electronic mailboxes and other technology resource accounts. All technology resource users must periodically review email and other

electronic messages to determine when specific emails or other electronic messages are needed for District business, and take appropriate action to store necessary emails and other electronic messages in a separate email folder or network location, or printed out and filed in an appropriate subject file to ensure the content of the email or electronic message is preserved. Such stored emails or other electronic messages constitute public records unless otherwise exempt under the Public Records Act. All District officials, employees, and consultants who use personal email accounts and other personal technology resources for District business must manage such accounts and resources to be consistent with this Policy.

6. Non-District Record Materials. Email messages or other electronic messages that do not meet the District's public record criteria should be deleted on a regular basis. These types of messages may include but are not limited to:

- Personal correspondence (e.g., "Let's do lunch," "Can I have a ride home?"); calendar confirmations; voice mails; other incidental communication.
- Transient communications that serve to convey information of temporary importance in lieu of oral communication.
- Unsolicited promotional materials.
- Information and/or reference items (e.g., something the receiver already knows and does not need to save, or can be printed out and it is not needed as a support file as part of a District project).

Questionable emails should be retained or referred to a supervisor or the District Manager or District Counsel for determination.

7. District Technical Limitations and Requirements.

- All emails in "Deleted Items" or "Trash" folders in District user accounts that are older than 30 days will be deleted AUTOMATICALLY from the District's email system on a daily basis. The District may retain an email past its minimum retention period for operational purposes where it determines the email meets an administrative or fiscal need.
- Electronic mail is not backed-up on a permanent basis. The District stores electronic mail only to the degree that allows the District to restore current electronic mail in the event of a systems failure.

8. District Right of Access. The District may access any messages in the District's email system or other District technology resources at any time regardless of content. Access may occur for reasons of, but not be limited to, random review, situations indicating impropriety, violation of District policy, legal requirements, suspected criminal activities, breach of electronic mail security or other security, locating substantive

information that is not more readily available by some other means, or for the performance of routine maintenance.

9. **Disclosure.** The contents of electronic mail or other technology resources may be disclosed within or outside of the District without the permission or knowledge of the official, employee, or consultant.

10. **Use of Private Email Accounts.** District officials, employees, and consultants are discouraged from using his/her private email account or server to conduct District business. All electronic files on personal technology devices pertaining to District business may be subject to public disclosure under the Public Records Act, cooperation with law enforcement, or litigation. All District business-related emails received or sent by District employees or elected or appointed District officials in or from their private email accounts or servers should be forwarded to the individual's District email address. The District's email address should not be used in the "From" field when a District employee, elected or appointed official of the District, or District consultant is sending email from a private email account.

11. **Responding to Public Records Requests.** In the case of a Public Records Act request or subpoena for emails or other electronic messages that may be in the District email account, District technology resources, personal email account, or other personal technology resource of a District official, employee, or consultant, the District Secretary or his or her designee will request, in writing, that the user search that user's District email account, District technology resources, and any applicable personal email accounts, devices, and other technology resources, for any responsive District records. The District Secretary will request that the user turn over all District records that might be responsive for review by the District Secretary and, as applicable, by the District Counsel. In transmitting the request for records, the District Secretary will identify the search terms that the District employee, official, or consultant will use in conducting a search for District records based on the Public Records Act request or subpoena. Upon request of the District Secretary, and in full compliance with the Public Records Act, each official, employee, and consultant is required to turn over all potentially responsive communications and other District records in his/her possession, in any personal email account, on any other personal technology resource generated, or obtained during his/her term(s) of service, employment, or performance of contract with the District. Any determination regarding privilege or exemption, as well as the final determination of responsiveness, shall be made by the District Secretary and/or District Counsel.

By signing the Acknowledgment attached hereto as Exhibit "A," each District official, employee, and consultant agrees and understands his/her obligation to comply with this provision.

CONFIDENTIALITY

1. While the District's electronic mail system and other technology resources may provide for the sending of material referred to as PRIVATE, users must be aware that such communications are accessible to certain employees of the District who have the

responsibility to monitor and control the computer programs of the District. As with all computer systems, there is also the possibility of unauthorized access by people for whom the communication was not intended. Therefore, use of this capability must be exercised with appropriate caution.

2. It is a violation of this Policy, and an abuse of authority, for any District official, employee, or consultant, including system administrators, supervisors, or programmers, to use the District's email, computers or other technology resources for purposes of satisfying idle curiosity about the affairs of others, with no substantial business purpose for obtaining access to the files or communications of others. Officials, employees, or consultants found to have engaged in such "snooping" or other prohibited actions may be subject to discipline and/or other sanction consistent with District policies and procedures. In addition to any other sanction imposed, the District may restrict or remove an official's, employee's, or consultant's access to the District email system or other technology resource upon determination of violation of this Policy.

TRAINING

Training on the District's email system and other technology resources will be administered by the Assistant General Manager. Officials, employees and consultants should contact Assistant General Manager or their point of contact person if they have any questions.

PROHIBITED USES OF DISTRICT EMAIL AND OTHER TECHNOLOGY RESOURCES

The following uses of the District's email system and other technology resources are not District-related business and are prohibited. A determination by the District that a District official, employee, or consultant has engaged in any prohibited conduct listed below may subject that individual to disciplinary action or other sanction, including but not limited to, termination; restriction on his/her use or access to the District's technology resources, or such other remedies as may be authorized by District policies and procedures or applicable law.

1. Any use for or in connection with the establishment or conduct of outside employment, private, profit-making activity such as "for sale" notices and wanted ads or other, or for other personal or pecuniary gain or solicitation.
2. Support or opposition to, or fundraising for campaigns, for candidates running for elected office or for ballot measures.
3. Messages of a religious nature or promoting or opposing of religious beliefs.
- 6.4. Transmitting pictures, information, comments or other text that is insulting, offensive, disrespectful,
4. Use of the System for transmitting any information that is discriminatory, harassing, demeaning, defamatory, pornographic, sexually suggestive, or obscene, including but not limited to, comments sexually explicit.

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~~7.5. Violates the District's policies against discrimination, harassment or retaliation based on sex or gender, pregnancy, childbirth (or related medical conditions), race, color, religion, national origin, gender, ethnicity, ancestry, age, physical disability, mental disability, medical condition, marital status, sexual orientation, age, disability, religion, or political beliefs, is strictly prohibited. family care or medical leave status, military status, veteran status, or any other status protected by state and federal laws.~~

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~~8. 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.~~

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~~9. 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.~~

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~~6. E-mail messages transmitted to or Threats of violence or abusive conduct, sexual or ethnic slurs, obscenities, or any representation of obscenities.~~

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~~7. Libel, slander, or defamation.~~

~~8. The purchase of applications, programs or other items from the internet, through the use of a District Legal Counsel email account or other technology resource, unless permission is granted by the District Manager.~~

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~~9. Personal access to any type of social media, including but not limited to Facebook, Snapchat, Twitter, chat rooms, blogs, etc., except for District-run Web pages and/ blogs.~~

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~~10. Use of software not required for District business or his/her employees other official activities, use of software for games, or any other entertainment software.~~

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~~11. Attempting to circumvent security and agents are considered data protection policies.~~

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~~12. Any violation of any District ordinance, resolution, policy, or procedure or any other action contrary to the best interests of the District.~~

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~~13. Any use related to promoting, planning or participating in personal activities, hobbies, or private events.~~

~~14. Any unlawful or illegal purpose.~~

~~15. For broadcast purposes District-wide, without the District Manager's approval.~~

~~40. Violations of this Policy shall be confidential work product communications and reviewed on a case-by-case basis. Violation of this Policy may result in loss of or~~

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restriction of a user's privileges to the District's technology systems at any time without prior notice. In addition, a District email user who violates this Policy may be subject to the attorney/client privilege.

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11. 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.
12. 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 or legal action up to and including termination of employment, and/or criminal prosecution or civil penalties or other legal action.

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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.

Be cautious when using sarcasm and humor. Without face to face communication, humor may be viewed as criticism. By the same token, also carefully

ACKNOWLEDGMENT OF RECEIPT

Each District official, employee, and consultant shall, prior to commencement of work or services, sign an Acknowledgment of Receipt of this Policy, as set forth in Exhibit "A", attached to this Policy. However, this Policy applies to all District officials, employees, and consultants regardless of whether he or she has signed an Acknowledgment of Receipt of this Policy, as set forth in Exhibit "A" or otherwise.

EXHIBIT "A"

ACKNOWLEDGEMENT OF RECEIPT FORM REGARDING THE NIPOMO
COMMUNITY SERVICES DISTRICT'S DISTRICT POLICY ON USE OF EMAIL
AND OTHER TECHNOLOGY RESOURCES

I, _____, certify:

~~5. I have received and 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 Email and Other Technology Resources Policy of the Nipomo Community Service District Electronic Mail/Internet Use Policy & Guidelines and the Employee Guidelines for E-Mail Etiquette and Use. I also Services District ("District"). I acknowledge and understand that any questions concerning the policy may be addressed to the General Manager the terms of this Policy and agree to abide by them at all times.

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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, 2. I understand that violation of this Electronic Mail Policy may result in result in loss of or restriction upon my privilege to use District email or other technology resources at any time without prior notice.

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3. I further understand that my violation of this Policy may result in subject me to disciplinary or legal action, up to and including dismissal-termination from employment and/or criminal or civil penalties or other legal action.

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Name (print): _____

4. If employee, check box: I further acknowledge that this document will be placed in my personnel file.

Dated _____ By: _____
(Signature: _____)

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July 26, 2017

ITEM E-3

ATTACHMENT C

**NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2017-XXXX**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING POLICY ON THE USE OF
EMAIL AND OTHER TECHNOLOGY RESOURCES**

WHEREAS, in 1999, the Board of Directors ("Board") of the Nipomo Community Services District ("District") previously adopted an Electronic Mail / Internet Use Policy and Guidelines through Resolution 1999-713; and

WHEREAS, in 2014, the Board approved, through Resolution 2014-1344, the District's Employee Handbook, which contains certain provisions concerning use of District email and technology resources; and

WHEREAS, following the California Supreme Court's decision in *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608, the Board determined to revise its policies concerning the use of email and other technology resources to conduct District business; and

WHEREAS, the Board desires to establish a new Policy on the Use of Email and Other Technology Resources, as set forth herein.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE BOARD OF DIRECTORS OF THE NIPOMO COMMUNITY SERVICES DISTRICT AS FOLLOWS:

Section 1. The Board finds that the Recitals set forth above are true, correct, and incorporated herein by reference.

Section 2. The Board hereby adopts the Policy on the Use of Email and Other Technology Resources attached hereto and incorporated herein by reference as Exhibit A.

Section 3. The Board hereby rescinds and replaces Resolution 1999-713 in its entirety.

Section 4. To the extent that any provisions contained herein or contained in the Policy on the Use of Email and Other Technology Resources attached hereto as Exhibit A conflict with any of the provisions contained in Resolution 2014-1344 or in the Employee Handbook, including but not limited to Section 4020.C thereof, the provisions of this Resolution and Exhibit A hereto shall prevail. This Resolution shall not otherwise affect the validity or construction of Resolution 2014-1344 or the Employee Handbook, which shall remain in full force and effect.

Section 5. If any section, subsection, sentence, clause or phrase of this Resolution or the attached Exhibit A is for any reason held to be unconstitutional, ineffective, invalid, or in any manner in conflict with the laws of the United States or of the State of California, such decision shall not affect the validity of the remaining portions

NIPOMO COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2017-_____

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
NIPOMO COMMUNITY SERVICES DISTRICT
ADOPTING POLICY ON THE USE OF
EMAIL AND OTHER TECHNOLOGY RESOURCES

of this Resolution and attached Exhibit A. The Board hereby declares that it would have adopted this Resolution and the attached Exhibit A, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases is declared unconstitutional, ineffective, invalid, or in any manner in conflict with the laws of the United States or of the State of California.

Section 6. This Resolution shall take effect immediately.

On the motion Director _____, seconded by Director _____ and on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

the foregoing resolution is hereby adopted this 26th day of July, 2017.

DAN GADDIS
President of the Board

ATTEST:

APPROVED AS TO FORM AND
LEGAL EFFECT:

MARIO IGLESIAS
General Manager and Secretary to the Board

WHITNEY G. McDONALD
District Legal Counsel

July 26, 2017

ITEM E-3

ATTACHMENT D

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.

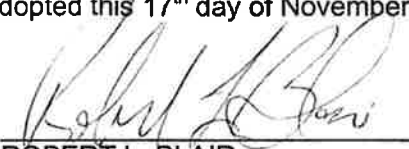
NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of Directors of the Nipomo Community Services District as follows:

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.

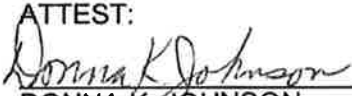
Upon motion of Director Kaye, seconded by Director Mobraaten on the following roll call vote, to wit:

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

YUPOMO COMMUNITY SERVICES DISTRICT

**RESOLUTION 99-713
ESTABLISHING ELECTRONIC MAIL/ INTERNET USE
POLICY AND GUIDELINES**

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.

...POMO COMMUNITY SERVICES DISTRICT

**RESOLUTION 99-713
ESTABLISHING ELECTRONIC MAIL/ INTERNET USE
POLICY AND GUIDELINES**

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.

NIPOMO COMMUNITY SERVICES DISTRICT

**RESOLUTION 99-713
ESTABLISHING ELECTRONIC MAIL/ INTERNET USE
POLICY AND GUIDELINES**

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

July 26, 2017

ITEM E-3

ATTACHMENT E

**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

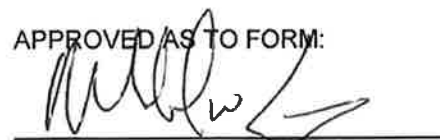
The foregoing resolution is hereby adopted this 28th day of May 2014.


CRAIG ARMSTRONG
President, Board of Directors

ATTEST:


MICHAEL S. LEBRUN
Secretary to the Board

APPROVED AS TO FORM:


MICHAEL W. SEITZ
District Legal Counsel