

**ORDINANCE NO. 40-19**

**AN ORDINANCE ADOPTING AN UPDATED CITY OWNED ELECTRONIC DEVICE POLICY FOR THE CITY OF MEDINA.**

**WHEREAS:** Ordinance 105-13, passed June 24, 2013 adopted a City Owned Electronic Device Policy for the City of Medina; and

**WHEREAS:** A request to amend this Ordinance by adding Sections 4.2 and 4.3 was received pertaining to text message and social media retention.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:**

**SEC. 1:** That the updated City Owned Electronic Device Policy for the City of Medina is hereby adopted.

**SEC. 2:** That all previous ordinances pertaining to electronic device policies are hereby repealed.

**SEC. 3:** That a copy of the updated Policy with the addition of Sections 4.2 and 4.3 is marked Exhibit A, attached hereto and incorporated herein.

**SEC. 4:** That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

**SEC. 5:** That this Ordinance shall be in full force and effect at the earliest period allowed by law.

**PASSED:** March 11, 2019

**SIGNED:** John M. Coyne, III  
President of Council

**ATTEST:** Kathy Patton  
Clerk of Council

**APPROVED:** March 12, 2019

**SIGNED:** Dennis Hanwell  
Mayor

**CITY OF MEDINA**  
**CITY OWNED ELECTRONIC DEVICE POLICY**

**SECTION 1: POLICY**

The City of Medina ("the City") provides electronic devices which shall include but is not limited to iPads and cell phones to assist you in performing your work more efficiently, and thereby, improving our service to the public. This policy is designed to address what are, and are not, appropriate uses for these important business tools.

The explicit privileges and restrictions set forth below cannot possibly cover every situation that may arise in connection with the use of this new form of electronic communication. More important than any explicit statement made below is our City Owned Electronic Device, Internet and E-mail usage philosophy, which you are expected to understand and respect. This philosophy governs all of your on-line activities, and you are expected to act in accordance with it at all times.

First and foremost, electronic devices, Internet, and E-mail access are provided to you as tools for conducting City business. That means you are expected to use your access primarily for business-related purposes, i.e., to research relevant topics, obtain useful information for City-related business, and conduct business communications as appropriate. All of the City's computer systems, including electronic devices, are considered to be public property. All documents, files, and E-mail messages are considered public records, are subject to the Ohio Public Records Law, and are considered the property of the City of Medina, and may be subject to review without notice by City officials.

The City insists that you conduct yourself honestly and appropriately with electronic devices and on the Internet and in the use of E-mail, and respect the copyrights, software license provisions, property rights, privacy and prerogatives of others, just as you would in any other business dealings. All existing City policies continue to apply to your conduct on the Internet and in the use of E-mail, including but not limited to those that deal with misuse of City resources, sexual harassment, information and data security, and confidentiality.

Second, you must be aware at all times that your electronic device, Internet, and E-mail activities will be traceable to the City of Medina and will impact the reputation of the City. You must refrain from making any false or defamatory statements in any Internet forum or from committing any other acts which could expose the City to liability. Inherent in the City's Internet and E-mail access is the power to monitor the activities of every employee.

The City's electronic device hardware and direct connection to the Internet and extension of E-mail privileges offer many benefits and can enhance the productivity of City employees in all areas. At the same time, they open the door to risks to the City's data and systems if appropriate security measures are not maintained. You shall not download files from sources which you have any reason to believe may be untrustworthy nor shall you open and read files attached to E-mail transmissions unless you have knowledge that they originate from a trustworthy source. Downloaded files and attachments may contain viruses or hostile applications that could damage the City's systems. You will be held accountable for any breaches of security caused by files obtained for non-business purposes.

## **SECTION 2: DETAILED INTERNET POLICY PROVISIONS**

A. The City reserves the right to inspect any and all files stored on computers, iPads, or other electronic devices, which are the property of the City of Medina, in order to assure compliance with this policy. Employees and Council members have no personal privacy right in any matter created, received, stored in, or sent from any City computer system, or electronic device, which are the property of the City of Medina, in order to assure compliance with this policy.

B. The City's computer systems and electronic devices are intended to be used for legitimate business reasons with the goal of improving our service to the public.

C. City employees must seek approval from a supervisor before downloading any software from the Internet to a City owned electronic device. For use of the iPad, Council members will need to use a personal credit card to set up an account with iTunes. Any software, E-mail messages, or files downloaded via the Internet into the City systems become the property of the City, and may only be used in ways that are consistent with licenses or copyrights. City Council members need not seek supervisor approval, but must follow the principals established by this policy.

D. E-mail and Internet communications are considered public records subject to disclosure to the public pursuant to the Ohio Public Record's Act. City employees must seek appropriate guidance from supervisors before using the Internet and E-mail. City employees shall be familiar with and comply with the record's retention policy applicable to E-mail as established by the City Record's Commission. City Council members need not seek supervisor guidance, but must follow the principals established by this policy.

E. No employee shall send any messages of an obscene, libelous, vulgar, or defamatory nature. Messages should not be written in a degrading or demeaning manner.

F. All communications and messages by City employees and City Council members shall not solicit support for or opposition to any partisan candidates, nor shall City employees and City Council members use their official capacity to attempt to influence, interfere with, or affect the results of any election unless doing so comports

with the employee's job duties. The City's electronic devices, Internet and E-mail shall not be used to organize, solicit funds for, or otherwise actively participate in a fundraising function for a partisan political party or candidate. Because the participation in political activities is a complicated and fluid area of the law, employees are strongly advised to consult formally with the City Law Department prior to communication on the Internet or E-mail which has a potential political impact.

G. No employee or City Council member may use the electronic device, Internet, or E-mail for operating a business for personal gain, sending chain letters, soliciting money for religious or political causes, or any other purpose that interferes with normal City business activities.

H. No employee or City Council member may use City electronic communications facilities to deliberately propagate any virus or other hostile computer program or file, to disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.

I. Each Employee or City Council member using City electronic communications facilities shall identify himself or herself honestly, accurately, and completely at all times.

J. No employee or City Council member shall grant anyone who is not an employee of the City access to City electronic communications facilities.

K. The provisions of this section shall not apply to members of the Police Department and City Prosecutor's department when engaged in legitimate law enforcement activities, which, due to their nature, may require Internet and E-mail communications which would otherwise violate the provisions of this policy.

L. The electronic device hardware shall be covered for loss, accidental damage, or theft pursuant to the City of Medina's insurance coverage.

### **SECTION 3: COMPLIANCE**

Employees of the City of Medina must comply with each and every provision of this electronic device, Internet, and E-mail policy. Any City employee who violates this policy is acting outside the course and scope of his or her employment with the City. Any employee who violates this policy shall be subject to disciplinary action up to and including, if deemed appropriate, termination of employment. Any City employee who is aware of the violation of this policy by another City of Medina employee shall immediately report the violation to his or her supervisor or the City Law Director. Any Council member who violates this policy may be subject to public censure by the Medina City Council, if deemed appropriate.

## **SECTION 4: NOTICE**

The City shall take all appropriate steps to inform all employees and all Council members of the City of Medina of the contents of this policy. Each department supervisor will distribute a copy of this policy to current and future employees who have contact with City computer systems. The Council Clerk shall provide a copy of this policy to Council members. Before being authorized to access and utilize City computer and iPad equipment for Internet and E-mail communication, a City employee and/or City Council member shall sign the City of Medina's Internet Access Agreement, a copy of which is attached hereto.

### **SECTION 4.1: IPAD AND CELL PHONE MANAGEMENT NOTICE**

All City owned electronic devices will be managed by City IT staff through a management software application. The purpose of this management is to be able to do any and all of the following in case of loss or theft: GPA locate the device, lock the device, erase the device, monitor installed applications, send a message to the device, remove undesirable imbedded functionality, and require the end user to use a password to lock the device when not in use. Employees are forbidden to remove this management application/software from their device and understand when powered on and connected to the Internet, the management of their device is possible.

### **SECTION 4.2: TEXT MESSAGE RETENTION**

For employees issued a City owned cellular phone, they shall use the City issued phone when text messaging City related business. The use of this phone is primarily for business purposes. Any and all text messages sent or received via the City issued phone will be stored and retained through the City's archiving vendor.

Any employee using a City issued iPhone is strictly prohibited from sending text messages using iMessage.

### **SECTION 4.3: SOCIAL MEDIA RETENTION**

All commentary and/or posts made in response to social media used by the City of Medina will be stored and retained by the City's archiving vendor.

## **SECTION 5: RETURN POLICY - IPADS**

Council members shall return their iPad to the Council Clerk when the individual Council member's term and service on the Medina City Council has ended. The iPad will be wiped clean of any and all information upon return of the iPad to the Council Clerk at the end of a Council member's term and service.

**SECTION 6: RETURN POLICY – CITY OWNED ELECTRONIC DEVICES**

At the end of service to the city all employees utilizing City owned electronic devices shall return them to their immediate supervisor. Devices will then be turned over to the City IT staff to be wiped of any and all information stored on the City owned electronic device.

**SECTION 6: CONCLUSION**

The City of Medina has provided electronic devices, Internet, and E-mail access to its employees and Council members for the purpose of performing work efficiently and effectively in the context of available communication technologies. While compliance with this detailed policy is mandatory, it should not impede your legitimate use of these facilities. The purpose of this policy is to ensure that all use is consistent with the law and with the ethical and business practices which the City follows.

**CITY OF MEDINA**  
**NETWORK AND INTERNET ACCESS AGREEMENT**  
**FOR CITY EMPLOYEES**

I, the undersigned City of Medina employee, have been provided a copy of the City Computer, Electronic Media and City Owned Electronic Device Policy and understand its contents fully. I accept and understand the terms of the policy and agree to abide by all terms contained in it. I will indemnify the City for any reasonable fees, expenses, or damages incurred as a result of my intentional or malicious misuse of the City's computers, electronic devices, and communication equipment. I understand that there are a number of potential circumstances where I could innocently or inadvertently cause damage to the City computer networks or systems for which I would not be held liable. I would expect that due process rights would be afforded to me should any charge of damage or misuse of the City computer systems be brought against me.

\_\_\_\_\_  
City Employee

\_\_\_\_\_  
Date

**CITY OF MEDINA**  
**NETWORK AND INTERNET ACCESS AGREEMENT**  
**FOR CITY COUNCIL MEMBERS**

I, the undersigned City of Medina Council member, have been provided a copy of the City Computer Electronic Media and City Owned Electronic Device Policy and understand its contents fully. I accept and understand terms of the policy and agree to abide by all terms contained in it. I will indemnify the City for any reasonable fees, expenses, or damages incurred as a result of my intentional or malicious misuse of the City's computers, iPads, and communication equipment. I understand that there are a number of potential circumstances where I could innocently or inadvertently cause damage to the City computer networks or systems for which I would not be held liable. I would expect that due process rights would be afforded to me should any charge of damage or misuse of the City computer systems be brought against me.

\_\_\_\_\_  
City Council Member

\_\_\_\_\_  
Date