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| <h1>POLICY MANUAL</h1> | Date Adopted: January 10, 2018 |
| Classification: BOARD OF DIRECTORS | Date Last Amended: |
| Subject: Electronic Tablet Device Use | Approved By: |

PURPOSE:

The District finds that the use of a tablet device will assist the Board Members and designated staff in the efficient performance of their duties, and, thereby, improve service to the public. Use of a tablet device will allow for electronic transmission of agenda materials to the Board Members and designated staff. This will result in costs savings with respect to printed materials and lessen the environmental impacts associated with the use and disposal of paper products. This Policy shall provide guidance regarding what are, and are not, appropriate uses for this important technology tool and its care and maintenance. This Policy also assists the Board Members and designated staff in insuring compliance with all applicable laws concerning hearings and deliberating procedures involving due process, and the provisions of the Brown Act and the Public Records Act.

This Policy does not attempt to cover every situation that may arise in connection with the use of this new form of electronic communication.

POLICY:

The District-issued tablet devices are tools for Board Members and designated staff to conduct District business, including any agencies and committees to which they are assigned. Thus,

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use of the tablet device will be solely for District-related purposes, i.e., to review electronic Board Agenda materials, research relevant topics, obtain useful information for Board-related business, and conduct business communications as appropriate. All of the District’s computer systems, including the tablet device, are considered to be public property. Subject to the narrow exceptions in the Public Records Act, all documents, electronic records, files, and email messages accessed on the District-issued tablet device and all usage reports are considered public records, are subject to the California Public Records Act, and are considered the property of the District. Each Board Member will have access to the Internet through this tablet device via a password protected District Wi-Fi connection, made available during Board Meetings and/or a home Wi-Fi connection or Wi-Fi hotspot. Board Members and designated staff shall return the tablet device to the District upon resignation, termination or expiration of term.

Security Precautions and Breaches: A Board Member and/or designated staff shall not download files from sources that he or she has any reason to believe may be untrustworthy nor shall he or she open and read files attached to email transmissions unless it is believed they originate from a trustworthy source. Downloaded files and attachments may contain viruses or hostile applications that could damage the District’s systems. Board Members and

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designated staff will be held accountable for breaches of security caused by files obtained for non-business purposes.

District Jurisdiction and Personal Privacy: The District reserves the right to inspect any and all files stored on computers, tablet devices, or other electronic devices that are the property of the District, in order to assure compliance with this Policy. Board Members and designated staff do not have any personal privacy right in any matter created, received, stored in, or sent from any District tablet device.

Software Downloads (App) Restrictions: The tablet devices will be equipped, and periodically updated by the District, with such applications and software as may be reasonably necessary and appropriate to perform and assist with other duties. Board Members and designated staff may not download additional applications and software unless prior approval has been granted by the District’s General Manager and the District’s IT Department. Any software, email messages, or files downloaded via the internet into the District systems become the property of the District, and may only be used in ways that are consistent with District policy and applicable licenses and copyrights.

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Conduct and Code of Ethics: Board Members shall not use District-issued tablet devices for operating a business for personal gain, sending chain letters, soliciting money for religious or political causes, or any other purpose prohibited by law or that interferes with normal District business activities. The District Code of Ethics and all existing District policies will continue to apply to Board Members and designated staff in their conduct on the Internet and in the use of email; including, but not limited to, those that deal with misuse of District resources, sexual harassment, information and data security, and confidentiality.

District Liability: Tablet devices, Internet, and email activities carried out in the performance of official duties will be traceable to the District and may impact the reputation of the District. Board Members and designated staff shall refrain from making any profane, discriminatory, or violent statements in any Internet forum or from committing any other acts that violate the law and could expose the District to liability.

Individual Notations and Confidentiality: Records regarding the use of the tablet device and electronic “notes” made by the Board Member or designate staff on agenda or related materials may be, but are not necessarily, exempt from disclosure under the Public Records Act pursuant to the “deliberative process” privilege. The deliberative process exception is

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intended to protect the process by which policy decisions are made. However, the Public Records Act requires consideration of a balancing test to determine whether the public interest in maintaining the confidentiality of the records outweighs the public interest in the disclosure of the information sought. As a result, there is no guarantee that Board Member notes and materials stored on tablet devices will be entirely exempt from disclosure. Also, in the court case of *“City of San Jose v Superior Court of Santa Clara County”* [March 2, 2017], the California Supreme Court ruled that emails and text messages, sent or received on private electronic devices or personal accounts used by public officials and their staffs, were subject to disclosure under the California Public Records Act. According to the Court, communications such as e-mails and text messages on private devices and accounts can qualify as public records if their contents relate to the conduct of public business.

Malicious Use: Board Members and designated staff shall not use District electronic communications equipment to deliberately promulgate 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.

District Electronic Communications and the California Brown Act: Board Members and

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designated staff shall not use any email, instant messaging or other communication program during any Board of Directors meeting, nor shall any Board Member or designated staff use the tablet device in any manner that constitutes a violation of the open meeting requirements of the Brown Act.

Damage and Loss Procedures: All District tablet devices shall be secured with a password. All lost or stolen and/or damaged tablet devices shall be promptly reported to the District (ideally within 24 hours).

Confidential Data: District Confidential Data, defined as personnel records, internal investigations, information relating to or potential litigation, attorney-client communication, or information relating to confidential real estate negotiations, shall continue to be printed in hardcopy format. When Board Members receive confidential information, it should be marked “Confidential Information” to alert recipients to the nature of the information. Additionally, should the situation arise, Board Members and designated staff shall exercise caution in sending confidential information by E-Communication as compared to written memorandum, letters or phone calls, because of the ease with which such information can lose confidentiality by inadvertent or intentional diversion or re-transmission by others. No

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Board Member shall make an electronic copy of any Confidential Data for storage on the District tablet device or any other electronic device or cloud.

Compliance with Policy: All users will sign a Tablet Device Agreement (in the form as shown in Attachment A) acknowledging receipt of the tablet device and agree to abide by the conditions as detailed in this Policy. The Board of Directors shall institute appropriate practices and procedures to assure compliance with this Policy.

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT
TABLET DEVICE AGREEMENT FOR
BOARD MEMBERS AND DESIGNATED STAFF MEMBERS

I, the undersigned Fresno Metropolitan Flood Control District Board Member or Designated Staff, have been provided a copy of the Fresno Metropolitan Flood Control District's Electronic Tablet Device Use Policy and understand its content fully. I accept and understand the terms of the Policy and agree to abide by all terms contained therein.

I will reimburse the Fresno Metropolitan Flood Control District for any reasonable fees, expenses or damages incurred as a result of my intentional or malicious misuse of the District's computers, tablet devices, or communication equipment.

Board Member or Designated Staff (Please Print Name)

Board Member or Designated Staff (Signature)

Date

ATTACHMENT A