LEGISLATIVE, FINANCE AND ADMINISTRATION COMMITTEE

The Legislative, Finance, and Administration Committee meeting was held on January 27, 2014, at 6:03 p.m. with Chairman Lynn presiding. Members present were Mr. Hare, Mr. Slavin, Mr. Rushe, and Mr. Shevock. Members of Council present were Council President Bonar (arrived at 6:04 p.m.), Mr. Dixon (arrived at 6:06 p.m.), Mrs. Williams, and Mr. Hutchison. Mayor Carey was also present.

AGENDA ADDITIONS/DELETIONS

Mr. Shevock moved for approval of the agenda, seconded by Mr. Rushe and unanimously carried.

Review of Proposed Acceptable Use Policy (Information Technology)

Mr. Scott Koenig, City Manager, advised members that the purpose of the Acceptable Use Policy (Information Technology) was to provide general guidance for all employees, as well as contractors and other "users" of the City's communications and computer systems. This policy, if adopted, would be applicable to anyone accessing the City's network. It would not apply to the Police Department, Fire Department, or Library except for those individuals who log on to the City's network. He noted that this matter had come up during the City's financial audits and in relation to insurance renewals and it was desired to ensure that the City was doing everything possible to protect the computer network.

Staff recommended adoption of the proposed Acceptable Use Policy.

Responding to Mr. Rushe regarding the lack of a social media policy, Mr. Koenig stated that staff had attempted to bring forth such a policy approximately two (2) years ago and encountered some issues that complicated that process. He stated that if a social media policy were brought forward again, it would not be part of the City's Acceptable Use Policy for information technology.

Mr. Slavin inquired if a hard copy signature would be required on the form, noting that as an employee of the State of Delaware, he is required to accept a similar policy each time he logs in and inquired if the City required tacit approval upon sign-in. Responding, Mr. Andy Siegel, Information Technology (IT) Director, explained when users log into the network they are greeted by a banner that notifies them that they are signing onto a City network and they must agree to the policies set forth by the IT Department.

Mr. Hare noted State employees are unable to access sites not approved by the State and inquired if this was the case in the City. In response, Mr. Siegel stated that the City has had internet filtering for many years; however, to this point there had been no policy to specifically address what employees can or cannot do. With the new policy, an employee would be aware that they would be breaking an actual policy if they access a prohibited site.

Mr. Bonar noted that the State had IT training programs available. He inquired if staff had looked into providing this type of training for the City's internet and computer users and if there were fees involved. Responding, Mr. Siegel explained that approximately two (2) years ago staff had put out a program entitled "Securing the Human," which included approximately 15-20 minute vignette videos about aspects of computer security, internet security, and home computer security. In the past year, staff had renewed this program and planned to provide this information to users again.

Mr. Bonar noted that users of State systems are required to successfully pass a quiz in order to be receive certification. He encouraged Mr. Siegel to contact Mr. Kevin Wright, Delaware Department of State, for further information.

Mr. Hare moved to recommend adoption of the Acceptable Use Policy *(Attachment #1)*, as recommended by staff. The motion was seconded by Mr. Rushe and unanimously carried.

Request for Continued Staff Support - Downtown Dover Partnership (DDP)

Mr. Scott Koenig, City Manager, advised members that the City had received a request from the Downtown Dover Partnership (DDP) to continue staff support to the DDP through the end of Calendar Year 2014. Currently, staff support includes one (1) Administrative Assistant and one (1) Downtown Coordinator. Since these employees report to the Mayor, Mr. Koenig did not offer an opinion regarding the staff support; however, he recommended that continued staff support be tied to fiscal years rather than calendar years for budget purposes.

The City Manager recommended that the Committee receive verbal testimony from the DDP representative attending the meeting and then formulate a recommendation to City Council based on the testimony of any interested parties. He reiterated that any recommendation should be tied to fiscal years rather than calendar years.

Mr. Lynn advised members that he reviewed the City's Charter and Code of Ordinances and stated his understanding that the employees in question are shared between the Economic Development Office and the DDP and serve under the Mayor's umbrella. Confirming, Mr. Koenig stated that in the Fiscal Year 2013 budget, Council assigned the Economic Development staff to the Mayor's Office.

Mr. Lynn stated his concern regarding whether the Committee should have a role in assigning duties or responsibilities to these individuals. He questioned how it was under the purview of Council if the Mayor elected to share these employees with the DDP, separate and apart from the budgetary impact, which he noted would come under the purview of Council. He questioned if this matter was appropriate for discussion by the Committee.

Mr. Koenig stated that the Charter specifically assigns police officers to the Mayor and that Council does not have authority over the Mayor in this regard. Council acted previously to assign the Economic Development Office positions to the Mayor and it was his opinion that Council has the ability to weigh in on how they are assigned if Council so chooses.

Mr. Lynn stated his position that, given that these were Mayoral employees, members would be specifically precluded from interfering except in regard to the budgetary fallout from the decision. He cited Subpart A - Article III - City Manager, Section 36 of the City of Dover Charter which states that "Except for the purpose of inquiries, and investigations by council under section 39, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the council nor its

members shall give orders to any such officer or employee, either publicly or privately." Given that these employees report directly to the Mayor, rather than the City Manager, he did not feel that the Committee could make this decision.

Mr. Hare agreed that "giving orders" was beyond the purview of the Committee. It was his recollection that during the FY 14 budget process, a certain amount of funds was appropriated through June 30, 2014 for these positions and that next year, if the Mayor had funding in his budget to allocate for the following six (6) months (through December), Council had no say in this matter. However, if the Mayor would require additional funds to be added to his budget, then he felt that the Committee should discuss this.

Mr. Koenig stated his recollection that when the FY 14 budget (beginning July 1, 2013) was developed, $162,400 was transferred to the DDP, which included funds to hire staff. The DDP asked to use City staff in the transition period to carry them through adoption of the FY 14 budget and subsequently submitted an additional funding request to carry the DDP through the end of calendar year. He stated that funds sent to the DDP were tied to specific expenses. He noted that the adopted City budget includes a staff budget for Economic Development. Mr. Koenig advised members that the Economic Development Office does not have many operating expenses and that 95% or more of its budget is driven by personnel costs associated with the three (3) employees. He stated that the DDP will again be asking for funds for the future and had submitted a draft request to the City Manager late last week regarding the FY 15 budget.

Mr. Hare questioned if additional funds were being requested for staff transition and inquired what happened to the $162,400 that was allocated for the DDP to transition to their own staff.

Mr. Lynn expressed his understanding that the DDP was not asking for any expenditure of funds from the City at this time but simply that the City allow for the Mayor to share his employees. He noted that the budgetary impact would be considered as Council goes through the budget hearings.

Mr. Hare inquired about the status of the DDP in regard to hiring their staff and questioned if the City had committed for City staff to serve through June 30, 2014 in the FY 2014 budget process. Responding, Mr. Koenig stated that the original request was for support through June 30, 2013; however, Mr. Koenig and the Mayor had agreed that the DDP needed a transitional period and extended staff support through the end of Calendar Year 2013. The DDP had since asked for support through Calendar Year 2014 and this had prompted the current request.

Mr. Slavin stated his appreciation to Mr. Lynn for raising the issue that these were the Mayor's employees and reminding members of the Charter provisions. He stated that, as a Council, members had always been very careful about this clause in the Charter and he recalled previous difficulties with Council members who went directly to subordinate members of the staff of Council appointees. Noting that this provision was put in the Charter for a reason, he suggested that members respect it and stated that these were the Mayor's employees to do with as he sees fit. Mr. Slavin acknowledged that there would be budget issues and felt that the proper venue for this matter would be when the budget is discussed later in the year.

Noting Mr. Koenig's comment that he and the Mayor had extended the period of this loan of staff by six (6) months, Mr. Slavin questioned if this decision was based on the Mayor's authority to extend and the City Manager's advice. Concurring, Mr. Koenig stated that he and the Mayor discussed this and felt it was appropriate to extend support through Calendar Year 2013. He explained that this was a mutual understanding between himself and Mayor Carey.

Since a mutual decision was reached between the City Manager and the Mayor previously, Mr. Slavin inquired why there was now a difference of opinion. Responding, Mr. Koenig stated that the specific request was for support for Calendar Year 2014, which crosses multiple budget years. He noted that he had no feeling one way or another if staff was to be extended to the DDP; however, he requested that any extension granted be based on the fiscal year versus the calendar year.

Mrs. Williams stated that pieces of history were missing in the discussion. She recalled that the DDP had an opportunity to take over the staff and chose not to do so, and the staff were brought under the City's auspices and placed under the Mayor so that they would not lose their jobs. The employees were then loaned back to the DDP for half a year while the DDP interviewed their own personnel. She noted that the DDP's personnel were not in place; therefore, the City was in the same position it was in two (2) years ago. She felt that the City was "going around in circles" and spending a great deal of money.

Mr. Hare stated that he had no problem allowing staff to continue until the end of June and that he was under the impression that they were already covered until June 30, 2014. It was his understanding that the DDP would hire their own people with the $162,400. He noted that the situation following June 30, 2014 would be discussed in the upcoming months. He concurred with Mr. Koenig's request for any extension to be granted on a fiscal year basis. Concurring with Mrs. Williams, he inquired at what point a conversation should be held with the DDP, to be informed of their status in regard to staffing and funding.

Mr. Bonar stated that the employees who had been moved under the Mayor's purview were the economic development arm of the City and also part of the economic development arm in the DDP that is focused primarily on the downtown area, both of which had performed admirably. He noted that it had been a good partnership in that the DDP had brought in several millions of dollars and had "redone" the North Street area. Through the efforts of the DDP and Mr. Gary Patterson, member of the DDP Board of Directors, the Governor had committed to seeing more money funneled to downtown areas of Delaware, including Wilmington, Dover, and other possible locations, which could be used to renovate downtown, as mentioned in his State of the State address. This funding would be decided by the legislature. Mr. Bonar stated that the conundrum was whether two (2) economic development operations were needed in the City or whether all efforts could be combined into one (1) operation. He referenced remarkable events that had occurred at the Garrison Tract over the last year, noting that Uzin Utz was nearly ready to break ground, Calpine was "churning along," and infrastructure was being developed through the efforts of the City's Economic Development Office. At the same time, he stated that there was corridor development in the downtown area akin to the Riverfront Development Corporation in Wilmington, which would bring more money to the City for downtown development and enhance the City's tax base. Mr. Bonar stated that, with the

new budget process, it must be decided whether to continue in this vein or streamline operations, combine or separate efforts, or eliminate one (1) of them. He cautioned members that the City should not partner with Kent County for economic development because at some point the County and City would be at odds when trying to bring new business to the region. He felt that this conundrum should be solved in this budgetary cycle and that a decision should be made regarding which direction should be taken so that all would know where economic development was going for the next several years.

Mr. Hutchison stated his desire to ensure that the Council supported the DDP's request. He questioned if Mayor Carey was in favor and if funding was in place to extend staff support as requested. Responding, Mayor Carey stated that funding was in place until the end of Calendar Year 2013; however, he was unsure if the two (2) employees were funded under the City or the DDP.

Mr. Koenig stated that all three (3) Economic Development Office personnel were funded in Fiscal Year 2014 through June 30, 2014 as part of the adopted budget; therefore, there would be no budgetary impact. He stated that this was a policy issue.

Mr. Hutchison suggested that the Mayor create a master plan for the partnership and its future regarding the issues and concerns expressed during the meeting.

Mrs. Williams agreed with Mr. Bonar regarding the existence of a "conundrum;" however, she stated that the City had other economic development partners, including Kent County and the Delaware Economic Development Office (DEDO). She felt that once an approach was determined, memorandums of understanding should be developed to avoid "crossing paths" and duplication of efforts. She noted that there were four (4) economic development groups at present, and only individuals who had been around for some time or were directly involved in economic development could tell the difference between the four (4).

Mr. Lynn disagreed with the belief of some Council members that there was a conundrum and felt that all entities were working toward common goals. He advised members that the Appendices to the City's Code of Ordinances are severely out of date, do not reflect the existence of the DDP, and continue to make references to entities that are defunct, and the funding mechanisms for the Business Improvement District (BID) are operating under appendices in the Code that are no longer valid. He requested that Mr. Koenig address this issue.

Mr. Gerald Street, 39 Hazel Road, member of the DDP Board of Directors, stated that Mr. Lou Colón, Executive Director of the DDP, had planned to attend the meeting but Mr. Street advised him that he would attend instead, stating that he had a broader understanding of the DDP's circumstances and was very sensitive to people spending time away from their families at night unnecessarily.

Mr. Hare moved to recommend acceptance of the City Manager's recommendation to extend it for a fiscal year since the employees are already covered and then, in the future, discuss it with the Mayor during the budget hearings. The motion was seconded by Mr. Shevock and carried by a vote of three (3) yes (Hare, Rushe, and Shevock), one (1) no (Lynn), and one (1) abstention (Slavin).

Mr. Slavin stated that his abstention was due to his position as the Governor's appointee on the DDP Board of Directors.

By unanimous consent, the meeting adjourned at 6:35 p.m.

Sean M. Lynn
Chairman

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Attachments
Attachment #1 - City of Dover Acceptable Use Policy (Information Technology)

City of Dover Acceptable Use Policy

A Message to all System Users

This document formalizes the City policy for all employees as well as contractors and other "users" of our City's communications and computer systems. Each department may also choose to develop and enforce its own acceptable use policies to further regulate use within its local environment.

This Acceptable Use Policy is your resource to help you make sound decisions in using communications and computer systems to do your job.

Our goal is to put controls in place that will help protect the City from sabotage and espionage. The threat is real, as each month, IT intercepts hundreds of viruses and suspicious messages containing executable files trying to bypass our security systems. These controls also help minimize the potential risks of misuse. This misuse includes unnecessary Internet usage causing network and server congestion. This Acceptable Use Policy is your (the user's) guide for helping us achieve this goal by conducting City of Dover business with integrity, respect, and prudent judgment.

Each department is responsible for the activity of its users and for ensuring that its users follow this Acceptable Use Policy. Violations not promptly remedied by the user may result in termination of these services.

Introduction

Users are accountable for familiarizing themselves with this policy and using it as a guidepost for your daily decisions and actions when using these services.

Read the policy and give careful attention to those subjects that most pertain to your job duties.

Understand the purpose of this policy and your overall responsibilities for standards of business conduct.

Consult with your supervisor or the IT Department for additional clarification of this policy.

Note the Following:

Applicability

City of Dover's expectations for responsible use are applicable to all parties who use the City communications and computer systems on behalf of the City, including, but not limited to, its employees, consultants, in-house contractors, and other "users."

Limitations

This acceptable use policy does not address every possible scenario or condition regarding acceptable use. If it is not specifically addressed within this document, consult with IT.

Acceptable Use of Communications and Computer Systems

City of Dover communications and computer systems are vital to our business and critical to overall

communications. Our success is directly related to safeguarding and properly using these systems.

What are City communications and computer systems?

City of Dover communications and computer systems are any equipment, hardware, software, or networks (including wireless networks) owned, provided or used by or on behalf of the City of Dover that store or transmit voice or non-voice data. This includes telephones, cellular/wireless telephones, voice mail, computers, e-mail, facsimiles, pagers, and City Intranet or Internet access (including when accessed through personally owned computers).

Note: When personal computers are not owned by the City but are used for City business, the City retains the right to access any City records or materials developed for City use. Also, we must ensure that any City materials are appropriately safeguarded according to applicable standards in this section, including, but not limited to, virus protection of, protected access to, and backup of these materials.

Access, Maintenance and Protection

Users must safeguard the confidentiality and integrity of City systems, including strong password logons (see \\Dover_1\public docs\How to\Creating a Secure Password.doc), access codes, network access information, log-on IDs from improper access, alteration, destruction, and disclosure. Users shall only access or use these systems when authorized. Users must abide by City standards contained in this section and any other City policies regarding protecting data and information stored on these systems.

Unlawful and Inappropriate Use

Users are obligated to never use City systems (such as the Intranet or Internet) to engage in activities that are unlawful, violate City policies, or in ways that would:

- Be disruptive, causing unnecessary offense to others.
- Be considered harassing, discriminatory, or creating a hostile work environment.
- Result in the City of Dover's liability, embarrassment, or loss of reputation.

External groups or organizations are not permitted to access the City's computer network, except as permitted by IT.

Protection and Integrity of Data

Users must maintain the integrity of City information and data stored on City systems by:

- Introducing data into our systems that serve a legitimate business purpose.
- Only acquiring, using, altering, disposing of, or destroying data or information with proper authorization.
- Protecting data and information stored on or communicated across our systems and not accessing this data or information (customer data, employee records, etc.) unless authorized.
- Protecting data and information communicated over internal or public networks (the internet) to avoid compromising or disclosing nonpublic City communications.

Personal Use

While City systems are intended for primarily business/instructional purposes, limited (incidental and occasional) personal use may be permissible when authorized by your manager and it does not:

- Interfere with your work responsibilities.
- Involve interests in personal outside business and/or other non-authorized organizations and

activities (including, but not limited to selling personal property/items or soliciting for or promoting commercial ventures, charitable, religious, or political activities).
- Violate any of the standards contained in this code or other City policies.
- Downloading of music and video files is *specifically forbidden*.

Virus Protection

If users suspect a virus, they must not use the applicable computer systems and equipment until the virus is removed and they will report the matter immediately to the IT Department. The City of Dover has purchased anti-virus software for all city computers, including home computers. Contact IT staff for a copy to be installed on **your** home computers.

Properly Licensed Software

Users will use only approved and properly licensed software and will use it according to the applicable software owner's license agreements. **Installing any software, including freeware (screensavers, browsers, etc) is prohibited unless approved by IT**.

Treatment of Third-Party Data or Software

Users must ensure that any nonpublic City information or software of a third party that is stored, copied, or otherwise used on City systems is treated according to City of Dover's standards regarding nonpublic City information and applicable agreements and intellectual property restrictions.

City of Dover Monitoring

City communications and computer systems, including, but not limited to, computer networks, data files, e-mail and voice mail, may be monitored and/or accessed by the IT Staff and your management to ensure the integrity of the technology, protect against fraud and abuse, detect unauthorized access or use, and for other business purposes. Although the IT Department does not routinely monitor message or network transactions, IT may, without notification or approval, monitor, access and review any and all communications originating from the City of Dover or delivered to the City of Dover – employees should have no expectation of privacy in regard to use of these services.

USE OF EMAIL AND THE INTERNET

Inappropriate use of e-mail includes, but is not limited to, sending or forwarding:

- Messages, including jokes or any language that may be considered discriminatory, harassing, unlawful, defamatory, obscene, offensive, insensitive, or otherwise inappropriate (this includes but is not limited to messages about age, race, gender, disability, national origin, any other legally defined discriminatory classifications or similar matters.)
- Pornographic or sexually explicit materials.
- Chain letters.
- Information related to religious materials, activities, or causes – including inspirational messages.
- Solicitations unless sanctioned by the City of Dover.
- Auction-related information or materials unless sanctioned by the City of Dover.
- Games or other software copyrighted materials without a legitimate business or instructional purpose (and then only according to the rights and licenses granted by the owner of the games, software, or copyrighted material.)
- Messages that disparage other companies or products.
- Materials related to personal commercial ventures or solicitations for personal gain (including, but

not limited to messages that could be considered pyramid schemes).
- Information related to political materials, activities, or causes unless sanctioned or permitted by the City of Dover.
- Unauthorized or inappropriate mass distribution of communication.
- Any other materials that would be improper under this policy or other City of Dover policies.

Inappropriate use of the Internet includes, but is not limited to, accessing, sending or forwarding information about, or downloading (from):

- Sexually explicit, harassing, or pornographic sites.
- "Hate sites" or sites that can be considered offensive or insensitive.
- Auction sites for personal use.
- Gambling sites.
- Non City of Dover business-related chat sites.
- Underground or other security sites which contain malicious software and/or instructions for compromising City of Dover security.
- Games, software, audio, video, or other materials that are not properly licensed to use or transmit, or that are inappropriate.
- Offensive or insensitive materials, such as sexually or racially oriented topics.
- Intentional importation of viruses.

REMEDIAL ACTION

When IT learns of a possible inappropriate use, IT will immediately notify the employee or supervisor who must take immediate remedial action and inform IT of its action. Repeated violations will be addressed with the Department Head. In instances where criminal activity is suspected, IT will work directly with the proper authorities, and follow their guidance in determining appropriate action.

Inappropriate use of City communications and computer systems may be grounds for discipline up to and including dismissal.

In an emergency, in order to prevent further possible unauthorized activity, IT may temporarily disconnect that employee or building from the network. If this is deemed necessary, every effort will be made to inform the employee or building personnel prior to disconnecting, and every effort will be made to reestablish the connection as soon as it is safe to do so.

Unauthorized activity or non-acceptable usage determined at the department level may be subject to remedial action being taken in accordance with the acceptable use policy of that department (if applicable) as well as those actions outlined above. The remedial action outlined in departmental policies may differ from the remedial action as outlined in this policy. Should there be any conflict, Human Resources will make a determination as to applicability.

QUESTIONS OR COMMENTS ON THIS POLICY

Please address any questions or comments to the IT Director.

ACKNOWLEDGMENT STATEMENT

City of Dover - Acceptable Use Policy

City Employee

This is to certify that I have read and agree to abide by the guidelines set forth within the City of Dover Acceptable Use Policy. As an employee of the City of Dover, I fully intend to comply with this policy realizing that I am personally liable for intentional misuse or abuse of the City's communications and computer systems. If I have any questions about the policy, I understand that I need to ask my supervisor or IT for clarification.

If I refuse to sign this acknowledgement form, my supervisor will be asked to sign this form indicating that I have been given time to read and have questions answered about this policy. The supervisor will read this statement to me prior to signing the document and advise me that by not signing this document my rights to use the City's Communications and Computer Systems may be denied and may affect my ability to meet my job requirements.

Printed Name: _____

Signature: _____

Department: _____

Date: _____

Supervisor Signature (*as required)

_____

Comments:

_____

ACKNOWLEDGMENT STATEMENT

City of Dover - Acceptable Use Policy

Non-City Employee

This is to certify that I have read and agree to abide by the guidelines set forth within the City of Dover Acceptable Use Policy that apply to my use. (Some users may use a combination of communications and computing resources.) As an authorized user of the City of Dover's communications and computing resources, I fully intend to comply with this policy realizing that I am personally responsible for intentional misuse or abuse of the City's communications and computer systems. I understand that the City of Dover has no authority over non-city employees. However, all users must agree to abide by all policies, standards promulgated by the IT Department as a condition of access and continued use of these resources. If IT learns of possible inappropriate use, IT will immediately notify the affiliate responsible, which must take immediate remedial action and inform IT of its action. In instances where affiliates do not respond in a timely or reasonably appropriate manner, are "repeat offenders", or if criminal activity is suspected, IT will work directly with the proper authorities, and follow their guidance in determining appropriate action. In an emergency, in order to prevent further possible unauthorized activity, IT may temporarily disconnect the user or affiliate. If I have any questions about the policy, I understand that I need to ask IT for clarification.

If I refuse to sign this acknowledgement form, my rights to use the City's Communications and Computer Systems may be denied and may affect my ability to meet my job requirements.

Printed Name: _____

Signature: _____

Company: _____

Date: _____

Witness:_____

Witness name (printed)_____