



WASHINGTON COUNTY, ARKANSAS
County Courthouse

August 26, 2016

MEETING OF THE
WASHINGTON COUNTY QUORUM COURT
ORDINANCE REVIEW COMMITTEE

Thursday, September 1, 2016
(Immediately following the Special Quorum Court Meeting)
Washington County Quorum Court Room

Vice-Chair Daniel Balls
Ann Harbison
Eva Madison

Chair Bill Ussery

Rick Cochran
Sharon Lloyd
Butch Pond

A G E N D A

1. Call to Order.
2. Adoption of Agenda.
3. Prayer & Pledge.
4. Review of County Code Sections 2-46 Through 2-130 for Recommendation to the Quorum Court. These sections have been reviewed at several meetings. (4.1)
5. Review of An Ordinance Amending Washington County Code Sections 2-62.1 Through 2-62.6 Pertaining To Computer Usage, Electronic Mail And Internet Security Policy. (5.1, 5.2)
6. Review of County Code Sections 2-18. This has been tabled for several meetings in anticipation of a letter from a CPA in regard to JP travel compensation. This letter has been received and this matter can be finalized. (6.1 – 6.4)
7. Future Committee Meetings for 2016.
8. Other Business: Any other business to be discussed by the Committee will be brought up at this time.
9. Public Comment.
10. Adjournment.

/kb

ARTICLE III. - OFFICERS AND EMPLOYEES

DIVISION 1. - GENERALLY

Sec. 2-46. - Office hours for constitutional officers.

- (a) The offices of the elected constitutional officers of the County, including those of the County Judge, County Clerk, Circuit Clerk, Assessor, Treasurer, Sheriff, and Collector, and Coroner will be open to serve the citizens of the County from 8:00 a.m. until 4:30 p.m., Monday through Friday.
- (b) Offices shall be maintained through the noon hour, although they may be maintained by a reduced staff.
- (c) The County Judge will determine holidays to be observed and advise other elected officials of the all holidays well in advance on or before December 10, and shall be for the forthcoming calendar year so that sufficient notice may be given the public.
- (d) Any elected official may elect to keep their office open longer than those hours specified in subsection (a), but in no case will the hours be shorter than specified in subsection (a).
- (e) Any elected constitutional officer who shall be guilty of violating the provisions of this section shall be deemed guilty of a misdemeanor and shall be fined not to exceed fifty dollars (\$50.00). Each day that a violation of this section occurs shall constitute a separate offense and shall be punishable as a separate violation.
- ~~(f) The provisions of this section, subsections (a) – (e) may be waived by the Quorum Court for any particular office upon simple motion passed by a majority of the whole number of the justices comprising the Quorum Court.~~

Sec. 2-47. - Adoption of personnel policy.

- (a) There is hereby recognized the need for a comprehensive personnel policy for the governmental unit of the County, such policy to provide specific guidelines for the employment, working hours and conditions, benefits and termination of employees of the governmental unit.
- (b) There is hereby adopted and approved a personnel policy for Washington County, Arkansas, as it now exists with amendments that have been enacted by ordinance or by simple motion, to be known as the Washington County Employees Handbook.
- (c) All elected County officials and employees shall be ~~familiar with the personnel policy~~ provided a copy of the Employee Handbook and sign a written acknowledgement of receipt and comply with the provisions thereof.

- (d) Though the employees handbook is by and large internal policy and thus does not have or need the force of law as would an ordinance, when an amendment to the employees handbook applies to the general public and/or provides criminal penalties, then such shall be amended by ordinance.

~~Sec. 2-47.1. - Deferred compensation plan.~~

- ~~(a) The Washington County Deferred Compensation Plan is hereby established, and made available for voluntary participation of all eligible County employees and elected officials.~~
- ~~(b) The Washington County Judge is hereby authorized to execute individual participation agreements with each employee requesting the same, to act as the "Administrator" of the plan representing the County, and to execute such agreements and contracts as are necessary to implement the program. It is implicitly understood that, other than the incidental expenses of collecting and disbursing of the employees' deferrals and other minor administrative matters, there is to be no cost or contribution by the County to the program.~~

Sec. 2-47.2. - Holiday pay incentive for employees working in areas requiring continuous staffing.

- (a) Employees working in areas that must be staffed at all times (such as communications, jail, law enforcement, juvenile detention, and the animal shelter) shall comprise a separate classification of employees that do not receive time off for holidays.
- (b) Employees in this classification shall accrue additional annual leave in lieu of holiday hours at the same rate as other similarly situated employees, but the additional leave hours will be purchased from said employees by the County from the holiday incentive line item. Employees who report sick the day before or after the holiday, or on the actual holiday itself, must attach a physician's statement of need to their time card or forfeit the additional leave hours and resulting incentive pay.

Sec. 2-48. - Adoption of program of salary administration; transfer of portions of previous system; responsibilities of County officials and department heads.

- (a) The program of salary administration designated as "Appendix A" and incorporated by reference herein as if set out word for word is hereby adopted. Amendments to the salary administration program may be made by simple motion and approved by a majority of the whole number of the Justices comprised in the Quorum Court.
- (b) Ordinance No. 78-30, which created a comprehensive job classification and wage system is hereby repealed except as hereinafter provided.
- (c) That portion of Ordinance No. 78-30, which dealt with the hire date and anniversary date is hereby transferred to and made a part of the personnel policy

as per Ordinance No. 78-28. This portion which appears at page 3-3 of the job classification and wage scale system, is hereby amended to read as follows:

Hire Date. An employee's hire date shall be the date of employment with the County.

Vacation and sick leave accrual are based on the hire date.

An employee who terminates employment with the County and is rehired by the County after a break in service will receive a new hire date.

An employee who is reinstated after a break in service would retain his/her original hire date.

A part-time employee going to full-time will receive a new hire date.

Anniversary date. An employee's anniversary date shall be date on which he/she entered into his/her position. Should the position be upgraded, the anniversary date shall remain the same. Should the employee change to another position in the same or different department, he/she shall receive a new anniversary date (the date the employee entered the new position).

A part-time person going to full-time will receive a new anniversary date.

- (d) The County Clerk shall immediately, upon the adoption hereof, disseminate to each County official and/or department head a copy of said plan and further, each County official and/or department head is responsible for informing all of their employees of said plan and making the same available to any employee at all times.

Sec. 2-48.1. - Direct deposit.

- (a) ~~Each and every new~~ County employees are is required, as a condition of employment with the County, to make arrangements for direct deposit of his or her pay. The County Treasurer and the County Human Resources Office shall make appropriate coordination to ensure that this section is properly effectuated. (b) An applicant or new employee shall be exempt from the provisions of the ordinance upon written request.
- (c) ~~In the event that because a County employee or official is paid on an irregular basis, such that financial institutions will not accept direct deposits, then this Code provision shall not apply.~~

Sec. 2-48.2. – ~~Retention~~ Retention of time cards required.

- (a) All original time cards of individual employees shall be retained by the elected official or Human Resource Office for four (4) years after said employee terminates his or her employment with the County.

~~(b) Said records may be retained and stored electronically.~~

(e) (b) This section may be enforced by appropriate civil action or by other measures deemed appropriate by the Quorum Court.

Sec. 2-49. - Adoption of affirmative action plan.

(a) There is hereby recognized the continuing need for the compliance with the policy of affirmative action by the County government.

(b) The affirmative action plan incorporated by reference herein is hereby adopted as the official affirmative action plan for Washington County, Arkansas. Amendments to the affirmative action plan may be made by simple motion and approved by a majority of the whole number of the Justices comprised in the Quorum Court.

(c) The County Clerk shall immediately, upon the adoption hereof, disseminate to each County official and/or department head a copy of said affirmative action plan and further each County official and/or department head is responsible for informing all their employees of said plan and making the same available to any employee at all times.

(d) The responsibility for the compliance and enforcement of the provisions of said affirmative action plan shall rest with the County official and/or department head responsible for the recruitment, interviewing, hiring, and determining the salary of employees within their respective departments.

Sec. 2-51. - Compensation for mileage

The rate of compensation for reimbursement of expenses incurred by County officials and employees for each mile driven by such in their privately owned vehicle while in the course of official County business shall be paid at the rate of compensation as established by the Internal Revenue Service.

Sec. 2-52. - Trip expense records.

County elected officials are responsible for authorizing employees' travel and the approving of trip expense records. Such travel is subject to budget allocations. All County employees and elected officials who travel outside the County and incur any cash or credit expenses eligible for reimbursement by the County must submit trip expense records to the Comptroller who shall file such with the County Clerk. This includes trips not involving overnight stays.

Sec. 2-53. - Vehicles to be used; type of air travel.

County cars will be used for County business travel, except when such vehicles are not available or when it is less expensive to travel otherwise. County vehicles are not to be driven outside the state without prior authorization by the department head. Air travel must be at economy.

Sec. 2-54. - Reimbursement for meals and lodging.

Reimbursements for meals and lodging shall be on a per diem basis at the rate established by the Internal Revenue Service for the particular location. The County Judge is authorized to promulgate rules and regulations concerning such and other related matters to be approved by the Quorum Court.

Each trip must be filed on a separate trip expense record, and all expenses for a single trip must be on one (1) trip expense record.

Sec. 2-57. - Payment authorized by County Comptroller.

The County Comptroller is responsible for making sure travel reimbursement is authorized in the respective department budget. He/she is not to authorize payment of any travel expenses, either paid with cash or charged to the County, until the proper trip expense record documenting the expenses is completed and submitted to the Comptroller who shall file such with the County Clerk.

Sec. 2-58. - Use of purchase cards or fuel cards.

Purchase cards may be used for meals; purchase cards may not be used for fuel except in the event a qualified fuel station is unavailable. Fuel cards used for travel shall be used only in the County vehicle to which said card is assigned.

Any elected official or employee who shall be guilty of violating the provisions of this Section shall be deemed guilty of a misdemeanor and shall be fined not to exceed fifty dollars (\$50.00).

Sec. 2-60. - Adopted of DOT 1994 Final Rules for Controlled Substances and Alcohol Testing.

- (a) All personnel policies of the county are hereby revised and amended to incorporate the ~~1994~~ most current DOT Final Rules [Department of Transportation's ~~1994~~ Final Rules for Controlled Substances and Alcohol Testing]. Said rules are, by reference, incorporated herein in their entirety as if restated word for word.
- (b) This section specifically amends any personnel policy providing for conditions of employment for safety-sensitive employees. ~~whose duties require them to maintain a commercial driver's license in order to lawfully carry out their duties.~~
- (c) Any ordinance, resolution, rule, regulation or part of any ordinance, resolution, rule, regulation now in effect which conflicts with the rules is hereby repealed.
- (d) The County Judge is hereby directed to establish procedures to ensure compliance with the rules, including the assignment of a designated representative responsible for the execution of the procedures.

- (e) Any laboratory, medical review officer, substance abuse professional or any other professional who receives payment for testing, evaluating, record-keeping, or other services mandated by the rules must be qualified according to the rules and must perform such services in conformance with 49 CFR Part 40 and Part 382.
- (f) The County will pay for the costs of any testing of split specimens. However, the County will seek reimbursement in all instances where a driver requests split specimen testing and results are positive from the employee via wage withholding. Furthermore each employee shall sign an acknowledgment acknowledging that he or she has been advised of such policy.
- ~~(g) The County's employment policy manual shall be updated to include these new provisions.~~

Sec. 2-61. - Use of seatbelts by County personnel required.

The personnel of the County while on duty shall wear seat belts as required by State law.

Sec. 2-62. - Computer Usage, Electronic Mail, and Internet Security Policy—
Purpose. Karen's Note: The section has been revised and is a separate agenda item.

Sec. 2-63. - Procedures for hiring of employees,

- (a) All applicants for any County position shall apply for said position on the form prescribed by the Office of Human Resources.
- (b) Said application shall be completed and signed by the applicant and turned into the Office of Human Resources.
- (c) No elected official, department head, supervisor, or other person acting in their behalf, shall receive or review such application for employment until such has been processed by the Office of Human Resources.
- (d) This section shall appear in the Washington County Code and shall also be made a part of the Washington County Employees Handbook.
- (e) A violation of this section shall be punishable by a fine of two hundred fifty dollars (\$250.00).

Sec. 2-64. - Choice of physician for Worker's Compensation purposes.

- (a) Any elected official or employee of Washington County who has or purports to have an injury covered under Worker's Compensation shall first seek treatment

and/or evaluation by the physician of choice as designated by the County Judge. However, upon agreement by the employee and his or her supervisor, the employee may first be seen by one (1) of the registered nurses employed under contract by the County at the Sheriff's Office.

- (b) Any elected official or employee of Washington County may seek a change in physician after having been treated or evaluated by the physician of choice of the County.
- (c) Necessary forms for seeking a change of physician shall be provided by the Human Resources Office.
- (d) This section shall also appear as part of the Washington County Employees Handbook.

Sec. 2-65. - Insurance contracts to be bid on regular periodic basis.

- (a) All health, life and dental insurance policies shall be bid in even-numbered years, the first such bid to occur for the year 2010; this shall include contracts for third party administrators to administer any self-funded insurance program the County has in place.
- (b) All other insurance contracts shall be bid in odd-numbered years, the first such bidding to take place for the year 2011.
- (c) No person who sells or has an interest in the sale of any insurance products shall advise the County in analyzing bids or recommend to whom a bid should be awarded.
- (d) The bidding required in subsections (a) and (b) of this section shall not apply if the County Judge certifies that the County can realize savings by multi-year insurance agreements.

DIVISION 2. - COUNTY JUDGE

Sec. 2-81. - Use of dirt moving and road building equipment.

- (a) When not in use on County projects, the County Judge shall make available to the cities, towns, and school districts any dirt moving and road building equipment owned by the County along with the trained operators and supervisors or foremen needed to operate them.
- (b) Since the operators, supervisors, or foremen will have completed a forty (40) hour week while working for the County, they will ~~be paid time and one-half~~ accrue compensatory time on Saturdays and Sundays while working on projects of the cities, towns, and school districts.
- (c) The County will make no charge for the use of the equipment but the County Judge will invoice the legal entities named for the labor and fuel.

Sec. 2-82. - County Judge authorized to implement a fleet safety program.

- (a) The County Judge is authorized to implement a fleet safety program.
- (b) Rules and regulations for such will be promulgated by the County Judge to be approved by a majority vote of the Quorum Court.

Sec. 2-83. - Washington County Detention Center Judicial Officer.

Karen's Note: This section will be discussed as part of the 2017 Budget Process in the Fall of 2016.

Sec. 2-84. - Warrants transfer system.

- (a) An electronic warrants transfer system is hereby established for Washington County.
- (b) The County Judge is hereby authorized to select which warrants are eligible for electronic transfer.
- (c) All other warrants shall be processed pursuant to existing State law and County ordinances.

Sec. 2-85. - Removal of burned structures.

- (a) Whenever any building or structure in the unincorporated portions of the County is partially burned, the owner of such shall, within one hundred twenty (120) calendar days, remove from the premises all refuse, debris, charred and partially burned lumber and material.
- (b) Said one hundred twenty (120) days shall begin upon written notice from the County Judge or his designee which shall not be issued any sooner than thirty (30) days after the burning has occurred.
- (c) If such building or structure shall be burned to such an extent that it is rendered incapable of being repaired, the owner shall, within one hundred twenty (120) calendar days, remove from the premises all the remaining portion of the building or structure.
- (d) Said one hundred twenty (120) days shall begin upon written notice from the County Judge or his designee which shall not be issued any sooner than thirty (30) days after the burning has occurred.
- (e) The County Judge or his designee is authorized to grant extensions of time for good cause.

(f) A violation of this section shall be punishable by a fine of two hundred fifty dollars (\$250.00) per day or by appropriate civil action by the County Judge.

(g) Burned structures are hereby declared to be a public nuisance, therefore this section shall be deemed to operate retroactively.

DIVISION 3. - CIRCUIT CLERK

Secs. 2-101—2-110. - Reserved.

DIVISION 4. - COUNTY CLERK

Secs. 2-111—2-120. - Reserved.

DIVISION 5. - ASSESSOR

Secs. 2-121—2-130. - Reserved.

ORDINANCE NO. 2016-_____

**BE IT ORDAINED BY THE QUORUM COURT
OF THE COUNTY OF WASHINGTON,
STATE OF ARKANSAS, AN ORDINANCE
TO BE ENTITLED:**

**AN ORDINANCE AMENDING WASHINGTON
COUNTY CODE SECTIONS 2-62.1 THROUGH 2-
62.6 PERTAINING TO COMPUTER USAGE,
ELECTRONIC MAIL AND INTERNET SECURITY
POLICY.**

WHEREAS, in 2002 the Quorum Court passed a policy concerning computer usage, electronic mail, and internet security policy; and,

WHEREAS, due to the passage of time and changes in technology such policy needs to be updated; and,

WHEREAS, though there are a number of reasons to provide a user network access, by far the most common is granting access to employees for performance of their job functions;

WHEREAS, this access carries certain responsibilities and obligations as to what constitutes acceptable use of the county network; and,

WHEREAS, County Employees and Elected Officials are obligated to use, conserve and protect electronic information and County information technology resources for the benefit of the County and its taxpaying citizens.

**NOW, THEREFORE, BE IT ORDAINED BY THE QUORUM
COURT OF WASHINGTON COUNTY, ARKANSAS:**

ARTICLE 1. Washington County Code Sections 2-62.1 through 2-62.6 are hereby repealed and replaced with the following:

2-62.1 Information Technology Resources Defined.

"Information Technology Resources" consist of all electronic communication assets and equipment, hardware, software, systems, services, networks, data and peripherals owned, leased, rented, established, controlled or otherwise administered by Washington County. These assets enable individuals to access or interact with information stored on or transmitted within the County data network, telecommunication systems, cellular systems and other internal or external sources. These resources include, but are not

limited to the following: antivirus systems, cellular devices, control systems, card entry systems, cellular services, copiers, credit card readers, data backup systems, data racks, data transmission, cables, desktop computers, desktop printers, digital cameras, digital tape drives, distribution lists, electronic data, electronic documents, electronic images, electronic mail messages, electronic mail systems, FAX machines, fiber optic systems, financial systems, firewalls, hubs, internet services, intranet services, label printers, laptop computers, large format printers, laser printers, mobile telephones, modems, monitors, network bandwidth, network cabling, network security cameras, network security services, operating systems, point of sale devices, point of sale systems, projectors, personal communication devices, records management systems, remote access systems, routers, scanners, server racks, servers, software applications, social media accounts, surge protectors, switches, tablet computers, telephone services, telephone systems, telephones, televisions, text messages, USPs, USB drives, utility systems, voicemail systems, VPN systems, websites, and wireless access points.

2-62.2 Expectation of Privacy; Prohibited Use; Regulations Authorized.

- (a) There is no legitimate expectation of privacy in electronic communication or data stored on or in County Information Technology Resources, and all such communication or data shall be subject to disclosure in accordance with the Arkansas Freedom of Information Act (ARK. CODE ANN. § 25-19-101 through 110, as amended), and other applicable law. Provided however, that this subsection does not mandate the disclosure of information deemed “law enforcement sensitive” or that is protected by applicable professional confidentiality or privilege.
- (b) Upon the receipt of credible information that any authorized user of County Information Technology Resources is using, has used or is attempting to use County Information Technology Resources in the planning, attempt, commission or furtherance of any criminal act as defined by International, Federal, State, or local law, the County Information Technology Office is authorized to immediately suspend the authorized user’s access to County Information Technology Resources, pending further investigation.
- (c) Upon conviction by a court of competent jurisdiction of any authorized user of County Information Technology Resources of any criminal act, including, but not limited to, substantive and inchoate offenses as defined by International, Federal, State, or local law, the County Information Technology Office is authorized to permanently terminate the authorized user’s access to County Information Technology Resources.
- (d) Upon receipt of credible information that any authorized user of County Information Technology Resources has intentionally breached or tested the security of County Information Technology Resources, or that an authorized user of County Information Technology Resources has intentionally damaged or destroyed County Information Technology Resources, the County Information Technology Office is authorized to

(e) immediately suspend the authorized user's access to County Information Technology Resources, pending further investigation. Upon the conclusion of said investigation, if the investigation substantiates an intentional breach, test, damage to or destruction of County Information Technology Resources, the County Information Technology Office is authorized to permanently terminate the authorized user's access to County Information Technology Resources.

(f) This section is not intended, and shall not be construed, to limit the ability of the Washington County Sheriff's Office to investigate and prevent crimes involving information technology. This section is further not intended, and shall not be construed, to limit the Prosecuting Attorney's Office, the Public Defender's Office or any of the Circuit Judges or their respective staffs from using County Information Technology for legitimate job-related activities.

ARTICLE 2. The County Judge, as custodian of county property, in accordance with ARK. CODE ANN. § 14-14-1102 and pursuant to his or her authority to enact administrative rules and regulations on matters within the Judge's capacity as County Chief Executive Officer in accordance with ARK. CODE ANN. § 14-14-1104, is hereby authorized to promulgate such rules and regulations as are reasonable and necessary to protect, secure, safeguard, promote the efficient use of and conserve County Information Technology Resources, and the same shall be binding upon all authorized users of County Information Technology Resources.

MARILYN EDWARDS, County Judge

DATE

BECKY LEWALLEN, County Clerk

Sponsor: _____ Bill Ussery

Date of Passage: _____

Votes For: _____ Votes Against: _____

Abstention: _____ Absent: _____

AS IS CURRENTLY IN THE WASHINGTON COUNTY CODE OF ORDINANCES – AUGUST 8, 2016

Sec. 2-62. - Computer Usage, Electronic Mail, and Internet Security Policy—Purpose.

The purpose of the Computer Usage, Electronic Mail, and Internet Security Policy document is to:

- (1) Present an overall description of Washington County's Computer Usage, Electronic Mail, and Internet Security Policy;
- (2) Describe the handling of electronic documents; and
- (3) Identify each user's responsibilities with regard to the use of County-owned or supported computers, the handling of e-mail, and the Internet.

(Ord. No. 2002-6, Arts. 1—3, 2-14-02)

Editor's note— Ord. No. 2002-6, Arts. 1—3, adopted Feb. 14, 2002, did not specifically amend the Code; hence, inclusion as §§ 2-62—2-62.6 was at the discretion of the editor.

Sec. 2-62.1. - Responsibilities of Washington County and its computer users.

- (a) Opportunities and risks. The wide array of resources, services and interconnectivity available via the Internet introduce new opportunities and risks. In response to these risks, this document details Washington County's official policy regarding computer usage, e-mail, and Internet security.
- (b) Applicability. This policy applies to everyone (employees, contractors, temporaries, state employees, federal employees, elected officials, etc.) who uses Washington County computing or networking resources, as well as those who represent themselves as being connected-in one way or another with Washington County. Washington County computing or network resources are defined as computers and related equipment purchased with County funds, attached to the County's network, or supported by County Computer Systems staff. All users are expected to be familiar with and comply with this policy. Questions about the policy should be directed to the Computer Systems Administrator.
- (c) County property. As a productivity enhancement tool, Washington County encourages the business use of electronic communications (notably the Internet and e-mail). Electronic communications systems and all messages generated on or handled by electronic communications systems, including back-up copies, are considered to be the property of Washington County.
- (d) Computing equipment and software purchases. In order to more efficiently maintain and support Washington County's computer systems and network and to maximize value for money spent, minimum standards for computing equipment and software have been developed. Each computing equipment or software purchase should be made using a Washington County purchase order to assure that these minimum standards are met.
- (e) Use without authorization prohibited. No one shall connect with or otherwise use any County computer, modem, network, or other computing resource without proper authorization; or assist in, encourage, or conceal any unauthorized use, or attempted unauthorized use, of any County computer, modem, network or computing resource; or misrepresent his or her identity or relationship to the County to obtain access to computing resources.
- (f) Authorized usage. Washington County electronic communications systems must generally be used only for business activities. Incidental personal use is permissible so long as it does not consume more than a trivial amount of resources and does not preempt any business activity. Users are forbidden from using the County's electronic communication systems for chain letters, charitable endeavors, private business activities, political activities or amusement/entertainment purposes. Electronic mail attachments are to be used for business purposes only because they consume large amounts of computer resources and can easily be infected with viruses. For the same reasons,

downloading files from the Internet is prohibited without the express consent of the Computer Systems Department. Use of County computing resources for game playing of any kind is prohibited. Users are reminded that the use of County resources, including computing resources and electronic communications, should never create either the appearance or the reality of inappropriate use.

- (g) Default privileges. The privileges of using computing and electronic communications systems are assigned such that only those capabilities necessary to perform a job are granted. For example, end-users are not allowed nor able to reprogram electronic mail system software. With the exception of emergencies and regular system maintenance notices, broadcast facilities must be used only after the permission of an elected official or department head has been obtained. End-users may not install hardware or software or alter their user interface without the approval of the Computer Systems Department.
- (h) User accountability. Regardless of the circumstances, individual passwords must never be shared or revealed to anyone besides the authorized user. To do so exposes the authorized user to responsibility for actions the other party takes with the password. If users need to share computer resident data, they should utilize message forwarding facilities, public directories on local area network servers and other authorized information sharing mechanisms. To prevent unauthorized parties from obtaining access to the County's network, users must shutdown their computer when leaving their workstation for extended periods and at the end of the day and choose passwords which are difficult to guess (for example, not a dictionary word, not a personal detail and not a reflection of work activities).
- (i) Disclosing confidential information. Users must not publicly disclose confidential information via the Internet or e-mail.
- (j) Copyrights. Washington County strongly supports strict adherence to software vendor's license agreements. When at work or when County computing or networking resources are employed, copying of software in a manner that is not consistent with the vendor's license is strictly forbidden. Likewise, off-hours participation in pirate software bulletin boards and similar activities represent a conflict of interest with County work and are, therefore, prohibited. Similarly, the reproduction, forwarding, or, in any other way, republishing or redistributing words, graphics or other materials must be done only with the permission of the author/owner. Users should assume that all materials on the Internet are copyrighted unless specific notice states otherwise.

(Ord. No. 2002-6, Arts. 1—3, 2-14-02)

Sec. 2-62.2. - Privacy expectations for electronic communications.

- (a) Respecting privacy rights. Except as otherwise specifically provided, users may not intercept or disclose, or assist in intercepting or disclosing, electronic communications. Washington County is committed to protecting the rights of its computer users, including their reasonable expectation of privacy. However, Washington County also is responsible for servicing and protecting its electronic communications networks. To accomplish this, it is occasionally necessary to intercept or disclose, or assist in intercepting or disclosing, electronic communications.
- (b) No default protection. Computer users are reminded that Washington County's electronic communications systems are not encrypted by default. If sensitive information must be sent by electronic communications systems, encryption or similar technologies to protect the data must be employed.
- (c) No guaranteed message privacy. Washington County cannot guarantee that electronic communications will be private. Users should be aware that electronic communications can,

depending on the technology, be forwarded, intercepted, printed and stored by others. Furthermore, electronic communications can and, occasionally, will be accessed by others.

- (d) The Arkansas Freedom of Information Act. The electronic files, including e-mail files, stored on Washington County computing systems are potentially subject to public inspection and copying under the state Freedom of Information Act (FOIA). The FOIA defines public records to include "data compilations in any form, required by law to be kept or otherwise kept, . . . which constitute a record of performance or lack of performance of official functions which are or should be carried out by a public official or employee [or] a governmental agency. . . ." All records maintained in public offices or by public employees within the scope of their employment are presumed to be public records. Various exceptions apply. Any (FOIA) requests for electronic files submitted to the Computer Systems Administrator will be forwarded immediately to the user who authored or received the file.
- (e) Regular message monitoring. It is not the policy of Washington County to regularly monitor the content of electronic communications. However, the usage of electronic communications systems will be monitored for volume of traffic to support operational, maintenance, auditing, security, and investigative activities. Users should structure their electronic communications in recognition of the fact that Washington County may, from time to time, examine the content of electronic communications strictly for the purposes mentioned above.
- (f) Incidental disclosure. It may be necessary for technical support personnel to review the content of an individual user's communications during the course of problem resolution. Technical support personnel may not review the content of an individual user's communications out of personal curiosity or at the behest of individuals who have not gone through proper approval channels.
- (g) Internet activity logging. For statistical purposes, Washington County routinely logs Web sites visited, time spent on the Internet, traffic levels and related information. This information will be used to determine expansion needs before critical traffic levels are reached in order to maintain optimal system conditions.

(Ord. No. 2002-6, Arts. 1—3, 2-14-02)

Sec. 2-62.3. - Computer security.

- (a) Security responsibilities. No one shall knowingly endanger or compromise the security of any County computer, network facility, or other computing resource or willfully interfere with others' authorized computer usage; or attempt to circumvent data protection schemes, uncover security loopholes, or decrypt secure data; or modify or reconfigure, or attempt to modify or reconfigure, any software or hardware of any County computer or network facility in any way, unless specific authorization has been obtained from the Computer Systems Department; or use County computer resources and communication facilities to attempt unauthorized access to or use of any computer or network facility, no matter where located, or to interfere with others' legitimate use of any such computing resource.
- (b) Problem notification process. E-mail is the preferred method of communication with the Computer Systems Department, when possible. If it is not possible to use e-mail, telephone the Help Desk and leave a message containing a detailed description of your situation.

If sensitive information is lost or disclosed to unauthorized parties, or suspected of being lost or disclosed to unauthorized parties, the Computer Systems Administrator must be notified immediately. If any unauthorized use of the County's computer or network systems has taken place, or is suspected of taking place, the Computer Systems Administrator must likewise be notified immediately. Similarly, whenever passwords or other system access control mechanisms are lost, stolen, or disclosed, or are suspected of being lost, stolen, or disclosed, the Computer Systems Administrator must be notified

immediately. Because it may indicate a computer virus infection or similar security problem, all unusual systems behavior, such as missing files, frequent system crashes, misrouted messages and the like must also be reported. The specifics of security problems should not be discussed widely but should instead be shared on a need-to-know basis.

(Ord. No. 2002-6, Arts. 1—3, 2-14-02)

Sec. 2-62.4. - E-mail policy.

- (a) Contents of messages. Users must not use profanity, obscenities or derogatory remarks in electronic mail messages. Such remarks, even when made in jest, may create legal problems for the author and/or the County. Special caution is warranted because back-up and archival copies of electronic mail may actually be more permanent and more readily accessed than traditional paper communications.
- (b) Message forwarding. Recognizing that some information is intended for specific individuals and may not be appropriate for general distribution, electronic communications users should exercise caution when forwarding messages. Sensitive information must not be forwarded without the approval of an elected official or a department head.
- (c) User back-up. If an electronic mail message contains information relevant to the completion of a business transaction, contains potentially important reference information or has value as evidence of an elected official's or department head's decision, it should be retained for future reference. Most electronic mail messages will not fall into these categories and, accordingly, can be erased after receipt. Users must regularly move important information from electronic mail message files to word processing documents, databases, and other files. Electronic mail systems are not intended for archival storage of important information. Important stored electronic mail messages can be periodically expunged by system administrators, mistakenly erased by users and otherwise lost when system problems occur.
- (d) Purging electronic messages. Messages no longer needed for business purposes must periodically be purged by users from their personal electronic message storage areas. After a certain period (generally six (6) months), electronic messages stored on multi-user systems will be automatically deleted by systems administration staff. The users will be notified before the messages are purged.
- (e) Harassing or offensive materials. Washington County's computer and communications systems are not intended to be used for, and must not be used for, the exercise of the users' right to private or personal free speech. Harassment of any kind, especially harassment based on color, religion, age, sex (whether or not of a sexual nature), national origin, disability, veteran status, or any other protected status, including electronic mail and Internet mail, is strictly prohibited and is cause for disciplinary action up to and including termination. Users are encouraged to politely respond directly to the originator of offensive electronic mail messages. If the originator does not promptly stop sending offensive messages, users must report the communications to their supervisor and the appropriate elected official or department head. Washington County retains the right to remove from its information systems any material it views as offensive or potentially illegal.
- (f) Paper confirmation for contracts. All contracts formed through electronic offer and acceptance messages (EDI, electronic mail, etc.) must be formalized and confirmed via paper documents and follow the same procedures for approval as all other contracts. Separately, because it may facilitate fraud, users must not employ scanned versions of hand-rendered signatures to give the impression that an electronic mail message or other electronic communications were signed by the sender.

(Ord. No. 2002-6, Arts. 1—3, 2-14-02)

Sec. 2-62.5. - Internet policy.

- (a) Access to the Internet. Access to the Internet will be provided to each Washington County computer user who has access to a PC and the County's network if it is deemed appropriate by the elected official or department head who supervises the user. The ability to surf the Web and engage in other Internet activities is not a fringe benefit. Internet access is provided for business needs only. All connections to the Internet must pass through Washington County's firewall. For security reasons, no stand-alone Internet connection is allowed into or out of the County's network.
- (b) Internet content filtering. Washington County reserves the right to block access to specific Web pages for the following reasons:
 - (1) To define and enforce access privileges;
 - (2) To protect against potential legal action;
 - (3) To preserve bandwidth and server space; and
 - (4) To manage Internet resources.
- (c) Information integrity. All information taken off the Internet should be considered suspect until confirmed by separate information from another source considered to be reliable. There is no general quality control process on the Internet and a considerable amount of its information is outdated, inaccurate and, in some instances, even deliberately misleading.
- (d) Virus checking. All files residing on Washington County's computing or network resources are subject to anti-virus screening. Infected files will be deleted as soon as they are discovered. To help protect from viruses, downloading of files from the Internet or sharing files by floppy disk without the consent of the Computer Systems Department is prohibited.
- (e) Push technology. Automatic updating of software or information on Washington County's computers via background "push" Internet technology is prohibited unless the involved vendor's system has first been tested and approved by the Computer Systems Department. While powerful and useful, this new technology could be used to spread viruses and cause other operational problems such as system unavailability.
- (f) User anonymity. Misrepresenting, obscuring, suppressing or replacing a user's identity on the Internet or any Washington County electronic communications system is forbidden. The user name, electronic mail address, organizational affiliation and related information included with messages or postings must reflect the actual originator of the messages or postings. If users have a need to employ remailers or other anonymous facilities, they must do so on their own time, with their own information systems and with their own Internet access accounts.
- (g) Web page changes. Users may not establish new Internet Web pages dealing with Washington County unless they have first obtained approval of their department head or elected official and the approval of the Computer Systems Department. The Computer Systems Department has the overall responsibility to see that all posted material has a consistent and polished appearance, is pertinent and proper information for the County's website, and is protected by adequate security measures.
- (h) Message interception. Wiretapping and other types of message interception are frequently encountered on the Internet. Accordingly, Washington County's confidential or private information must not be sent over the Internet unless it has first been encrypted by approved methods.
- (i) Appropriate behavior. To avoid libel, defamation of character and other legal problems, whenever any affiliation with Washington County is included with an Internet message or posting, "flaming" or similar written attacks are strictly prohibited. Likewise, users must not make threats against another user or organization over the Internet. All Internet messages intended to harass, annoy or alarm another person are similarly prohibited.

- (j) Internet Service Providers (ISP). Users must not employ non-County Internet Service Provider (ISP) accounts and dial-up lines to access the Internet or electronic mail with Washington County computers. Instead, all Internet and electronic mail activity must pass through Washington County's firewalls so that access controls and related security mechanisms can be applied.
- (k) Establishing network connections. Unless the prior approval of the Computer Systems Administrator has been obtained, users may not establish Internet or other external network connections that could allow non-Washington County users to gain access to Washington County systems and information.

These connections include the establishment of multi-computer file systems (like Sun's NFS), Internet Web pages, FTP servers and the like.

(Ord. No. 2002-6, Arts. 1—3, 2-14-02)

Sec. 2-62.6. - Computer Usage, Electronic Mail, and Internet Security Policy revisions.

Washington County reserves the right to revise this document as it sees fit to accommodate new technologies and the needs of its citizens and computer users.

(Ord. No. 2002-6, Arts. 1—3, 2-14-02)

Sec. 2-18. - Compensation.

- (a) Justices of the Peace ~~serving as Quorum Court members~~ shall receive per diem compensation for attending any official, regular, special or committee meeting of the Quorum Court in the sum of ~~one hundred ten dollars (\$110.00)~~ two hundred dollars (\$200.00) provided, the per diem compensation of any Justice of the Peace during any one calendar year shall not exceed the maximum amount established by the Arkansas General Assembly of eight thousand thirty five dollars (\$8,035.00) ~~Compensation amounts are established by Act 1170 of the 83rd Arkansas General Assembly, 2001, pertaining to maximum and minimum salaries for elected County officers, and said Act is herein adopted as if set out word for word.~~
- (b) Per diem compensation is hereby defined as a per calendar day allowance, exclusive of allowable expenses, which shall be paid a Justice of the Peace for attending any official, regular, special or committee meeting or meetings of the Quorum Court during any single calendar day without regard to the duration of such meeting or meetings. However, a Justice of the Peace may receive per diem compensation for one (1) meeting a year for which the member is absent due to an emergency or for personal reasons.
- (c) ~~Beginning January 1, 1983,~~ Each Justice of the Peace shall be ~~compensated~~ reimbursed for travel to and from any official, regular, special or committee meeting of the Quorum Court at the ~~rate per mile established by ordinance for County officials~~ standard federal mileage rate for privately owned vehicles as established by the Internal Revenue Service as expense reimbursement. Otherwise, Justices of the Peace shall be entitled to receive reimbursement of allowable expenses incurred in the conduct of county affairs on the same terms as other elected officials and county employees, within the budgetary limits established by the Quorum Court on an annual basis. ***Karen's note – Fyi, #4.2 in this agenda packet is the mileage reimbursement form that is required by the Comptroller's Office.***
- (d) Attendance at ~~a~~ any official, regular, special or committee meeting of the Quorum Court shall be verified by roll call by the Court Secretary. ~~Attendance at a committee meeting of the Quorum Court shall be verified by the committee chairman, who shall file with the County Clerk written reports of those Justices attending committee meetings. Such reports shall be filed within thirty (30) days following the committee meeting.~~
- (e) Any Justice of the Peace who shall preside over a Justice of the Peace Court, shall do so without compensation.
- (f)(e) ~~Each year that the General Assembly changes the minimum per diem compensation and the maximum yearly compensation shall result in an automatic increase of such.~~ Pursuant to Act 942 of the 90th General Assembly, (3%) per annum shall be added to the maximum per diem compensation of Justices of the Peace as a cost-of-living adjustment.

Karen Beeks

Subject: FW: Scan from Timothy A. Bunch, CPA PA

Ladies and Gentlemen:

Enclosed you will find the letter from JP Lundstrum's accountant, Mr. Bunch. In reading this letter, Mr. Bunch states that it is his understanding that for our plan to be an accountable plan (and therefore, not taxed to your individual incomes), JPs must fill out a mileage log and turn it in. For what it's worth, I agree with him in principle about the need for an accountable plan if these payments are going to be tax-exempt, (see the IRS Publication, linked below) but this is not the way we are doing business now. You are simply getting paid to and from your individual homes to the Courthouse for meetings. For these payments to qualify as reimbursement, you have to prove the expense- and that's the purpose of the mileage log. The County already has a form we use for employees to report mileage that would, in my opinion, satisfy what Mr. Bunch means when he says a mileage log.

In my opinion, you need to change your ordinance to reflect this advice. I also recommend that you consider some of the things we discussed last year; budgetary concerns (what do you want to budget for yourselves in mileage) and if you are going to put a limit on the starting and ending points for claiming mileage. I think it could be problematic if you leave it open ended.

https://www.irs.gov/publications/p463/ch06.html#en_US_2015_publink100034121

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Timothy A. Bunch, CPA, PA

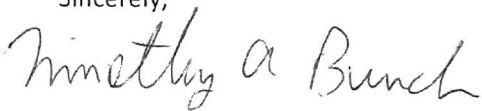
August 17, 2016

Steve Zega
Washington County, Arkansas
County Attorney

Mr. Zega:

Since writing my original letter in May of this year, I have inquired of various office holders throughout the state of Arkansas. I do feel that in most reimbursement situations to office holders, the payment is treated as compensation to the recipient. In spite of this general practice, I still feel that as long as each Justice of the Peace submits a mileage log showing their actual mileage for their job duties as a JP, the reimbursement is made under an accountable plan and is thus not income to the recipient. The IRS has issued new guidelines on the proper treatment of these payments and how they are to be reported on the W-2 issued to each Justice of the Peace. The total reimbursement would go in Box 12 of the W-2 with a Code L. Then each JP would include a Form 2106 with their individual tax return with the reimbursement included on the form. In this scenario, the amount included in Box 12 of the W-2 would not become income to the recipient. Should you have any questions regarding this letter, feel free to contact me.

Sincerely,



Timothy A. Bunch CPA