

CITY OF SALIDA

Social Media Policy

1. INTRODUCTION AND PURPOSE

Social media is a public forum subject to First Amendment protections and can be subject to both the Colorado Open Meetings Law, C.R.S. § 24-6- 401, et seq. (the "OML"), and the Colorado Open Records Act, C.R.S. § 24-6-200.1, et seq. (the "CORA") when it is being used by a public official in their official capacity. To address the fast-changing landscape of the Internet and the way citizens communicate and obtain information online, employees and all individuals sitting on City boards, commissions, and committees may consider using social media tools to reach a broader audience. The City encourages the use of social media to further the goals of the City and these boards, commissions, and committees where appropriate, but adopts this Policy to establish guidelines for the use of social media.

2. SCOPE

This policy applies to all employees of the City, and all individuals, whether elected or appointed, on City boards, commissions and committees.

3. DEFINITIONS

- a. "Board" means a City board, commission, or committee, including without limitation the City Council, the Planning Commission, the Board of Adjustment and the Historic Preservation Committee.
- b. "Comments" means any digital content, information, link, image, video, or any other form of communicative content posted in reply or response on a social media account operated by the City.
- c. "Member" means an individual that sits on City Council.
- d. "Official Member Account" means a City-provided email address Social Media Account that a Member uses for communicating with the public about City-related activities, duties, or goals, and is operated by the Member under the name of the individual Member.
- e. "Official City Account" means a City-provided email address or Social Media Account that is used by the City for communicating with the public in relation to City-related activities, duties, or goals, and is operated professionally by a City staff or consultant under the name of the City, a City department, a City event, or a City Board.

- f. "Personal Account" means a Social Media Account that is used solely for communication by a Member of a private and personal nature.
- g. "Post" means the action by the City to provide content, including text, pictures, videos, or any other type of media, on a social media account.
- h. "Social Media Account" means a website or service that focuses on creating and fostering online social communities and connecting users from varying locations and interest areas, including without limitation social networks (Facebook, LinkedIn and Nextdoor), instant messaging (SMS), blogs, wikis and online collaboration (SoundCloud), microblogging (Twitter), status updates, online forums and discussion boards, chats, or groups (Google Groups, Reddit, Yahoo and Whirlpool), website link sharing, video conferencing, virtual worlds, location-based services, VOD and podcasting, geo-spatial tagging (Foursquare and Facebook CheckIn), and photo and video sharing (Flickr, Instagram, Snapchat and YouTube).

4. OFFICIAL CITY ACCOUNTS

- a. Only the City Administrator or the PIO can create and manage Official City Accounts. Current login information to all Official City Accounts shall be maintained by the PIO. Any department or employee wishing to create, modify, or remove a Social Media Account must submit a request to the PIO via email and the PIO will make a recommendation to the City Administrator for the final decision.
- b. After the establishment of an Official City Account, the City Administrator may designate the City Clerk, a department head, the PIO or a City consultant to operate the Official City Account.
- c. Official City Accounts shall be consistently branded to communicate a clear association with the City. Branding should include without limitation the inclusion of the City logo. Where possible, all Official City Accounts should provide a link to the City's official website.
- d. Official City Accounts may not be used by employees to express personal views or concerns. Official City Accounts should be used responsibly to engage citizens, learn about citizen needs and concerns, contribute to relevant conversations, and promote City programs, events, and services. Employees posting to or interacting with Official City Accounts from an Official City Account must remain neutral and may not engage in argumentative or controversial behavior.
- e. Once a new employee is designated to operate an Official City Account, they will need to attend at least 1 hour of training on City rules and regulations for Social Media from the PIO. When an employee is offboarded from that role or job, they must be removed from the pertinent Official City Accounts. Department heads should notify the PIO and update the offboarding document prior to the employee's departure (within 72 hours).

5. ACCOUNT INFORMATION

The City of Salida currently maintains the following social media accounts:

- City Facebook (<https://www.facebook.com/CityofSalida/>)
- City Twitter (X) (@CityofSalida)
- City of Salida Parks and Rec Facebook (<https://www.facebook.com/SalidaParksAndRec>)
- City of Salida Parks and Rec Instagram (@salidaparksandrec)
- City of Salida Parks and Rec Twitter (X) (@salidapoolandrec)
- City of Salida Police Department Facebook (<https://www.facebook.com/SalidaPoliceDepartment>)
- City of Salida Police Instagram (@salidapolice)
- City of Salida Police Instagram K9 (@salida_K9_sarge)
- City of Salida Police Facebook K9 (<https://www.facebook.com/CanineSarge>)
- City of Salida Police Twitter (X) (@salidapd)
- City of Salida Fire Department (<https://www.facebook.com/SalidaFire>)
- City of Salida Arts and Culture Twitter (X) (@TheSteamPlant)
- City of Salida Arts & Culture Facebook (<https://www.facebook.com/salidasteamplant>)
- City of Salida Creative District Facebook (<https://www.facebook.com/salidacreatives>)
- City of Salida Arts and Culture Instagram (@salidasteamplant)
- City of Salida Creative District Instagram (@salidacreativedistrict)
- City of Salida Youtube (@cityofsalidacolorado)

The City of Salida currently maintains the following newsletters:

- Salida Standard
- Salida Parks and Rec – Constant Contact
- Salida Steamplant – MailChimp
- Salida Creative Arts District- MailChimp

The City of Salida currently maintains the following websites:

- www.cityofsalida.com

- www.solidasteamplant.com
- www.solidacreates.com
- www.steamplantwedding.com

6. OFFICIAL MEMBER ACCOUNTS

- a. Members may establish Official Member Accounts using the Member's City-provided email address. Official Member Accounts should include language that indicates the title of the Member, such as "Council Member" and should include a link to the City's website.
- b. Members shall provide account login information for their Official Member Accounts to the PIO. Official Member Accounts shall be always accessible by the PIO.
- c. A Member should not represent themselves on an Official Member Account as a spokesperson for the City or for their respective Board unless the Member has been designated by their respective Board to serve as a spokesperson.
- d. In creating content for or on an Official Member Account, Members are encouraged to be judicious and respectful.
- e. Members should use necessary care to maintain the security and integrity of Official Member Accounts to prevent the unauthorized access or posting of content. Account passwords should be changed regularly and immediately after the password has been, or is suspected of being, compromised. Passwords should not be shared with anyone other than the PIO.
- f. Failure to comply with this Policy may expose both the Member and the City to risks associated with First Amendment violations, Fair Campaign Practices Act violations, and Open Meetings Law violations.

7. PERSONAL ACCOUNTS

- a. Personal Accounts should be distinct and maintained separately from Official Member Accounts and Official City Accounts and should not be used in an official capacity or to discuss City business. A Personal Account that violates this Section is at risk of being deemed an Official City Account or Official Member Account, subject to CORA requirements, regardless of when such Personal Account was established and for what purpose.
- b. Members and employees retain their rights as private citizens to comment in their personal capacity from Personal Accounts. However, if a Member or employee discusses City business on a Personal Account, that Personal Account may be deemed an Official Account. Posts on Personal Accounts that include discriminatory remarks, harassment, threats of violence or similar inappropriate or unlawful conduct, and are intended to bully, disparage, or harm the reputation of the City may subject the Member or employee to disciplinary action under this Policy.

c. The name, title, tag, or link of a Personal Account should not include language that would indicate that the employee or Member is acting in any official capacity when posting on that account. Personal Accounts shall not be created using a City- provided email address.

d. Exceptions to the above may be made when posting on LinkedIn or other professional social media accounts when talking about City projects, City hiring campaigns etc.

8. CONFIDENTIALITY

No Member or employee may disclose on any Social Media Account confidential or proprietary information acquired by way of their official position or employment position with the City, or otherwise reveal any privileged information about the City, its constituents, its employees, or its contractors. This restriction applies whether the information is disclosed on an Official City Account, an Official Member Account or a Personal Account.

9. PHOTOGRAPHS USED ON SOCIAL MEDIA ACCOUNTS

Obtain permission from the child and their parents/guardian for all photographs posted on City social media accounts. If parents/guardians have not given permission, do not post pictures or videos of their children online. Photographs of children's hands, back of heads or other non-identifying photos do not need parents/guardian permission but it is always best practice to ask.

10. MONITORING SPEECH AND ACCESS TO OFFICIAL ACCOUNTS

a. Access to all Official Member Accounts and Official City Accounts must be set to "public." Because Official City Accounts and Official Member Accounts are public for First Amendment purposes, no member of the public may be banned from accessing any Official Account.

b. Comments for a post may be turned on or off. If comments are turned on, no member of the public may be prohibited from submitting a comment. However, comments may be removed based on the following criteria if carried out in a viewpoint-neutral manner:

- i. Comments that are obscene, sexual in nature, or pornographic;
 - ii. Comments that are defamatory or constitute harassment;
 - iii. Comments that promote illegal activity; or
 - iv. Comments that violate the intellectual property rights of the City or others.
- c. Removed comments must be retained as City records according to the standards for preservation of records under the CORA and the City's adopted retention schedule.

d. If comments for a post are turned off (to use the Social Media Account as a one-way communication tool), comments may only be turned off for the entire public and may not be turned off for specific individuals, including individuals whose comments are repeatedly subject to removal.

11. PROHIBITION ON CAMPAIGNING

a. Colorado's Fair Campaign Practices Act prohibits City resources from being used for certain political purposes. As such, neither Members nor City employees may use Official City Accounts or Official Member Accounts as a tool for reelection or for any other election or campaign purpose.

b. Members or employees who wish to use Social Media Accounts for campaigning must establish separate Personal Accounts for that purpose and may not access those Personal Accounts through City technology, including City computers and City-issued tablets, or using a City-provided email address.

c. This Section does not prohibit the City from using Official City Accounts for the distribution of lawful and neutral election information, including without limitation ballot information and polling place information.

12. UNLAWFUL MEETINGS

Of particular concern for the use of Social Media Accounts is the risk of violating the Open Meetings Law (OML). Under the OML, all public business must be conducted in public, and a meeting of more than two Members must be noticed and open to the public, even if such meeting is electronic. The dynamic nature of Social Media Accounts and the sheer volume of posts may make it difficult to track who is involved in the discussion and detect when the line has been crossed. As such, Members should not communicate in their official capacity with other Members on any Social Media Accounts, including commenting or messaging, whether such communication is public or private. While informal communication with constituents is generally acceptable, lengthy discussion of public business in such a manner is risky, especially if it involves other Members.

13. PRESERVATION OF PUBLIC RECORDS

a. Content published on Social Media Accounts that relates to the conduct of government actions must be retained and managed by the City in compliance with the CORA. Members and employees must treat each comment, post, photo, and list of individuals connected to an Official Member Account or Official City Account as a public record.

b. Content on an Official City Account or Official Member Account may only be deleted by the City Clerk, and content shall not be deleted from an Official Account until a screen capture has been taken of the offensive content and preserved by the City

Clerk according to the records retention schedule. Content on Personal Accounts that relates to City business must be treated in the same manner.

14. LEGAL RISKS

Most Social Media Accounts require users to agree to terms of service that include such provisions as indemnity and defense clauses and applicable law and venue clauses. When a public agency creates a Social Media Account, it typically must agree not to sue the site or allow the site to be included in suits against the agency and requires the account owner to pay the site's legal costs arising from such suits. Most terms of service also assert that a certain state law applies to all legal actions (usually California). Because of these provisions, any employee or Member violating the terms of service while using an Official City Account or Official Member Account exposes the City to significant legal risks. The provisions of this Policy are intended to protect the City and Members from such risks as much as possible.

15. ENFORCEMENT

- a. Failure to follow this policy exposes the City to significant legal risks. Therefore, a Member's failure to follow this Policy may result in disciplinary action, including public censure or removal from the Board, as appropriate and permitted by law.
- b. Failure by an employee to follow this Policy may subject an employee to disciplinary action, up to and including termination.

16. DISTRIBUTION

This Policy shall be distributed to all current Members and employees and any future Members and employees upon accepting such position.

17. RESPONSIBILITIES

This policy is approved by City Administrator and exceptions to the policy can be granted by the City Administrator.

Existing policies already in place prior to the adoption of this policy should be reviewed and modified according to the guidelines in this policy if it would enhance efficiency of the existing policy.

Any formal future policy written for the City shall follow the guidelines outlined in this policy.

18. MONITORING AND REVIEW

This policy shall take effect upon approval and shall be communicated to all Department Heads for immediate compliance. For any inquiries or clarifications regarding this policy, contact the City Administrator.

Approved and adopted by:

_____	_____
City Administrator	Date Approved

This policy shall be subject to review on _____ or more frequently if necessary, by _____.