



City of Stevenson

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To: City Council
From: Leana Kinley, City Administrator
RE: Social Media Conduct
Meeting Date: December 10, 2020

Executive Summary:

On November 17th, the Sheriff Brown posted a statement regarding enforcement of the mask mandate as it relates to private gatherings in homes on the Skamania County Sheriff's Office Facebook page. There have been over 1,000 comments, reactions and shares. Some comments from councilmember Matthew Knudsen resulted in multiple calls to City Hall and emails to council regarding his conduct. During the November 19th council meeting, councilmember Knudsen also commented on the city's live YouTube broadcast of the meeting. Councilmember Annie McHale requested the topic of social media conduct be discussed at the December 10th council meeting.

Overview:

The first issue of a councilmember's comments from their private Facebook account is a matter of First Amendment rights to freedom of speech. There are avenues for ethics violations, financial complaints, or recall of an elected official (RCW [29A.56.110](#)-270). There are no avenues for other types of complaints regarding elected officials even if they are against city policy, outside of voter choice during elections. Attached is the AWC publication, "Guidelines for elected and appointed officials using social media."

The city's personnel policy addresses the matter related to conduct, however the consequences outlined are not applicable to elected officials. There is no progressive discipline process and ultimately an elected official cannot be fired purely for violation of the city's personnel policy. The sections specific to conduct are below and a copy of the city's social media and internet policies are attached.

2.4 ANTI-HARASSMENT POLICY

It is the City's policy to foster and maintain a work environment that is free from discrimination and intimidation. Toward this end, the City will not tolerate harassment of any kind that is made by employees toward co-workers or to members of the public. Employees are expected to show respect to each other and the public at all times, despite individual differences.

Harassment is defined as a verbal or physical conduct that demeans or shows hostility or aversion toward another employee or members of the public. Examples of prohibited conduct include slurs or demeaning comments to employees or members of the public relating to race, ethnic background, gender, religion, sexual orientation, political ideology, age, or disability.

9.1 GENERAL CODE OF CONDUCT

It shall be the responsibility of all employees to represent the City to the public in a manner which shall be courteous, efficient, and helpful.

10.1 ACTIONS SUBJECT TO DISCIPLINARY ACTION

Our success in providing excellent service to our citizens and maintaining good relationships with the community depends on our employees. We have therefore provided for your guidance certain conduct which, if engaged in, would be detrimental to our objective and could lead to disciplinary action including discharge. The following specified conduct is illustrative and not comprehensive.

17. Making malicious, false, or derogatory statements that are intended or could reasonably be expected to damage the integrity or reputation of the city or our employees, on or off premises.
19. Rudeness, discrimination, intimidation, coercion, use of obscene language, gesture or lack of courtesy to the public or fellow employees.

The second issue of posting or commenting on social media while a council meeting is in session may be dealt with through policy adoption. The attached article from MRSC, "Use of Electronic Devices During Council/Commission Meetings," identifies the issues with the practice and provides examples of policies adopted in other agencies which address the matter.

These issues are taking up valuable staff and council time when there are higher priority problems needing attention. As discussed at previous meetings, the inability to meet in-person and ongoing stress related to the COVID-19 pandemic may be contributing to these issues. An additional suggestion is to hold a facilitated council retreat in-person with appropriate safety measures in place.

Action Needed:

- Direction on updates to policy as discussed.
- Direction to secure a facilitator and schedule an in-person council retreat.
- Or no action.