

Introduced by: Council Present

**AN ORDINANCE OF THE CITY OF BERKELEY AMENDING THE EMPLOYEE HANDBOOK OF PERSONNEL RULES AND REGULATIONS, POLICIES, AND BENEFITS IN SECTION 17.00, BY ADDING A NEW SUBSECTION 17.13, ENTITLED “SOCIAL MEDIA POLICY”**

**WHEREAS**, the use of social media is prevalent today; and many government offices are now using use social media to communicate information and ideas to the public; and,

**WHEREAS**, the City of Berkeley and its employees would benefit from enhanced communication with the public through social media; and, the City Manager has taken into consideration Missouri public records requirements, protecting freedom of speech, staffing, and the use of online media, among other topics when drafting the social media policy.

**Now, Therefore, Be it ordained by the City Council of the City of Berkeley, Missouri, as follows:**

**POLICY**

**Section 1 Introduction and Purpose**

The City of Berkeley (“City”) will seek opportunities to use social media to serve the interests of the City and its residents. The City will use social media as means to efficiently disseminate information about the City to the public, increase transparency of City operations, provide channels for the public to communicate with City government and expand public involvement in City government.

This social media policy governs the creation, administration, and use of social media by the City in conducting the business of City government. The purpose of this policy is to promote and support the effective and constructive use of social media in City government without compromising the integrity or effectiveness of the City government, its officials and employees. To serve this purpose, this policy will provide guidelines ensuring proper use and administration of all City-created and/or operated social media sites.

Definitions of terms used in this social media policy appear in Section 6.

**Section 2 Establishment of Social Media Sites and General Administration Procedures**

1. A City department may establish and use a social media site only with the prior written approval of the City Manager or designee. The City information technology (“IT”) staff shall be responsible for account credentials for City social media sites. The department that establishes a social media site shall be responsible for the design, content, and updating and other administration of the site in accordance with this policy.
2. City social media sites shall expressly state that that they are maintained by the City and that any use or maintenance of the site is subject to this policy and to other City rules and policies such as the ethics code, personnel rules, computer use policy and equipment use policy. This policy shall be available at the City Clerk’s office and, wherever practicable, a link to this policy shall be included on the social media site.
3. City social media sites should contain the official City logo, and a link to the City’s official website for forms, documents, online services, and other information necessary to conduct business with the City. The City’s official website, <http://www.cityofberkeley.mo.us/>, is the

City's primary internet presence, and in general information disseminated through social media also should be made available on the official website.

4. The City Manager's secretary shall serve as a as the Public Information Coordinator. The Public Information Coordinator will monitor content on City social media sites to ensure adherence to this policy, other applicable City rules and policies, and the interests and goals of the City.
5. The City reserves the right to remove or restrict access to any content on a City social media site that violates this policy or any applicable law. Refer to Section 4 for further details regarding the removal of content from City social media sites.
6. The City shall make every effort to maintain and govern use of City social media sites in a consistent manner.
7. All City social media sites and the administration, use, and maintenance of these sites shall comply with all applicable federal and state laws as well as City laws, policies, and procedures. Such laws, policies and procedures include without limitation those concerning the unauthorized use of copyrighted material, protection of individual privacy, publication of defamatory statements and the prohibition of threatening or harassing communications.
8. Depending on content, all, some or none of the information in these tools, may be construed as public records under Chapters 109 or 610 RSMo. As a result, any information posted on City social media sites, including but not limited to subscriber's lists, posted communications, correspondence between posters and City staff, and communications submitted for posting, may be a public record subject to public disclosure.
9. Information posted on a City social media site is subject to management and retention in the same manner as other City records. The City Clerk shall cause information posted on a City social media site to be inventoried, stored and destroyed in the same manner and at the same time as if the information was maintained in written, printed or photographic form.

The following constitutes the policies and procedures for official City of Berkeley social media sites as currently approved by the City Manager. The City of Berkeley reserves the right to change these policies and procedures at any time without prior notice.

### **Section 3 Use and Maintenance of City Social Media Sites**

#### **General Use of Social Media Sites**

1. Identification of Social Media Site Content and Disclaimer
  - a. Each City social media site shall identify itself clearly as a site operated, maintained and controlled by the City of Berkeley.
  - b. Each City social media site shall clearly identify content on the site as being supplied either by the City or by a non-City source (such as a comment posted by a member of the public).
  - c. Each City social media site shall contain a disclaimer to the effect that content identified as non-City content states only the opinion of its source, does not state the

- opinion or policy of the City, and is not approved or endorsed by the City.
- d. Each City social media site shall state that all content on the site is subject to the requirements of this policy, and that the City may remove from the site content which violates the requirements of this policy. *Each City social media site shall prominently display a hyperlink to this policy.*
  - e. Each City social media site shall state that any photograph posted on the site that includes the identifiable picture of a person may be removed by the City at the request of that person (of if the person is a minor, the person's parent or guardian).
2. Information containing any of the following inappropriate forms of content shall not be permitted on City social media sites and is subject to removal and/or restriction without notice by the Public Information Coordinator:
- a. Information not related to the functions of the department that maintains the site, or to the original topic of a posting on the site, including random or unintelligible comments;
  - b. Information, including photographs and other images, containing ethnic slurs or profanity; material or comments that are harassing, violent, threatening to any person, entity or property, defamatory, fraudulent, discriminatory or sexually explicit;
  - c. Information that infringes on copyright, trademark, intellectual or any other property right or violates any other legal ownership interest in property;
  - d. Information in support of, or in opposition to, the candidacy of any person for public office, and information in support of, or in opposition to, any ballot measure;
  - e. Solicitation of commerce, including but not limited to advertising of any business or product for sale, but this does restrict information regarding the rendering of services for the City by City contractors;
  - f. Information promoting the violation or directly violating any federal, state or local law;
  - g. Information from children under 13 years old in accordance with the Children's Online Privacy Protection Act (COPPA), 16 CFR Part 312. Users acknowledge and attest that they are over that they are at least 13 years old by posting on a City social media site;
  - h. Information that may tend to compromise the safety or security of the public or public systems; and
  - i. Information subject to a legal privilege of confidentiality that is posted without the consent of all persons who may assert the privilege.
3. All information posted to any City social media site must comply with and is bound by the laws and statements of rights and responsibilities imposed by the entity operating the social medium. The City reserves the right to report any violation of the social medium entity's

policies, rules of use, or statements of rights and responsibilities to that entity.

4. Any information posted by a member of the public on any City social media site reflects the opinion of the commentator or poster only and publication of information does not imply endorsement of, or agreement by, the City, nor does such information necessarily reflect the opinions or policies of the City.
5. The City reserves the right to deny or limit access to City social media sites for any individual who violates this policy. If the City finds that this policy has been violated, the City may deny or limit the violating user's access at any time and without prior notice.
6. The City may discontinue the operation of a City social media site, or public access to a City social media site, at any time when the City Manager determines that continued operation of, or public access to, the site is not in the best interest of the City. When the City discontinues operation of a City social media site the City shall terminate internet access to the site, and archive its content as required by the City's records retention policy.

#### **Section 4 City Creation, Maintenance, and Use of Social Media Sites**

In addition to the general terms of use in Section 4 of this policy,

1. Commencing upon the adoption of this policy, no City department may establish or use or terminate a social media site, identity, profile, page or account without the prior written approval of the City Manager.
2. All information posted on a City social media site by a City officer or employee shall comply with this policy. No City officer or employee may post information on a City social media site before signing a statement that the officer or employee has read and will comply with this policy. A copy of each such statement shall be maintained on file by the Assistant City Manager and a copy placed in the officer or employee personnel file.
3. City employees, representatives, agents, and all individuals acting on the City's behalf shall not use City social media sites for any communications or postings that are not directly related to a City business purpose.
4. Employees of the City must adhere to the City's Personnel Policies when responding to or posting content on the City's social media site(s), including policies related to race, religion, discrimination or harassment, media relations, and computer use. In addition to complying with this Social Media Policy, including its terms regarding inappropriate forms of content, City employees must not post non-public or confidential information such as information related to co-workers, personnel data, medical information, or claims or lawsuits against the City. If there are questions about what is considered confidential, employees should check with the Human Resources Department.

#### **Section 5 Social Media Use by City Officials and Employees**

1. In using social media as an individual, a City official or employee shall use reasonable care to avoid the appearance that the official or employee is representing the official position or policy of the City.

2. No City official or employee may use a City email address, web page or social media site to conduct the official's or employee's personal business or to promote the official's or employee's personal interests.
3. In all communications on social media regarding City business, City officers and employees shall comply with rules restricting the dissemination of information in City records that is privileged or confidential.
4. City officers and employees may not use a City email address to register for social media sites other than for use in City business without the prior approval of the City Manager.

## **Section 6 Definitions**

In this policy:

*"Blog"* means a web-based forum with regular entries of commentary, descriptions of events, or other materials where the blog host posts material on the website, and others may provide comments.

*"City Manager"* means the City Manager or designee as appointed by City Council.

*"City Social Media Sites"* means all social media sites as defined in this policy that are created, maintained, or operated by or on behalf of a City department, City social media sites do not include sites created and operated by individuals in their private capacity.

*"Cloud Computing"* means the use of applications hosted across the internet by an independent service provider. An example of cloud computing is a Google Doc, in which the word processing program is accessible through a web browser and the content in the document resides in Google's servers.

*"Department"* means a unit of City government under the supervision of the City Manager, the Mayor or City Council, any City Commission or Board.

*"Mashup"* means a web-based presentation of information that combines data and/or functionality from multiple sources. For example, a mashup would be a Google map showing average housing prices drawn from a City assessor's online database.

*"Photo Sharing Sites"* means websites which allow users to post and share digital photographs. These sites typically allow commenting and meta-data to be attached to photographs.

*"Public Information Coordinator"* means a member of City staff designated to monitor the content of all City social media sites, or that person's authorized designee. Typically the Secretary to the City Manager

*"RSS Feed"* means a web content format which, when used with an RSS aggregator, alerts users to new or exciting content on a website. They enable users to avoid the conventional methods of browsing or searching for information on websites. Once users subscribe to an RSS feed, they can gather material from websites of their choosing.

*"Social Media" or "Web 2.0"* means the collection of web tools that facilitate collaboration and data sharing. Web-based communities and hosted services include social-networking sites (e.g.,

Facebook, Twitter, LinkedIn), video and photo sharing sites (i.e. Instagram), wikis, blogs, virtual worlds, and all other emerging technologies that are used to communicate or share information with others electronically.

“Video Sharing Sites” means websites where users post video they have taken and others may view or comment on these videos once posted. Video sharing sites generally allow users to post and share digital photographs. These sites also permit viewers to integrate or display others’ videos on their own sites.

“Wiki” means a collection of web pages that encourages users to contribute or modify the content. By using a simple web interface, a community can collaborate on developing a document or web page, no matter where they’re located.

**Section 7** All staff are responsible for using computer software legally, and may be required to demonstrate that the software on their computers is appropriately licensed.

**Section 8** All officer or employee violating any part of the City’s Social Media Policy will subject the officer and employee to disciplinary action, up to and including termination.

**Section 9** That all ordinances and parts of ordinances in conflict herewith are hereby repealed for purposes of this ordinance only, and only to the extent of the conflict.

**Section 10** This Ordinance shall be in full force and effect from and after the date of its passage.

1st Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2017

2nd Reading this \_\_\_\_\_ day of \_\_\_\_\_ 2017

3rd Reading, PASSED and APPROVED, this \_\_\_\_\_ day of \_\_\_\_\_ 2017

\_\_\_\_\_  
Theodore Hoskins, Mayor

ATTEST:

\_\_\_\_\_  
Deanna L. Jones, City Clerk

\_\_\_\_\_  
Approved As To Form:  
Donnell Smith, City Attorney

Final Roll Call:

Mayor Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Kirkland	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mathison	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman-at-Large McDaniel	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mitchell	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Williams	Aye ___	Nay ___	Absent ___	Abstain ___