

CITY OF MONROE ADMINISTRATION POLICIES

POLICY SUBJECT: ELECTED OFFICIALS SOCIAL MEDIA POLICY

REFERENCE NUMBER: 2015-01

EFFECTIVE DATE: May 5, 2015

APPROVED:

_____ Mayor _____ City Administrator

SUBMITTED TO COUNCIL:

_____ N/A _____ Yes Resolution # _____ Date: May 5, 2015

RECEIVED:

_____ Police	_____ Human Resources
_____ City Clerk	_____ Parks and Recreation
_____ Finance	_____ Public Works
_____ Community Development	_____ City Attorney
_____ Parks and Recreation	

PURPOSE

The purpose of this policy is to establish a formal process and standards for the use of social media by Elected Officials (Mayor and Councilmembers) in their official capacity. The purpose of social media sites/tools that are owned or maintained by the City of Monroe for Elected Officials is to provide a limited forum for Elected Officials to communicate with their constituents and members of the public regarding subjects that are directly related to the City of Monroe and the Monroe community.

REFERENCES

- **RCW 42.17A.555** Use of public office or agency facilities in campaigns - Prohibition - Exceptions
- **Ch. 42.23 RCW** Code of Ethics for Municipal Officers – Contracts Interests
- **Ch. 42.30 RCW** Open Public Meetings Act
- **Ch. 42.36 RCW** Appearance of Fairness Doctrine - Limitations
- **Ch. 42.56 RCW** Public Records Act
- **MMC Chapter 2.52** Code of Ethics
- **Monroe City Council Rules of Procedure**

DECLARATION OF POLICY

This policy outlines the roles, responsibilities, and best practice recommendations for the use of social media by Elected Officials in their official capacity. The City's Elected Officials are committed to open and progressive communications between themselves and their constituents utilizing available and future online technologies within the limits of the law.

This policy applies to any social media site or tool used by Elected Officials in their official capacity to communicate with constituents or the general public. Where indicated, certain provisions of this policy shall apply only to social media sites/tools that are owned or maintained by the City of Monroe, including sites/tools that are established by the City for Elected Officials. It is primarily each Elected Official's responsibility to ensure compliance with this policy.

IT IS THE CITY'S PREFERENCE AND INTENT THAT ELECTED OFFICIALS WILL NOT UTILIZE SOCIAL MEDIA TO COMMUNICATE IN THEIR OFFICIAL CAPACITY EXCEPT THROUGH SOCIAL MEDIA SITES/TOOLS THAT ARE OWNED OR MAINTAINED BY THE CITY OF MONROE. THE USE OF PRIVATE SOCIAL MEDIA SITES/TOOLS FOR THIS PURPOSE IS STRONGLY DISCOURAGED.

DEFINITIONS

“Chat” is a feature that allows instant messages to be sent.

“Comment” is a response to a post, an article or other social media content submitted by a visitor.

“Elected Officials” includes Mayor, Councilmembers, and any staff working on an Elected Official’s behalf to represent him or her, using a social media tool.

“Like” is a feature that allows users to show their support for a specific comments, pictures, wall posts, statuses, or fan pages. The “Like” button allows users to show their appreciation for content without having to make a written comment.

“Post” is an original entry onto a social media site by the user of the site.

“Sharing” is to relay a previously created post onto a different social media site.

“Social Media” are third-party hosted online technologies that facilitate social interactions and dialogue. These online technologies are operated by non-city hosted services and may be used by the Elected Officials to communicate with the public. Such third party hosted services/tools may include, but are not limited to: social networking sites (MySpace, Facebook Linked-In), micro-blogging tools (Twitter, RSS feeds), audiovisual networking sites (YouTube, Flickr), and blogs, etc.

“Tagging” is a mechanism of linking a person, page or place to a post.

“Visitor” is a person who views an Elected Official’s social media site.

GENERAL POLICY

While social media, with its use of popular abbreviations and shorthand, does not adhere to standard conventions of correspondence, the content and tenor of online conversations, discussions, and information posts and comments should model the same professional behavior displayed during Council meetings and community meetings.

Social media are not to be used by Elected Officials as mechanisms for conducting official city business other than to informally communicate with the public. Examples of business that may not be conducted through social media include: making policy decisions, official public noticing, and discussing confidential City matters that have not been approved for release to the public. Elected Officials’ social media site(s) should contain links directing users back to the City’s official website for in-depth information, forms, documents, or online services necessary to conduct official city business.

The City's Human Resources Director, following consultation with the City Administrator, may cause categories of official City of Monroe social media applications, tools, or sites to be permanently or temporarily discontinued if they are not or cannot be used in compliance with this policy. The Human Resources Director shall exercise such discretion in a viewpoint-neutral, evenhanded, and non-arbitrary manner.

ADMINISTRATION, ENFORCEMENT AND DISPUTE RESOLUTION

The City's Human Resources Director shall have primary responsibility to administer and enforce the provisions of this policy with respect to social media sites/tools that are owned or maintained by the City of Monroe.

Any Elected Official aggrieved by an administrative decision or enforcement action of the Human Resources Director under this policy may appeal such decision or action to the City Hearing Examiner by filing a written statement with the City Clerk within five (5) business days of the decision or action. The written statement shall set forth all relevant facts and any supporting legal argument. The Human Resources Director may thereafter file with the City Clerk a written response within five (5) business days. The appealing elected official shall thereafter have two (2) business days in which to file a written reply with the City Clerk. The Hearing Examiner shall consider all such submittals without a hearing and shall issue a written decision denying or sustaining the appeal within ten (10) business days following the reply. There shall be no further right of administrative appeal.

ETHICS AND ELECTIONS RULES OF COMPLIANCE

All content posted on individual Elected Officials' social media sites shall comply with applicable Council Rules of Procedures, City ordinances and administrative rules, and Washington State law regulating public agencies and elected officials.

For social media sites/tools that are owned or maintained by the City of Monroe, no content that promotes or advertises commercial services, entities, or products may be posted.

Elected Officials will not post or release proprietary, confidential, or sensitive information on social media sites in a manner that violates applicable state law, including, without limitation, RCW 42.23.070 – Prohibited Acts.

Social media sites/tools that are owned or maintained by the City of Monroe shall not contain posts, comments, or links to any content that supports or opposes political candidates or ballot propositions, including, without limitation, links to an Elected Official's campaign site.

RECORDS RETENTION ACT COMPLIANCE

State and local records retention laws and schedules apply to social media content. All social media content that is required to be retained shall be maintained for the legally required retention period based on the subject matter of the content. Prior approval of the retention format and procedures for each social media tool being used must be received from the City Administrator upon the advice and recommendations of the Public Records Officer, City Clerk, and Human Resources Director. Except for social media sites/tools that are owned or maintained by the City of Monroe, which will be retained through the City's archiving system, it is the ultimate responsibility of each Elected Official to maintain current, approved retention procedures and to ensure that those procedures are followed.

As with any correspondence sent in his or her capacity as an Elected Official, Elected Official postings to social media sites maintained by others must be retained by the posting Elected Official to the extent that such content constitutes a "public record" as defined by Chapter 42.56 RCW. Printouts of postings to others' sites may suffice for retention purposes.

Elected Officials should consult with the City Administrator for the applicable retention schedule and method.

PUBLIC RECORDS ACT COMPLIANCE

Content maintained in a social media format, i.e., Facebook, YouTube, Twitter, etc., that is related to City business, including communication between an individual Elected Official and constituents or the general public, and a site's listing of "friends" or "followers," may be considered a public record subject to disclosure under the state Public Records Act.

Any social media tools used should clearly state that all content submitted by members of the public is potentially subject to public disclosure pursuant to the Public Records Act, RCW 42.56. If it is not possible to display this notice prominently on the site, Elected Officials should notify users by including a link from the site to the Public Records Act notice set out in Exhibit B, notify new users via response to posts, and/or periodically notify existing users via broadcast message.

Under the state Public Records Act, the City is potentially responsible for responding accurately and completely to any public records request, including a request for public records on social media maintained by individual Elected Officials. Therefore, it is mandatory that records have been retained for the legally required retention period in accordance with applicable standards.

Users of, and visitors to, social media sites shall be notified that public disclosure requests must be directed to the appropriate City Public Records Officer pursuant to the City's Public Records Disclosure Policy.

OPEN PUBLIC MEETINGS ACT AND APPEARANCE OF FAIRNESS DOCTRINE COMPLIANCE

Communication between Councilmembers via social media, as with telephone and email, may potentially constitute a "meeting" under the Open Public Meetings Act, Chapter 42.30 RCW. For this reason, Councilmembers are prohibited from participating in social media discussions/threads regarding City business that involve a quorum of Council Members, and are strongly discouraged from "friending" other Councilmembers or "liking" other Councilmember's posts.

In addition, receiving or making posts or comments regarding quasi-judicial matters via social media may violate Council Policy and Chapter 42.36 RCW – the Appearance of Fairness Doctrine. To avoid receiving any comments on pending quasi-judicial matters that may violate the Appearance of Fairness Doctrine, Councilmembers are strongly encouraged to maintain social media sites with settings that can restrict users' ability to post content.

CONTENT GUIDELINES

For social media sites/tools that are owned or maintained by the City of Monroe, users and visitors of social media sites who submit comments should be clearly notified that the intended purpose of the site is to serve as a mechanism for informal communication between Elected Officials and the public regarding the City-related topics discussed. If the public is allowed to post comments to an Elected Official's site, the Use Policy set out in Exhibit A must be displayed or made available by hyperlink. Any content removed in compliance with the Use Policy must be retained, including the time, date, and identity of the poster when available, to the extent required by law. See above Records Retention Act Compliance.

Elected Officials are strongly encouraged to maintain social media sites with settings that can restrict users' ability to comment.

EQUAL ACCESS

Elected Officials are discouraged, in their official capacity, from posting or commenting on social media sites that require membership or subscription. When posting information or soliciting feedback on such a site, Elected Officials should always provide an alternate source for the same information or mechanism for feedback on the City's public web site, so that those who are not members of the social media site may have equal access.

APPENDIX

GENERAL APPROACH

Use archiving tools approved by the City's Information Technology Department.

Maintain current documentation of the approved method and schedule for preserving social media content.

Ideally, this process will store data in searchable electronic formats and will store information about transmissions, subscribers, and other metadata associated with the site.

Maintain original appearance and layout of social media site where possible.

Secure usernames and passwords for all sites by not sharing such information and using unique passwords to minimize the potential for cross site hacks and malicious mischief.

Consistently monitor activity and posts. Avoid stale or outdated information, respond to questions or responses, quickly remove inappropriate or spam content.

Notify site visitors that correspondence posted to an Elected Official's social media site may be considered public records and may be released per Chapter 42.56 RCW.

Notify visitors that individual Elected Official social media sites are not intended to be used to conduct official city business and any public records request must be made with the City's Public Records Officer.

Special Notes about text messaging and cellular phone devices:

Regardless of whether the device used is paid or reimbursed by public funds, business conducted in the official capacity as an Elected Official is a public record. Care should be taken to ensure that records created are retained per the applicable retention period and can be provided if requested. Know your device's capabilities and devise a strategy for archiving texts, call logs, and other communications.

EXHIBITS

EXHIBIT A

The following content will be removed from this site: (1) comments not related to the specified topics for discussion; (2) posts or comments in support of or opposition to political campaigns or ballot measures; (3) profane or obscene language; (4) posts or comments espousing or conveying racially, ethnically, religiously, gender-oriented, discriminatory comments; (5) solicitations and/or transactions of commerce; (6) sexual content or links to sexual content; (7) encouragement, promotion or undertaking of illegal activity; (8) information that may tend to compromise the safety or security of the public or any City equipment, property or system; [~~AND~~](9) content that violates a legal ownership interest of any party; and (10) posts or comments that would constitute ex parte communications in violation of the Appearance of Fairness Doctrine.

EXHIBIT B

Posts, comments, or other content posted to this site, may be considered public records subject to public disclosure under the Washington State Public Records Act (RCW 42.56).