



WORK SESSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY COUNCIL WILL HOLD ITS WORK SESSION MEETING AT 6:00 PM ON MARCH 7, 2023 AT CENTERVILLE CITY HALL, 250 NORTH MAIN STREET, CENTERVILLE, UTAH.

Centerville City Council meetings are open to the public, unless otherwise closed for reasons allowed by law. Centerville City Council meetings may be conducted via electronic means pursuant to Utah Code § 52-4-207. In compliance with the Americans with Disabilities Act, individuals needing special accommodations due to a disability may contact the City Recorder at (801) 295-3477, at least 24 hours in advance of the meeting. The Mayor and Council reserve the right to modify the sequence of agenda items in order to facilitate special needs or provide greater efficiency.

The full agenda packet and backup materials can be found on the Centerville City website at:

<https://centervilleutah.gov/129/Agendas-Minutes>

A. ROLL CALL

B. BUSINESS ITEMS

Business action or discussion items to be considered.

1. Continued Discussion - Social Media Policy

Continue discussion of proposed Social Media Policy regarding City social media accounts, use of social media for City business, personal social media usage by City employees and officials, and terms of use for public use and comments on City social media accounts.

C. DEPARTMENT OR COMMITTEE REPORTS

Department heads or committee chairs may provide updates regarding department or committee assignments or events.

1. Finance Department Report

Nate Plaizier will give a report on the Finance department

D. CLOSED SESSION

The City Council may vote to discuss matters in a closed session for reasons allowed by law, including, but not limited to, the provisions of Utah Code § 52-4-205 of the Open and Public Meetings Act, and for attorney-client matters that are privileged pursuant to Utah Code § 78B-1-137.

E. ADJOURNMENT

CERTIFICATE OF POSTING

I hereby certify that this notice and agenda was posted at Centerville City Hall, published on the Utah Public Notice Website, and provided to a newspaper or media correspondent in accordance with the requirements of the Utah Open and Public Meetings Act, including, but not limited to, provisions of Utah Code § 52-4-202.

**Jennifer Robison
Centerville City Recorder**

CITY COUNCIL
Staff Report
3/7/2023

Item No. 1.

Title: Continued Discussion - Social Media Policy

Initiated By: Bryce King, Community Services Manager, Lisa Romney, City Attorney

Staff Representative: Bryce King, Community Services Manager, Lisa Romney, City Attorney

SUBJECT:

Continue discussion of proposed Social Media Policy regarding City social media accounts, use of social media for City business, personal social media usage by City employees and officials, and terms of use for public use and comments on City social media accounts.

RECOMMENDATION:

Continue discussion of the proposed Social Media Policy regarding City social media accounts, use of social media for City business, personal social media usage by City employees and officials, and terms of use for public use and comments on City social media accounts. Provide direction and feedback to Staff on draft policy and schedule for further discussion or action.

BACKGROUND:

On February 21, 2023, the City Council discussed the proposed Social Media Policy regarding City social media accounts, use of social media for City business, personal social media usage by City employees and officials, and terms of use for public use and comments on City social media accounts. The Council directed Staff to schedule this matter for further discussion.

Prior background information:

The City manages and maintains a number of social media channels to communicate with citizens and provide information regarding City events, programs, and services. Social media is an important and necessary tool for government communication and outreach. While the benefits of social media are significant, there are also a number of potential practical and legal challenges involved. Developing a clear and comprehensive social media policy is an important step towards managing and properly engaging in social media content and communication.

The importance of a social media policy for cities and local government was summarized in a recent online article by American City & County, as follows:

1. A well-crafted policy can set clear guidelines and expectations for citizens, public employees, and elected officials for utilizing government social media accounts. Which platforms will be used? Who has access and permission to post on behalf of the public body or municipality?
2. A policy can help ensure that the most up-to-date information is made publicly available, and avoid the spread of misinformation at the same time. What content may be posted? How does it fit into the agency's record retention schedule? Can comments be removed? Addressing these questions in a policy is crucial to promoting the productive use of social media by a local government.
3. A policy can even help defend local governments against litigation. Developing court cases have

started to dub the social media pages of counties, cities and even elected officials as limited public forums for speech. As a result, local governments can run into costly trouble when conducting activity on social media pages seen as infringing upon a citizen's First Amendment rights, such as the simple act of deleting a comment.

4. A policy can help clearly define who the social media manager is and their role in the city's social media plan.

Staff has prepared the attached draft Social Media Policy for discussion with the Council. It is a comprehensive policy intended to cover many aspects of City social media usage, including topics such as account management, employee and agent authorization, posting criteria and content, third-party content rules, public records retention, account security, legal framework, public comments, and terms of use. This policy has been reviewed and revised by a subcommittee of employees, including the Community Services Manager, Administrative Services Director, City Recorder, City Manager, Police Chief, Police Lieutenant, and City Attorney. We are excited to present this comprehensive and important policy for your consideration and feedback.

ATTACHMENTS:

1. Social Media Policy (2023)

70 Social Media Policy

- 70.01 GENERAL PROVISIONS**
- 70.02 ADMINISTRATION**
- 70.03 CITY SOCIAL MEDIA ACCOUNTS**
- 70.04 THIRD-PARTY CONTENT RULES**
- 70.05 PUBLIC COMMENT POLICY**
- 70.06 SOCIAL MEDIA TERMS OF USE**
- 70.07 ELECTED OFFICIAL SOCIAL MEDIA ACCOUNTS**
- 70.08 PERSONAL SOCIAL MEDIA ACCOUNTS**
- 70.09 INTERNET EMPLOYEE PRIVACY ACT**
- 70.10 POLITICAL ACTIVITIES OF PUBLIC ENTITIES ACT**
- 70.11 GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT**
- 70.12 LEGAL PROVISIONS**
- 70.13 ENFORCEMENT**

70.01 GENERAL PROVISIONS

- 70.01.010 Title**
- 70.01.020 Purpose**
- 70.01.030 Policy**
- 70.01.040 Scope**
- 70.01.050 Notice**
- 70.01.060 Definitions**

70.01.010 Title

This policy shall be referred to as the Centerville Social Media Policy and may be cited herein as the “Social Media Policy” or this “Policy.”

70.01.020 Purpose

Social media platforms have become meaningful and necessary mechanisms for government communication and engagement with members of the public. The purpose of this Social Media Policy is to provide City employees, officers, and elected officials with the knowledge and guidelines to conduct online communication through social media. This Policy also sets forth rules and regulations for official use of City Social Media Accounts and terms of use for public use of City Social Media Accounts.

70.01.030 Policy

Centerville City endorses the secure use of authorized social media accounts to enhance communication and information exchange with the public and to increase engagement, education, and awareness with City programs, events, and business. Official City communication tools and social media channels should be used in ways that provide clear communication, maximize transparency, encourage engagement, foster trust, and maintain the security of the City network.

70.01.040 Scope

This Policy governs use of social media for City Business by City employees, officers, and elected officials and use of City Social Media Accounts. To the extent permitted by law, and as more particularly provided herein, this Policy also governs personal social media use by City employees, officers, and elected officials.

70.01.050 Notice

City employees, officers, and elected officials shall be provided notice of and online access to this Social Media Policy. The City Recorder shall be responsible for providing notice of this Policy and any amendments to all City employees, officers, and elected officials.

70.01.060 Definitions

For purposes of this Social Media Policy, the following words and terms shall be defined as set forth herein.

- (a) **City Social Media Accounts.** City Social Media Accounts (or “City Accounts”) are City authorized social media accounts created, managed, and maintained by or on behalf of Centerville City. Unless the context clearly indicates otherwise, references to “City Social Media Accounts” and “City Accounts” shall include by definition “Elected Official Social Media Accounts.”
- (b) **City Business.** City Business refers to subject matter that directly relates to services, programs, events, initiatives, and official business of Centerville City.
- (c) **Elected Official Social Media Accounts.** Elected Official Social Media Accounts (or “Elected Official Accounts”) are social media accounts of the Mayor and City Council members, which are used to conduct City Business and to communicate with members of the community in the elected official’s official capacity. Elected Official Accounts are City created and administered social media accounts for use by elected officials. Unless the context clearly indicates otherwise, references to “City Social Media Accounts” and “City Accounts” shall include by definition “Elected Official Social Media Accounts.”
- (d) **Personal Social Media Accounts.** Personal social media accounts (or “Personal Accounts”) are social media accounts created, managed, and maintained by City employees, officers, and elected officials for their own personal use and are not affiliated with, sponsored by, or directly associated with Centerville City.
- (e) **Social Media.** Social media refers to online technologies used to share information, communicate, and engage with the public. Social media is used as a communication tool to distribute or amplify City Business including emergency alerts, public engagement opportunities, and general awareness of City news, events, and services.
- (f) **Social Media Agent.** Social Media Agent is any City employee (including, but not limited to, employee, officer, and elected official) who has authority to post to a City Social Media Account on behalf of the City, or on behalf of any City elected official, department, or employee. Social Media Agents and the scope of their authority shall be specifically designated in writing by the Social Media Manager.

(g) Social Media Manager. The Social Media Manager is the designated City employee directed to maintain and manage all City Social Media Accounts and to administer and provide oversight for the implementation of this Policy. Certain roles and responsibilities of the Social Media Manager may be delegated to Social Media Agents. The Social Media Manager is also designated as the public information officer of the City. The Social Media Manager is authorized to post to City Accounts on behalf of Centerville City, or on behalf of any City elected official, department, or employee. The Social Media Manager shall be deemed an authorized Social Media Agent for purposes of this Policy and shall be subject to all applicable provisions and posting regulations for Social Media Agents unless otherwise specifically provided herein.

70.02 ADMINISTRATION

70.02.010	Administration
70.02.020	Social Media Manager Duties
70.02.030	Designation of Social Media Agents
70.02.040	Social Media Agent Duties
70.02.050	Account Management
70.02.060	Account Security
70.02.070	Records Management
70.02.080	Notice of Policy on Platforms

70.02.010 Administration

The provisions of this Policy shall be administered, interpreted, and enforced by the Social Media Manager.

70.02.020 Social Media Manager Duties

In administering this Policy, the Social Media Manager should:

- (a) Define and reinforce City brand standards for all social media channels.
- (b) Work with the City Manager to evaluate and make final determinations and recommendations for all social media channels, including requests to create new, deactivate old, and consolidate existing City Social Media Accounts.
- (c) Work with the City Recorder to ensure all content on authorized and official City Accounts is properly and regularly archived and maintained in accordance with the provisions of this Policy and the Government Records Act.
- (d) Ensure an electronic copy or link to this Policy, and other Terms of Use and Disclaimers set forth herein, are posted on the City website and on all City Social Media Accounts in accordance with Section 70.02.080 (Notice of Policy on Platforms).
- (e) Work with City departments to coordinate social media strategies, tactics, and campaigns for public engagement, programs, and events.
- (f) Stay up to date on emerging and industry best practices and provide resources and training materials to Social Media Agents and City employees, officers, and elected officials, when necessary.
- (g) Set standards, metrics, and benchmarking to measure effectiveness of social media efforts.
- (h) Serve as a resource to City departments, including providing resources, answers to questions, and support as it relates to this Social Media Policy and social media practices.
- (i) Recommend updates to this Social Media Policy and other related policies as needed.

70.02.030 Designation of Social Media Agents

Social Media Agents shall be designated in writing by the Social Media Manager. Such designation should include scope of authority and the specific City Social Media Accounts on which the Social Media Agent is authorized to post.

70.02.040 Social Media Agent Duties

Social Media Agents are authorized to post content to City Social Media Accounts as approved by the Social Media Manager. All posting of content and management of City Social Media Accounts shall comply with the specific authority granted to the Social Media Agent and shall be conducted in accordance with applicable provisions of this Policy.

(a) As part of designated duties, Social Media Agents should:

- (1) Post content to authorized accounts, as appropriate.
- (2) Monitor authorized accounts for questions from residents, questions about the City or department that should be addressed, and other potential issues, to the extent possible.
- (3) Respond to questions for information within a reasonable time.
- (4) Regularly track the effectiveness of posts and pages and adjust social media strategy, as needed.
- (5) Uphold brand standards and values when posting content.
- (6) Work with the Social Media Manager to develop, enhance, and use best practices for social media.
- (7) Provide the Social Media Manager with any changes made to City Social Media Accounts and login information.
- (8) Work with the City Recorder to ensure the retention of all public records on authorized City Social Media Accounts in accordance with the provisions of this Policy and the Government Records Act.
- (9) Work with the Social Media Manager and the IT Specialist to ensure proper measures are in place to protect social media security in accordance with applicable provisions of this Policy.

(b) As part of designated duties, Social Media Agents should not:

- (1) Edit, hide, or delete posts or comments on City Social Media Accounts unless specifically permitted to do so in this Policy or specifically directed or authorized to do so by the Social Media Manager or the City Manager.
- (2) Engage in arguments with members of the public on City Social Media Accounts.
- (3) Comment on or answer questions on behalf of the City regarding City Business on third-party websites or platforms. Condolence comments may be allowed if approved by the Social Media Manager.

- (4) Post content that promotes, advertises, or endorses commercial businesses, services, entities, or products on City Social Media Accounts unless specifically permitted to do so in this Policy or specifically directed or authorized to do so by the Social Media Manager or City Manager.

70.02.050 Account Management

The Social Media Manager shall maintain a list of authorized and official City Social Media Accounts and Social Media Agents. For each City Social Media Account, the Social Media Manager shall retain login information and administrative privileges for security, archiving, and emergency purposes.

70.02.060 Account Security

The Social Media Manager should work with the IT Specialist to ensure appropriate social media security measures are in place for all City Social Media Accounts. Such security measures and practices may include, but are not limited to, enabling multi-factor authentication when possible, changing passwords often, changing passwords immediately if Social Media Agents are removed from authorization or City employment, and changing passwords immediately if an authorized account has, or is suspected of being, compromised.

70.02.070 Records Management

Any content created or maintained on City Social Media Accounts or Elected Official Accounts, including communications posted by the City, its officers, employees, and representatives, and communications posted or received from citizens or users, is a public record. The City is responsible for maintaining such records in accordance with the Utah Government Records Access and Management Act ("Government Records Act"), as set forth in Utah Code § 63G-2-101, et seq. Comments, communications, and postings on City Social Media Accounts will be retained and are subject to disclosure in accordance with applicable provisions of the Government Records Act. The City Recorder shall be responsible for government records management of social media records in accordance with applicable provisions of this Policy and State law. Social media records management and retention shall comply and applicable provisions of Chapter 70.11 (Government Records Access and Management Act).

70.02.080 Notice of Policy on Platforms

An electronic copy or link to this Policy and the Terms of Use and Disclaimers set forth herein shall be posted on the City website and on all City Social Media Accounts.

70.03 CITY SOCIAL MEDIA ACCOUNTS

- 70.03.010 City Social Media Accounts**
- 70.03.020 Uniform Design and Branding**
- 70.03.030 Existing City Accounts**
- 70.03.040 New City Accounts**
- 70.03.050 Social Media Action Plan**
- 70.03.060 Authority to Post Content**
- 70.03.070 Mandatory Training Prior to Access**
- 70.03.080 Content and Posting Goals**
- 70.03.090 Content and Posting Guidelines**
- 70.03.100 Posting Restrictions**
- 70.03.110 Editing City Content**
- 70.03.120 Records Retention**
- 70.03.130 City Ownership**

70.03.010 City Social Media Accounts

The City may create and use social media accounts or platforms for disseminating information about City Business. Any such accounts or platforms shall be subject to the rules and regulations set forth in this Policy.

70.03.020 Uniform Design and Branding

All City Social Media Accounts shall bear the official title of Centerville City and the relevant City department, committee, or organization for which the account is maintained. All City Social Media Accounts shall be created with a similar design and branding theme to make user interface with City platforms consistent and recognizable. The Social Media Manager shall be responsible for social media design approval and criteria requirements.

70.03.030 Existing City Accounts

The City has certain existing social media accounts, including, but not limited to, the City, Police Department, and Parks and Recreation Facebook accounts, the City and Police Department Twitter accounts, the City Instagram account, and the City YouTube Channel. The Social Media Manager should create a Social Media Action Plan as set forth in Section 70.03.050 (Social Media Action Plan) for all existing City Social Media Accounts, as time permits.

70.03.040 New City Accounts

The creation of a new City Social Media Account must be approved by the City Manager. No other employee, officer, department head, or agent is authorized to create a new City Social Media Account. Any employee, officer, elected official, or authorized agent requesting the creation of a new City Social Media Account shall submit a written request to the Social Media Manager along with a proposed Social Media Action Plan that addresses key questions. The Social Media Manager shall review and finalize the Social Media Action Plan for the proposed new City Account in accordance with Section 70.03.050 (Social Media Action Plan). The Social Media Manager shall provide the Social Media Action Plan along with a written recommendation regarding the proposed new City Account to the City Manager. The City Manager shall review the Social Media Action Plan and recommendation from the Social Media Manager and determine if the new City Account should be

approved. If the City Manager approves the creation of the new City Account, the Social Media Manager shall create and manage the new City Account in accordance with the applicable provisions of this Policy.

70.03.050 Social Media Action Plan

Any employee, officer, elected official, or authorized agent requesting the creation of a new City Account shall work with the Social Media Manager to complete a Social Media Action Plan that addresses key questions. If the Social Media Manager is proposing or initiating a new City Account, the Social Media Manager shall prepare the Social Media Action Plan for the new account. The Social Media Action Plan shall include at least the following:

- (a) Overall purpose for the account and its social media strategy.
- (b) Description of why the account is needed and how it differs from existing social media channels.
- (c) Target audience, including an explanation for how no existing channel reaches or includes that audience.
- (d) Gaps in existing communication channels that will be filled by the new account.
- (e) Resources and staff time needed to create and maintain the account.
- (f) How the public records created by the account will be accessed and retained in accordance with the Government Records Act.
- (g) Brief summary of the success metrics and monitoring for the account.
- (h) The primary employee or Social Media Agent responsible for content and management of the account.

70.03.060 Authority to Post Content

Only authorized Social Media Agents of the City are authorized to and responsible for posting content to City Social Media Accounts. Any posting of content to official accounts shall comply with all applicable provisions of this Policy, including, but not limited to, the training, posting, and content creation provisions set forth herein.

70.03.070 Mandatory Training Prior to Access

Prior to gaining access to posting or editing access to a City Social Media Account, the City employee, officer, or elected official must go through training on this Policy and social media best practices. The Social Media Manager shall create a curriculum for and monitor completion of such training by authorized agents prior to access to City Accounts.

70.03.080 Content and Posting Goals

The City recognizes and establishes the following goals as they relate to creation of official City social media content and posts.

- (a) Increase public awareness of Centerville City's services, events, and programs.

- (b) Build trust by enhancing transparency and accessibility of messages and communications.
- (c) Encourage residents to participate in City programs, public meetings, and events.
- (d) Develop affinity for the City brand by building new and existing relationships with residents.
- (e) Disseminate information regarding public safety issues or events.

70.03.090 Content and Posting Guidelines

Social media content for City Social Media Accounts shall be interpreted to include any and all information posted through words, pictures, graphics, videos, and links. When creating and posting social media content on City Accounts, authorized agents shall comply with the following guidelines.

- (a) Use a professional, succinct, and engaging tone of voice.
- (b) Include a visual element to accompany text when appropriate.
- (c) Use content that complies with the City's brand standards, policies, and expectations.
- (d) Use custom City images, graphics, and videos over stock images to the extent possible.
- (e) Obtain written permission or release for use of stock images.
- (f) Comply with State open records and open meetings laws.
- (g) While GIFs and memes can be effective on social media, they should be used with caution and on a limited basis on City Social Media Accounts, keeping the content's origin and context in mind, as well as the account's audience.
- (h) Content should provide a link back to the City website to the extent possible.
- (i) Use approved City hashtags.

70.03.100 Content and Posting Restrictions

The follow restrictions apply for professional use of City Social Media Accounts.

- (a) Authorized agents are prohibited from posting any content to City Social Media Accounts that is hate-oriented, potentially libelous, attacking, plagiarized, copywritten, or private information.
- (b) Authorized agents shall restrict postings to the applicable account or department and area of expertise and provide account or department updates on relevant information, events, or activities.
- (c) Authorized agents must obtain prior approval from the Social Media Manager before posting any content that promotes, advertises, or endorses any commercial business, service, entity or product. Any approval for posting such information, advertisement, or endorsement must meet the third-party posting rules set forth in Chapter 70.04 (Third-Party Content Rules).
- (d) Authorized agents must obtain prior approval from the Social Media Manager before posting any content that promotes, advertises, or endorses any nonprofit or governmental entity, service, or event, Any approval for posting such information, advertisement, or endorsement

must meet the third-party posting rules set forth in Chapter 70.04 (Third-Party Content Rules).

- (e) Social media posts on City Social Media Accounts that constitute a “limited public forum” shall not be deleted or hidden unless such comments or posts meet one or more of the criteria established in the Public Comment Policy set forth in Chapter 70.05 (Public Comment Policy).
- (f) City posts on City Social Media Accounts that constitute a “limited public forum” shall not be edited except as otherwise provided in Chapter 70.05 (Public Comment Policy) regarding posts that contain inaccurate or typographical or grammatical errors.
- (g) External consultants shall not be granted access to manage or post to City Accounts.

70.03.110 Editing City Content

Social Media Agents, including the Social Media Manager, are authorized to edit City social media content and posts on City Social Media Accounts when such posts or content contains inaccurate information, typographical or grammatical errors, private, protected, or controlled information, or content mistakenly posted to the wrong account. When edited, a comment should be noted as to how the post has been edited.

70.03.120 Records Retention

Comments, communications, and postings created through City Social Media Accounts are public records and shall be archived and retained by the City in accordance with Section 70.02.040 (Records Management) and Chapter 70.11 (Government Records Access and Management Act).

70.03.130 City Ownership of Content

All content created or posted on City Social Media Accounts belongs to Centerville City and is considered a public record, pursuant to the Government Records Act. Posts, comments, replies, and messages, regardless of who created them, will be archived as provided herein. City employees, officers, and elected officials may not retain official accounts or access to any official accounts in a personal capacity and/or after departing employment or position with the City.

70.04 THIRD-PARTY CONTENT RULES

70.04.010 Posting Third-Party Content

70.04.020 Governmental and Nonprofit Third-Party Content Criteria

70.04.030 Commercial Third-Party Content Criteria

70.04.040 Prohibited Third-Party Content

70.04.010 Posting Third-Party Content

The primary purpose of City Social Media Accounts and usage is to provide information for citizens and the public regarding City Business. City social media postings and communication should primarily and substantially address City Business. Occasional posting of third-party content may be provided as approved by the Social Media Manager. Such determination by the Social Media Manager for posting or providing third-party content on City Social Media Accounts shall be based on the criteria set forth in this Chapter. If approved, the best practice for posting any third-party content is to share the information with a link to the third-party's webpage and to clearly define and direct to an external contact.

70.04.020 Governmental or Nonprofit Third-Party Content Criteria

The Social Media Manager, or his or her designee, may post and/or provide information or advertising on City Social Media Accounts for upcoming governmental, nonprofit, public safety, or public interest events, issues, projects, programs, or services that meet one or more of the following requirements:

- (a) The information is related to a governmental entity event, issue, project, program, public information, or service deemed to be in the public interest or related to public safety issues (such as advertising for the Davis County Health Fair, providing information on water quality from the Weber Basin Water Conservancy District, providing fire safety information from the South Davis Metro Fire Service Area, or providing public safety information from the Utah Department of Emergency Management);
- (b) The information is related to a governmental entity or nonprofit corporation that receives financial support or cooperation from the City (such as providing information about or advertising for the CenterPoint Theatre supported by the Centerville RDA, the Bountiful Davis Arts Center Summerfest which receives an annual donation from the City, or the Davis County Chamber of Commerce);
- (c) The information is related to a governmental entity or nonprofit corporation of which the City is a member or has a representative on the entity's board of directors (such as the Mosquito Abatement District, South Davis Recreation District, CenterPoint Theatre, Davis County Chamber of Commerce, or UTOPIA); or
- (d) The information is related to an event, issue, project, program, public information, or service deemed to be in the public interest (such as advertising for winter coat drive for Intermountain Health Care, advertising a blood drive by the Red Cross, advertising for depression seminar by Centerville Cares, advertising for the Jason W. Read Protect and Serve Foundation)); or
- (e) The information is related to an event, project, program, or service sponsored or funded by a governmental entity (such as the Day of Service sponsored by the State of Utah).

70.04.030 Commercial Third-Party Content

Content that promotes, advertises, or endorses commercial businesses, entities, services, or products is not generally allowed to be posted on City Social Media Accounts. Such commercial content may be approved by the Social Media Manager in limited circumstances when such content meets one or more of the following requirements:

- (a) The content references certain businesses or entities solely for the purpose of acknowledging or recognizing certain donations or services provided to the City or donations or services deemed to be within the public interest (such as naming a specific business for donating materials for City project or naming a specific business for donating funds to support City event); or
- (b) The content is related to an event, issue, project, program, public information, or service deemed to be in the public interest (such as advertising for winter coat drive for Intermountain Health Care or advertising for community day of service event).

70.04.040 Prohibited Third-party Content

No third-party content shall be posted on any City Social Media Account or platform that is political in nature or that involves any fund-raising event or information. Except as otherwise provided in Section 70.04.030 (Commercial Third-Party Content), no third-party content should promote, advertise, or endorse a particular business, entity, service, or product.

70.05 PUBLIC COMMENT POLICY

- 70.05.010 Public Forum**
- 70.05.020 Limited Public Forum**
- 70.05.030 Government Speech**
- 70.05.040 Moderating Public Comments**
- 70.05.050 Retaining Public Comments**
- 70.05.060 Editing or Deleting Public Comments**
- 70.05.070 Hiding Public Comments**
- 70.05.080 Editing City Comments**
- 70.05.090 Prohibited Public Comments**
- 70.05.100 Procedure to Hide Public Comments**
- 70.05.110 Turning Off Comments**
- 70.05.120 Retention of Edited Records**
- 70.05.130 Notice of Public Comment Policy**

70.05.010 Public Forum

Whether a City Social Media Account is considered a “public forum” subject to First Amendment free speech protection is a developing area of law and dependent on a number of criteria. It is likely that most City Social Media Accounts are not considered a traditional “public forum” for purposes of the First Amendment. A traditional “public forum” is subject to the highest level of scrutiny and the greatest protections for free speech. However, if a City Social Media Account allows public comment or interaction with the City or other members of the public, the City Social Media Account or platform may constitute a “limited public forum” subject to constitutional free speech protections. See, Section 70.05.020 (Limited Public Forum).

70.05.020 Limited Public Forum

If a City Social Media Account or platform allows public comment or interaction with the City or other members of the public, the account or platform may constitute a “limited public forum” subject to First Amendment free speech protections. As a limited public forum, the City can restrict or limit certain speech such as obscene content or hateful speech, but there are limitations on editing or removing relevant but unfavorable public comments on City Social Media Accounts. Given these restrictions, if a City Social Media Account is considered to be a “limited public forum,” public comments on the account must be retained and unedited, except as otherwise provided herein and as allowed by law. The retention and editing of any public comments or interactions with the City on City Social Media Accounts shall be subject to the terms and conditions of this Chapter. [MOVED TO 70.05.040]

70.05.030 Government Speech

If the City Account does not allow public comment or interaction with the City or other members of the public, the account or platform may be considered “government speech” which is not subject to First Amendment free speech protections. To be considered “government speech,” the City must have complete control over the message and the account or platform cannot have any kind of “chat room,” “bulletin board,” or other public comment section or platform where private viewers can express opinions or post information or questions. If the account or platform is considered “government speech,” the City need not allow opposing viewpoints.

70.05.040 Moderating Public Comments

The moderating, retention, and editing of any public comments on City Social Media Accounts that are considered to be a “limited public forum” shall be subject to the following public comment moderation, retention, and editing guidelines. The Social Media Manager shall designate which accounts are limited public forums subject to the provisions of this Chapter. Except as otherwise provided herein, only the Social Media Manager can edit, hide, or remove public comments on a City Social Media Account that is considered a “limited public forum.”

70.05.050 Retaining Public Comments

City Social Media Accounts that encourage the exchange of ideas and information by allowing users to voice their opinions and ask questions inevitably result in some comments made on City Social Media Accounts that may be negative or unsavory. If comments are in context to the conversation and are not otherwise prohibited content as set forth in Section 70.05.090 (Prohibited Public Comments), the comments should remain visible, regardless of whether their content is favorable or unfavorable towards the City. Such public comments shall be retained as public records in accordance with the Government Records Act and Section 70.02.040 (Records Management).

70.05.060 Editing or Deleting Public Comments

Social Media Agents, including the Social Media Manager, should not edit or delete public comments on City Social Media Accounts that are considered a “limited public forum.” If such comments meet the criteria for prohibited public comments under Section 70.05.090 (Prohibited Public Comments), the comments should be hidden rather than edited or deleted. An exception may be made for spam or malware comments or posts that constitute a threat to the City’s cyber security and/or network systems.

70.05.070 Hiding Public Comments

In social media litigation, the courts have held that deleting and hiding public comments on a “limited public forum” are the same. The legal bar is high to hide public comments on a “limited public forum.” Therefore, caution must be used when hiding any public comments on City Social Media Accounts that constitute a “limited public forum.” Social Media Agents, including the Social Media Manager, may only hide public comments on City Social Media Accounts that constitute a “limited public forum” when such comments meet the criteria for prohibited comments under Section 70.05.090 (Prohibited Public Comments). When possible, Social Media Agents should consult with the Social Media Manager before hiding comments on City Accounts that constitute a “limited public forum.” When time is of the essence, such as content that contains an obscenity, promotes illegal activity, or constitutes malware, Social Media Agents may immediately hide such content. In such cases, the Social Media Agent shall notify the Social Media Manager within 24 hours that the content was hidden and for what reason.

70.05.080 Editing City Content

Social Media Agents, including the Social Media Manager, are authorized to edit City social media content and posts on City Accounts in accordance with Section 70.03.110 (Editing City Content).

70.05.090 Prohibited Public Comments

For City Social Media Accounts that constitute a “limited public forum,” public comments may not include the following listed content. Social Media Agents are allowed to hide public comments when the comments contain one or more of the following listed content.

- (a) **Obscenity:** Any obscene, profane, or indecent utterance, act, or sexually explicit content that strongly offends the prevalent morality of the time. Most third-party social media platforms filter obscene content on their own.
- (b) **Defamation:** Any statement or content constituting defamation which requires the statement must be false, an assertion of fact, and cause damage.
- (c) **Threats:** Any communicated intent to inflict harm or loss in another that is usually very specific. A test for this is whether you could charge the statement criminally.
- (d) **Fraud.** Any content that commits or attempts to commit a fraud on any person or entity or encourages others to commit fraud.
- (e) **Discrimination:** Any content that promotes, fosters, or perpetuates discrimination based on race, creed, color, age, religion, gender, marital status, status regarding public assistance, national origin, physical or mental disability, or sexual orientation, including any content that encourages or promotes discriminatory government employment or hiring practices.
- (f) **Illegal Activities:** Committing a crime, attempting to commit a crime, or encouraging others to commit a crime.
- (g) **Spam:** Any content not topically related to the particular social media post being commented upon, including random or unintelligible comments.
- (h) **Commercial Solicitation.** Any content related to commercial solicitation or advertisement.
- (i) **Malware:** Any content or links to malware.
- (j) **Copyright:** Any content or material that infringes on a copyright.
- (k) **Personally Identifiable Information:** Any personally identifiable information such as home addresses, social security numbers, driver license numbers, etc.

70.05.100 Procedure to Hide Public Comments

If a public comment meets any of the criteria above, the following steps must be taken.

- (a) The Social Media Agent or Social Media Manager will search for the comment on the City’s social media retention software or records to make sure the record and metadata has been retained as a public record.
- (b) The Social Media Agent or Social Media Manager will privately message the comment’s author to inform them that the comment in question is being hidden. Here is an example:

“We are reaching out to let you know that your comment made on [Authorized Account Name]’s post about [topic] has been removed for violating Centerville City’s Social Media Terms of Use. These Terms of Use can be found through [the link in our profile bio/the About section of our page] and are also posted on the City website: [insert link]. Your

comment is considered a public record, pursuant to the Utah Government Records Access and Management Act (“GRAMA”). Though it is no longer visible to other social media users, the comment and its metadata have been properly archived in compliance with Utah GRAMA standards.”

(c) The Social Media Agent or Social Media Manager will hide the comment (not delete it).

(d) If the Social Media Manager was not consulted prior to hiding the comment due to circumstances, the Social Media Agent should notify the Social Media Manager within 24 hours.

70.05.110 Turning Off Comments

Some third-party social media platforms allow administrators to turn off a post’s comments entirely. Social Media Agents may disable comments for certain posts if such comments are disabled immediately at the time of posting. Social Media Agents must consult with the Social Media Manager if they want to turn off comments after the posting.

70.05.120 Retention of Edited Records

Any edits made to posted content and comments as provided herein, including any comments that are removed by the City due to inappropriate content, shall be retained in accordance with applicable provisions of the Government Records Act and Section 70.02.040 (Records Management).

70.05.130 Notice of Public Comment Policy

The Social Media Manager shall ensure that a copy or link to the City’s Public Comment Policy is posted and accessible to the public on each City Social Media Account that is considered a “limited public forum.”

70.06 SOCIAL MEDIA TERMS OF USE

- 70.06.010 Scope**
- 70.06.020 Accuracy Disclaimer**
- 70.06.030 Public Records Disclaimer**
- 70.06.040 Ownership of Content**
- 70.06.050 Third-party Privacy Policies**
- 70.06.060 Notice of Terms of Use**
- 70.06.070 Terms of Use**

70.06.010 Scope

Any person commenting, posting, following, sharing, or otherwise using any City Social Media Account shall be subject to the City's Social Media Policy and the Social Media Terms of Use ("Terms of Use") as more particularly set forth herein.

70.06.020 Accuracy Disclaimer

The City, its employees, departments, and elected officials use City Social Media Accounts, including online engagement tools such as websites, social media, Twitter, and YouTube, as a public service to provide information about matters of public interest in the City. The City assumes no liability for any inaccuracies in these posts and does not guarantee that the information shared on these platforms will be uninterrupted or error-free.

70.06.030 Public Records Disclaimer

City Social Media Accounts are subject to applicable public records laws. Any content maintained in a social media format related to City Business, including communications posted by the City and communications posted or received from citizens or users is a public record. The City is responsible for maintaining such records in accordance with the Government Records Act. Any user must be aware that their comments, communications, and postings on City Social Media Accounts will be retained and may be shared with others, including disclosure in response to a government records request, even if those communications are moderated or later deleted or hidden.

70.06.040 Ownership of Content

All content created or posted (e.g., posts, comments, replies, and messages) on City Social Media Accounts belongs to Centerville City and is considered a public record subject to retention and maintenance in accordance with the Government Records Act and the City's Social Media Policy.

70.06.050 Third-Party Privacy Policies

Third-party social media platforms (e.g., Facebook, Twitter, Instagram) have their own privacy policies. Users of City Social Media Accounts that use third-party platforms, such as Facebook and Twitter, should refer to the privacy policies of such social media platforms for more information as users are no longer on a City website and are subject to the privacy policy and conditions of that website or social media platform.

70.06.060 Notice of Terms of Use

The Social Media Manager shall ensure that a copy or link to the City's Social Media Terms of Use is posted and accessible to the public on each City Social Media Account. It is recommended to include a link to such policies in the "About" section of each City Social Media Account or social networking profile that directs visitors to a page containing these policies.

70.06.070 Terms of Use

Any individual or user who accesses any online platform utilized by Centerville City agrees they have read, understand, and accept, without limitations, the provisions of this Chapter and the Terms of Use set forth herein. The City's Terms of Use are in addition to those upheld by the social media platforms.

70.07 ELECTED OFFICIAL SOCIAL MEDIA ACCOUNTS

70.07.010	Purpose
70.07.020	Voluntary Participation
70.07.030	Elected Official Social Media Accounts
70.07.040	Compliance with Policy
70.07.050	Creation and Administration
70.07.060	Naming Convention
70.07.070	Profile and Banner Images
70.07.080	City Business Use Only
70.07.090	Political Use Prohibited
70.07.100	City Retention of Public Records
70.07.110	Personal Social Media Accounts
70.07.120	Elected Official Submittal of Public Records
70.07.130	Mandatory Training Prior to Access
70.07.140	Content and Posting Guidelines
70.07.150	Content and Posting Goals
70.07.160	Prohibited Content
70.07.170	Commercial Content
70.07.180	Records Retention
70.07.190	No Expectation of Privacy
70.07.200	City Ownership of Account
70.07.210	No External Access

70.07.010 Purpose

The purpose of this Chapter is to provide elected officials of the City with the option to use an official City provided social media account to conduct City Business on social media platforms (“Elected Official Social Media Accounts”). Any postings or communications on social media by elected officials dealing with official City Business or made in the elected official’s official capacity are public records. Such public records must be archived and retained in accordance with the Government Records Act. The purpose and intent of offering Elected Official Social Media Accounts to elected officials is to provide a distinction and separation between the elected official’s personal social media communications and official City Business communications and to ensure that official social media communications are retained as public records in accordance with applicable law. The use of Elected Official Social Media Accounts by elected officials to conduct City Business provides a more professional and uniform online presence and better identification of elected official communications than merely using personal social media accounts. Elected Official Social Media Accounts provide additional privacy protections for elected officials when conducting City Business and a separation of personal online comments and opinions from official online communications.

70.07.020 Voluntary Participation

This Chapter and the use of Elected Official Social Media Accounts for elected officials is encouraged, but completely voluntary. Such accounts are provided to elected officials as a convenience to create a more professional and uniform online presence for the public and to ensure compliance with applicable provisions of the Government Records Act.

70.07.030 Elected Official Social Media Accounts

Elected Official Social Media Accounts are City created and administered social media accounts for use by elected officials to conduct official City Business on social media platforms. Upon the commencement of any official term of office, the City will create an Elected Official Social Media Account on Facebook for each elected official. Upon request, the City may also create up to two (2) additional Elected Official Social Media Accounts on other City authorized platforms such as Twitter or Instagram. If an elected official requests the creation of an additional Elected Official Social Media Account other than Facebook, the elected official should submit a request to the Social Media Manager in accordance with the new account creation provisions of Chapter 70.03 (City Social Media Accounts).

70.07.040 Compliance with Policy

Any use of Elected Officer Social Media Accounts by elected officials shall comply with all provisions and requirements of this Policy. Elected officials must not use Elected Official Accounts to engage in any conduct or activity that violates Federal, State, or local law, or circumvents election or campaign laws.

70.07.050 Creation and Administration

Elected Official Accounts are considered official accounts of the City and shall be created, owned, and administered by the City. Administration includes ensuring records are retained, overseeing the transition of accounts to newly elected officials, providing training regarding this Policy, and enforcing the provisions of this Policy. While Elected Official Accounts are created and administered by the City, City staff is not responsible for content creation or day-to-day management.

70.07.060 Naming Conventions

The Social Media Manager will determine a uniform naming convention for all Elected Official Social Media Accounts. The page, profile, or account name may include the current official's name, in accordance with the third-party social media platform's policies. The page's username (i.e., the URL on Facebook or handle on Twitter and Instagram) must remain office-specific and consistent across all City social media platforms.

70.07.070 Profile and Banner Images

Elected officials should use their official City headshot as the profile photo. The banner image may be a photo taken within Centerville City with no additional text or graphics added. All photos used must be copyright free and/or legally permitted with a written waiver and release for use.

70.07.080 City Business Use Only

Elected Official Social Media Accounts shall only be used by elected officials to conduct official City Business, including communicating or engaging with members of the community as part of the elected officer's official duties. As more particularly provided herein, personal, political, or business use of Elected Officer Accounts is prohibited. Elected Official Accounts shall not include hyperlinks to personal, political, or business accounts.

70.07.090 Political Use Prohibited

Elected Official Social Media Accounts shall not be used for campaign or political purposes to the extent prohibited by law. Because official accounts are property of Centerville City, content that advocates for candidates or other ballot measures is prohibited pursuant to the Political Activities of Public Entities Act, as more particularly addressed in Chapter 70.10 (Political Activities of Public Entities Act). Elected officials must use separate personal or campaign accounts for these types of purposes. In accordance with or in addition to the prohibitions of the Political Activities of Public Entities Act, elected officials are prohibited from using Elected Official Social Media Accounts to:

- (a) Campaign for re-election;
- (b) Endorse any candidate for any office on a local, County, State, or Federal level;
- (c) Influence or compel any person to apply for membership in or become a member of any political organization; or
- (d) Pay or promise to pay a political contribution.

70.07.100 City Retention of Public Records

All records created by Elected Official Social Media Accounts are considered government records which must be archived and maintained in accordance with the Government Records Act and Section 70.02.040 (Records Management). All records created by Elected Official Social Media Accounts shall be included in the City's social media archiving account for retention and maintenance of public records.

70.07.110 Personal Social Media Accounts

Elected officials should use their Personal Social Media Accounts for personal social media communications, comments, and postings. An elected official's Personal Social Media Accounts or posts do not general constitute public records if they do not involve City Business and are not created within the official capacity of the elected official. Elected officials should not use their Personal Social Media Accounts to conduct City Business. When an elected official uses their Personal Social Media Accounts to conduct City Business, such comments, communications, and posts create a public record. That public record must be retained, classified, and maintained by the City in accordance with the Government Records Act and Section 70.02.040 (Records Management). Elected officials should use caution when using Personal Social Media Accounts to distinguish between personal comments and opinions and comments related to City Business or within the elected official's official capacity to avoid creating a public record subject to retention, management, and disclosure. Use of Personal Social Media Accounts by elected officials should contain a disclaimer as provided in Section 70.08.060 (Disclaimer Regarding Personal Comments), as applicable.

70.07.120 Elected Official Submittal of Public Records

Since the City does not maintain or have retention or archiving access to an elected official's Personal Social Media Accounts, in the event an elected official conducts City Business on a Personal Social Media Account, the elected official shall retain the record and submit the same to the City when required to comply with applicable provisions of the Government Records Act.

70.07.130 Mandatory Training Prior to Access

Prior to gaining access to post any content on an Elected Official Social Media Account, the elected official must go through training on this Policy and social media best practices as more particularly provided in Section 70.03.070 (Mandatory Training Prior to Access).

70.07.140 Content and Posting Guidelines

Elected official's use and communications on Elected Official Social Media Accounts should be professional in nature. Content should always be conducted in accordance with the City's policies and expectations, as well as local, State, and Federal open meetings and government records laws. All content and posting on Elected Official Accounts shall comply with the content and posting guidelines and restrictions set forth in Chapter 70.03 (City Social Media Accounts).

70.07.150 Content and Posting Goals

All content and posting on Elected Official Accounts shall comply with the content and posting goals set forth in Chapter 70.03 (City Social Media Accounts). In addition to those goals, elected officials are encouraged to use Elected Official Accounts to interact with constituents and to share content that is relevant to the conduct of City Business.

70.07.160 Prohibited Content

Elected officials are prohibited from posting the following to Elected Official Accounts:

- (a) Any content that is hate-oriented, potentially libelous, attacking, plagiarized, copywritten, or private information.
- (b) Any content that is prohibited under Section 70.05.090 (Prohibited Public Comments);
- (c) Paid advertisements;
- (d) Personal campaign information or promotion;
- (e) Campaign endorsements for others seeking office; or
- (f) Any content generating, circulating, soliciting, or encouraging signing of petitions.

70.07.170 Commercial Content

Unless otherwise provided in this Policy, any content that promotes, advertises, or endorses commercial businesses, entities, services, or products is prohibited on City Social Media Accounts. Elected officials must obtain prior approval from the Social Media Manager before posting any content that promotes, advertises, or endorses any commercial business, service, entity or product. Any approval for posting such information, advertisement, or endorsement must meet the third-party posting rules set forth in Chapter 70.04 (Third-Party Content Rules).

70.07.180 Records Retention

Any comments, posts, or content on Elected Official Accounts, including those posted by elected officials or those from the public, shall not be edited or deleted by the elected official. Only the Social Media Manager is authorized to edit or delete such content on Elected Official Accounts.

70.07.190 No Expectation of Privacy

There is no expectation of privacy with social media postings on Elected Official Social Media Accounts. Centerville City reserves the right to monitor the use of its devices and/or networks and to retrieve all social media postings in accordance with applicable privacy provisions of this Policy.

70.07.200 City Ownership of Account

Elected Official Social Media Accounts content, access, and ownership remains with the City and not the person in the elected position. The Social Media Manager must always retain access to these accounts for continuity. When an elected official leaves office, the Social Media Manager should make sure the records are retained and then delete or deactivate the account.

70.07.210 No External Access

No external consultants or third parties shall be allowed to manage or have access to Elected Official Accounts.

70.08 PERSONAL SOCIAL MEDIA ACCOUNTS

70.08.010	Personal Use of Social Media
70.08.020	Protected Speech
70.08.030	Personal Use and City Business
70.08.040	Employee Submittal of Public Records
70.08.050	Prohibited Use of City Logos and Accounts
70.08.060	Disclaimer Regarding Personal Comments
70.08.070	Public Records and Discovery
70.08.080	Privileged, Protected and Controlled Information
70.08.090	Protected Concerted Activity
70.08.100	Matters of Public Concern
70.08.110	Possible Disciplinary Action for Comments on Personal Social Media Accounts
70.08.120	No Expectation of Privacy on City Systems

70.08.010 Personal Use of Social Media

The City recognizes the employee's right to create and use personal social media accounts and to exercise the employee's Constitutionally protected First Amendment free speech rights to the extent protected by law. Any use of such Personal Social Media Accounts shall be subject to the provisions of this Policy.

70.08.020 Protected Speech

- (a) The provisions of this Policy are not intended to be overly broad in prohibiting protected speech activities of City employees and should be interpreted broadly to allow City employees all rights and protections recognized by law with regards to protected speech activities.
- (b) Nothing in this Policy is intended to prevent a City employee from exercising their right to protected First Amendment speech; making a complaint of discrimination or other workplace misconduct; expressing an opinion on a matter of public concern that does not unduly disrupt City operations; or engaging in other activity protected or privileged by law, including, but not limited to, speech and/or expression protected under State or Federal Constitutions, as well as labor laws and other applicable laws. However, speech that significantly harms the City's ability to provide public services or that violates specific provisions of this Policy may be grounds for disciplinary action, up to and including termination.
- (c) Nothing in this policy is intended to regulate or restrict employees from commenting about wages, hours, or other terms and conditions about their employment relationship with the City, exclusive of privileged or confidential information, or to regulate or restrict any personal comments about political belief, political affiliation, engaging in politics, or becoming a candidate for office.

70.08.030 Personal Use and City Business

Employees should use their Personal Social Media Accounts for personal social media communications, comments, and postings. Employees should not use their Personal Social Media Accounts to conduct or perform City Business considered to be part of their official job duties. When an employee uses their Personal Social Media Accounts to conduct or City Business or perform

official job duties, such comments, communications, and postings create a public record. That public record must be retained, classified, and maintained in accordance with the Government Records Act.

70.08.040 Employee Submittal of Public Records

Since the City does not maintain or have retention or archiving access to an employee's Personal Social Media Accounts, in the event an employee conducts City Business on a Personal Social Media Account, the employee shall retain the record and submit the same to the City when required to comply with applicable provisions of the Government Records Act.

70.08.050 Prohibited Use of City Logos and Accounts

When creating and using a Personal Social Media Accounts, City employees are prohibited from:

- (a) Using a Centerville City email address (i.e., creating a personal account using centervilleutah.gov or centervilleut.com email address);
- (b) Using a City logo, emblem, or other City identifier without posting a disclaimer in their profile, as described below;
- (c) Linking to a City website URL without posting a disclaimer in their profile, as described below; and
- (d) Using "Centerville City" in their identity or username.

70.08.060 Disclaimer Regarding Personal Comments

If an employee identifies their affiliation with Centerville City when conducting personal social media activities; uses a brand, logo, emblem, or other City identifier; or posts a link to a City website, the employee should state in their profile or other accessible location on the social media platform that they are speaking on their own behalf and that their comments are not representative of or on behalf of Centerville City. The employee should state in his or her profile that his or her comments are not representative of Centerville City government (e.g., "Views are my own," "Anything I share is my personal opinion and should not be considered the opinion or position of Centerville City").

70.08.070 Public Records and Discovery

Whether or not an employee specifies on their Personal Social Media Accounts that they work for Centerville City, their employment with the City is public record. Employees should be mindful that whenever they discuss issues online, whether in a personal or professional capacity, their comments can be tied back to their employment with Centerville City. Additionally, Personal Accounts may be obtained and used in civil proceedings, criminal trials, department investigations, and to assess bias that would erode public trust in Centerville City.

70.08.080 Privileged, Protected and Controlled Information

Employees shall not share, disseminate, or otherwise disclose any information obtained as part of their job duties or employment with the City that is classified as private, protected, or controlled under the Government Records Act.

70.08.090 Protected Concerted Activity

Employees shall not be subject to disciplinary action for personal comments on social media relating to certain job performance or working conditions related to City employment or officials that qualify as “protected concerted activity.” Employee conduct may be considered “protected concerted activity” if the conduct: (1) relates to conditions of employment; and (2) seeks to involve other employees on issues related to employment.

70.08.100 Matters of Public Concern

Public employees have additional protections in the employee speech realm when speaking on “matters of public concern.” Employees shall not be subject to disciplinary action for personal comments on social media when speaking on “matters of public concern,” such as posting about alleged government corruption or supporting a particular political candidate or ballot initiative.

70.08.110 Possible Disciplinary Action for Comments on Personal Social Media Accounts

In limited circumstances, evidence of employee misconduct related to job performance that is gathered from social media or networking sites may be an appropriate basis for disciplinary action against employees. Any such basis for disciplinary action for misconduct must impact or have a nexus to the reputation of the City or the City’s ability to deliver services to the public. (For example, a police officer who posts obscene pictures or content encouraging obvious illegal conduct on his or her Facebook page may be subject to disciplinary action by the municipal employer based on the reputational nexus such comments have to the employer’s reputation and the police department’s ability to provide objective law enforcement services to the public.)

70.08.120 No Expectation of Privacy on City Systems

Employee use of City devices, computers, and equipment for personal use is subject to restrictions and limitations as more particularly provided in the City email and computer policies set forth Chapter 10 (Computers and Technology) of the Personnel Policies. An employee who accesses a Personal Social Media Account from a City owned, leased, or provided device, network, or technology has no right to privacy of any information created, stored, transmitted, accessed, or viewed from that device, network, or technology. The City may review, read, or otherwise monitor all internet activity and websites that are accessed from City owned, leased, or provided device, network, or technology.

70.09 INTERNET EMPLOYMENT PRIVACY ACT

70.09.010 Internet Employment Privacy Act

70.09.010 Internet Employment Privacy Act

In accordance with the Utah Internet Employment Privacy Act (“Employment Privacy Act”), as set forth in Utah Code §§ 34-48-101, et. seq., the City may not request an employee or an applicant for employment with the City to disclose a username and password, or a password that allows access to the employee's or applicant's personal Internet account; or take adverse action, fail to hire, or otherwise penalize an employee or applicant for employment with the City for failure to disclose information described herein. The City is allowed to ask for social media account access under certain circumstances as more particularly set forth in Utah Code § 34-48-101. More information regarding these acceptable instances can be provided by contacting the City Attorney. The City is allowed to monitor employee usage of social media, comments, and postings when using City devices, networks, or systems. See, Section 70.08.120 (No Expectation of Privacy on City Systems) regarding privacy expectations when using City equipment or networks.

70.10 POLITICAL ACTIVITIES OF PUBLIC ENTITIES ACT

- 70.10.010 Political Activities of Public Entities Act**
- 70.10.020 Prohibited Use of Public Funds for Political Purposes**
- 70.10.030 Permissible Activities under Political Activities Act**
- 70.10.040 Posting Link to Third-party Website**
- 70.10.050 Prohibited Use of City Email for Political Purposes**
- 70.10.060 Exclusions**

70.10.010 Political Activities of Public Entities Act

The use of City Social Media Accounts and any other City owned or controlled social media platforms or outreach shall comply with applicable provisions of the Utah Political Activities of Public Entities Act (“Political Activities Act”), as set forth in Utah Code §§ 20A-11-1201, et seq., regarding restrictions on the expenditure of public funds for political purposes or certain electoral matters.

70.10.020 Prohibited Use of Public Funds for Political Purposes

Unless otherwise allowed by law, the Political Activities Act prohibits the City or any other public entity from making an expenditure from public funds for political purposes. For purposes of the Political Activities Act, “political purposes” is defined as an act done with the intent or in a way to influence or intend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any: (a) candidate for public office at any caucus, political convention, primary, or election; or (b) judge standing for retention at any election. The Political Activities Act also prevents the City or any other public entity from influencing a ballot proposition or influencing a proposed initiative or referendum. For purposes of the Political Activities Act, “ballot proposition” is defined as any constitutional amendments, initiatives, referenda, judicial retention questions, opinion questions, bond approvals, or other questions submitted to the voters for their approval or rejection. Except as otherwise allowed by law, the City or any other public entity may not publish on the City website or other City social media platforms an argument for or against a ballot proposition or a proposed initiative or referendum.

70.10.030 Permissible Activities under Political Activities Act

The Political Activities Act does not prevent the City from the reasonable expenditure of public funds to gather information for, and respond directly to, an individual who makes an inquiry regarding a ballot proposition or a proposed initiative or referendum or from conducting research, or collecting and compiling information or arguments in relation to, a ballot proposition or a proposed initiative or referendum. It is also permissible under the Act for an elected or appointed official of the City to use the research, information, or arguments described herein for the purpose of advocating for or against a ballot proposition or proposed initiative or referendum via a website, or another medium, not owned or controlled by the City.

70.10.040 Posting Link to Third-party Website

In limited circumstances, the City may post on the City website a link to another website, with a brief description, that is not owned or controlled by the City, or may publish in any medium owned, controlled, or paid for by the City a website address, with a brief description, where an individual may view research, information, and arguments for or against a ballot proposition or proposed initiative or referendum so long as the City complies with the noticing and posting requirements set forth in Utah Code § 20A-11-1203.

70.10.050 Prohibited Use of City Email for Political Purposes

Except as otherwise provided in the Political Entities Act, City employees, officers, and elected officials may not send an email using the City email address or account for a political purpose or to advocate for or against a proposed initiative, referendum, bond, or any ballot proposition. City employees, officers, and elected officials may not send an email using the City email address or account to solicit a campaign contribution. Certain exceptions are provided in Utah Code § 20A-11-1205. Please consult with the City Attorney prior to any use of the City email address or accounts for political purposes.

70.10.060 Exclusions

The Political Activities Act provides a number of exclusions to the above prohibitions based on First Amendment rights and ballot propositions. As provided in Utah Code § 20A-11-1206, the Political Entities Act does not apply to the following circumstances.

- (a) Nothing in the Political Activities Act prohibits an elected or public official of the City from speaking, campaigning, contributing personal money, or otherwise exercising the elected or public official's individual First Amendment rights for political purposes.
- (b) Nothing in the Political Activities Act prohibits the City from providing factual information about a ballot proposition to the public, so long as the information: (1) grants equal access to both the opponents and proponents of the ballot proposition; (2) is provided in the manner required or permitted by law; or (3) is directly providing information solely to a person or a group of people in response to a question asked by the person or group of people.
- (c) Nothing in the Political Activities Act prohibits the City or its elected or public officials from the neutral encouragement of voters to vote.
- (d) Nothing in the Political Activities Act prohibits an elected official from campaigning or advocating for or against a ballot proposition.
- (e) Except as otherwise provided in Utah Code § 20A-11-1206(6), the City may expend a reasonable amount of public funds to: (a) prepare and publish a written argument or written rebuttal argument in accordance with Section 20A-7-401.5, 20A-7-402, or 59-1-1604; or (b) prepare an argument for, and present an argument at, a public meeting under Section 20A-7-405 or 59-1-1605.

70.11 GOVERNMENT RECORDS ACCESS AND MANAGEMENT ACT

- 70.11.010 Retention of City Social Media Accounts and Posts**
- 70.11.020 Notice of New City Social Media Accounts**
- 70.11.030 Retention of Personal Social Media Accounts or Posts**
- 70.11.040 Responding to Records Requests**
- 70.11.050 Responding to Discovery Requests**

70.11.010 Retention of City Social Media Accounts and Posts

City Social Media Accounts and posts, including public comments, create and constitute a government record under the Government Records Act. Centerville City must retain and maintain social media records in accordance with the Government Records Act. The City retains and maintains social media records by contracting with a third-party social media public records capture services. This records retention program is managed by the City Recorder in accordance with Section 70.02.040 (Records Management).

70.11.020 Notice of New Accounts

The Social Media Manager shall notify the City Recorder of the creation of any new City Social Media Account. The City Recorder shall notify the contracted third-party so the account can be added to the list of accounts to be monitored and retained by the social media records capture services contractor.

70.11.030 Retention of Personal Social Media Accounts or Posts

Under most circumstance, Personal Social Media Accounts or posts are not considered public records and the City does not retain or maintain records created by Personal Social Media Accounts or posts. Personal Social Media Accounts, including campaign accounts or posts should not be used to create a public record. In order to avoid the creation of a public record, the use of Personal Social Media Accounts should not be used to conduct City Business or to otherwise comment in the official capacity of the City employee, officer, and elected official. However, such Personal Accounts may still be subject to discovery or court proceedings. See, Section 70.08.070 (Public Records and Discovery) regarding discovery rules.

70.11.040 Responding to Records Requests

Since social media content is considered a public record, such records should be included in response to broadly worded government records request, such as “all notifications of street closures,” or “all emails and communications regarding proposed cemetery regulations.”

70.11.050 Responding to Discovery Requests

Social media content is increasingly requested during litigation. Failure to produce social media records in response to discovery request may result in sanctions, fines, and compromised legal position.

70.12 LEGAL PROVISIONS

70.12.010	Confidentiality
70.12.020	Copyright
70.12.030	Legal Liability
70.12.040	Personal Liability
70.12.050	Privacy Policy
70.12.060	Amendments
70.12.070	Governing Law

70.12.010 Confidentiality

Confidential City information must not be shared on any social media channel. This includes information subject to copyrights and other licensing agreements, contract evaluations prior to award, attorney-client privileged matters, and any other information that is exempt from disclosure as private, protected, or controlled under the Government Records Act. City employees shall not divulge confidential City information on any social media account or page, whether as a City employee, authorized agent, or private citizen.

70.12.020 Copyright

All information and materials produced by the City and posted on the City's social media platforms are City property. Commercial use of City property is prohibited. Centerville City does not allow unauthorized use of any City-owned logos or symbols on any nonofficial social media account.

70.12.030 Legal Liability

All authorized agents and Centerville City employees must recognize that they and the City may be liable for anything written or posted online including, but not limited to, commentary, content, or images that are defamatory, pornographic, confidential, proprietary, harassing, libelous, in violation of copyright laws, or that create a hostile work environment.

70.12.040 Privacy Policy

There is no expectation of privacy with social media comments or postings on City Social Media Accounts or when using City devices, networks, or systems. Centerville City reserves the right to monitor the use of its accounts, devices, and networks and to retrieve, manage, and retain all social media comments and postings on City Accounts or social media activity when using City devices, networks, or systems.

70.12.050 Amendments

The City reserves the right to unilaterally alter, amend, except, or revoke any policy, practice, or procedure set forth herein in its sole discretion. The City Recorder shall be responsible for compiling and maintaining an updated version of this Social Media Policy and notifying applicable employees, officers, and elected officials of any updates hereto.

70.12.070 Governing Law

The policies and procedures set forth in this Social Media Policy are subject to compliance with all State and Federal laws and regulations applicable to the City and its employees, officers, and elected officials. In the event of conflict between the provisions of this Social Media Policy and any State or Federal laws or regulations, such State and Federal laws and regulations shall govern.

DRAFT

70.13 ENFORCEMENT

- 70.13.010 Employee Violations**
- 70.13.020 Elected Official Violations**
- 70.13.030 User Violations**
- 70.13.040 Government Records Violations**

70.13.010 Employee Violations

An employee who violates the terms and conditions of this Policy may be subject to disciplinary action, up to and including termination. Authorized access to any City Social Media Accounts may be temporarily or permanently restricted or prohibited. Any violation of State law as referenced herein may be subject to civil or criminal enforcement in accordance with applicable provisions of law.

70.13.020 Elected Official Violations

Any elected official who violates the terms and conditions of this Policy may be restricted or prohibited from using and/or posting content to his or her Elected Official Social Media Accounts. Authorized access to any other City Social Media Accounts may be temporarily or permanently restricted or prohibited. Any violation of State law as referenced herein may be subject to civil or criminal enforcement in accordance with applicable provisions of law.

70.13.030 User Violations

Any user who violates the terms and conditions of this Policy and/or the Terms of Use and Public Comment Policy set forth herein, may be restricted or prohibited from using and/or posting content to City Social Media Accounts. Any violation of State law as referenced herein may be subject to civil or criminal enforcement in accordance with applicable provisions of law.

70.13.040 Government Records Violations

Any employee, officer, or other person who has lawful access to any private, controlled, or protected government record under the Government Records Act, and who intentionally discloses, provides a copy of, or improperly uses a private, controlled, or protected record knowing that the disclosure or use is prohibited may be guilty of a class B misdemeanor as more particularly provided in Utah Code § 63G-2-801. A district court may issue an injunction against the City for any violation or proposed violation of the Government Records Act and assess against the City reasonable attorney fees and costs incurred by an appellant in connection with any judicial appeal in accordance with Utah Code § 63G-2-802.

CENTERVILLE
city
CITY COUNCIL
Staff Report
3/7/2023

Item No. 1.

Title: Finance Department Report

Initiated By:

Staff Representative: Nate Plaizier, Finance Director

SUBJECT:

Nate Plaizier will give a report on the Finance department

RECOMMENDATION:

BACKGROUND:

ATTACHMENTS: