

# City of Nevada City SOCIAL MEDIA POLICY

## Purpose

This document defines the social networking and social media policy for City of Nevada City (the “City” or “Agency”). To address the fast-changing landscape of the Internet and the way residents communicate and obtain information online, City departments may consider using social media tools to reach a broader audience.

The City of Nevada City encourages the use of social media to further the goals of the City and the missions of its departments, where appropriate. The City has an overriding interest and expectation in deciding what is “spoken” on its behalf on social media sites. This policy establishes guidelines for the use of social media by City employees and officials on official City social media accounts.

For purposes of this policy, “social media” is understood to be content created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the Internet. Examples of social media include Facebook, Twitter, YouTube, and Instagram. For purposes of this policy, “comments” include information, articles, pictures, videos or any other form of communicative content posted on a City of Nevada City social media site.

## Oversight and Enforcement

Employees representing the Agency through social media outlets or participating in social media features on agency websites must maintain a high level of ethical conduct and professional decorum. Failure to do so is grounds for revoking the privilege to participate in agency social media sites, blogs, or other social media features. Information must be presented following professional standards for good grammar, spelling, brevity, clarity and accuracy, and avoid jargon, obscure terminology, excessive emojis or hashtags, or acronyms. Agency employees recognize that the content and messages they post on social media websites are public and may be cited as official Agency statements. Social media should not be used to circumvent other agency communication policies, including news media policy requirements. Agency employees may not publish information on Agency social media sites that includes:

- Confidential information
- Copyright violations
- Profanity, racist, sexist, or derogatory content or comments
- Partisan political views
- Commercial endorsements or SPAM

## General Policy

1. The establishment and use by any City department of City social media sites are subject to approval by the City Manager or his/her designees. All City of Nevada City social media sites shall be administered by the City Manager unless delegated in writing to another City employee.

2. The City Manager will assign an employee to monitor content on City social media sites to ensure adherence to both the City's Social Media Policy and the interest and goals of the City of Nevada City.
3. City social media sites should make clear that they are maintained by the City of Nevada City and that they follow the City's Social Media Policy.
4. Wherever possible, City social media sites should link back to the official City of Nevada City website for forms, documents, online services, and other information necessary to conduct business with the City of Nevada City.
5. The City reserves the right to restrict or remove any content that is deemed in violation of this Social Media Policy or any applicable law. Any content removed based on these guidelines must be retained by the City for a reasonable period of time, including the time, date and identity of the poster, when available.
6. These guidelines must be displayed to users or made available by hyperlink.
7. The City will approach the use of social media tools as consistently as possible, enterprise wide.
8. The City of Nevada City's website at <https://www.nevadacityca.gov/> will remain the City's primary and predominant internet presence.
9. All City social media sites shall adhere to applicable federal, state and local laws, regulations and policies.
10. City social media sites are subject to the California Public Records Act. Any content maintained in a social media format that is related to City business, including a list of subscribers, posted communication, and communication submitted for posting, may be a public record subject to public disclosure.
11. Comments on topics or issues not within the jurisdictional purview of the City of Nevada City may be removed.
12. Employees representing the City government via City social media sites must conduct themselves at all times as a representative of the City and in accordance with all City policies.
13. This Social Media Policy may be revised at any time.

### **Comment Policy**

The City of Nevada City's social media sites serve as a limited public forum and all content published is subject to monitoring. By posting or commenting on the City of Nevada City's social media sites, users agree to the terms of use of the City of Nevada City's social media comment policy as provided herein.

1. As a public entity the City must abide by certain standards to serve all its constituents in a civil and unbiased manner.
2. The intended purpose behind establishing City of Nevada City social media sites is to disseminate information from the City, about the City, to its citizens.
3. The City of Nevada City social media sites are intended to be “family friendly,” and, as such, the City asks that users please keep their comments clean by following the rules set forth in this policy. Please note that the City utilizes the automatic content filtering features available on various social media sites. Such features/settings may automatically hide a comment from view if profanity is used in the post.
4. Comments containing any of the following inappropriate forms of content shall not be permitted on City of Nevada City social media sites and are subject to removal and/or restriction by the City:
  - a. Comments not related to the original topic, including random or unintelligible comments;
  - b. Profane, obscene, or pornographic content and/or language;
  - c. Content which violates the right to privacy, including but not limited to, content that contains personal identifying information or sensitive personal information;
  - d. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, sexual preference, or national origin;
  - e. Defamatory or personal attacks;
  - f. Threats to any person or organization;
  - g. Comments in support of, or in opposition to, any political campaigns or ballot measures;
  - h. Solicitation of commerce, including but not limited to advertising of any business or product for sale;
  - i. Conduct in violation of any federal, state or local law;
  - j. Encouragement of illegal activity or comments intended to incite violence;
  - k. Information that may tend to compromise the safety or security of the public or public systems; or
  - l. Content that violates a legal ownership interest, such as a copyright, of any party;
  - m. Harassment or content which constitutes and/or facilitates harassment;
  - n. Repetitive and/or duplicative content;
  - o. Comments which may reasonably interfere with, inhibit, or compromise law enforcement investigations, police tactics, police responses to incidents and/or the safety of police staff and officers;
  - p. Posts or comments that contain external links.
5. The City does not allow information intended to compromise the safety or security of the public or public systems. Users may participate at their own risk, taking personal responsibility for their comments, username, and any information provided.

6. A comment posted by a member of the public on any City of Nevada City social media site is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, the City of Nevada City, nor do such comments necessarily reflect the opinions or policies of the City of Nevada City.
7. The City of Nevada City reserves the right to deny access to City of Nevada City social media sites for any individual, who violates the City of Nevada City's Social Media Policy, at any time and without prior notice.
8. Departments shall monitor their social media sites for comments requesting responses from the City and for comments in violation of this policy.
9. Only the City Manager or his/her designees shall respond to comments or messages on official City social media pages. All comments from City social media pages should be posted from the City account, never from a personal account.
10. When a City of Nevada City employee responds to a comment in his/her capacity as a City of Nevada City employee, the employee's name and title should be made available, and the employee shall not share personal information about himself or herself, or other City employees.
11. All comments posted to any City of Nevada City Facebook site are bound by Facebook's Statement of Rights and Responsibilities, located at <http://www.facebook.com/terms.php>, and the City of Nevada City reserves the right to report any violation of Facebook's Statement of Rights and Responsibilities to Facebook with the intent of Facebook taking appropriate and reasonable responsive action.
12. Comments posted to the City of Nevada City social media sites will be monitored and inappropriate content as defined herein above may be removed as soon as practically possible and without prior notice.
13. By posting or commenting on the City of Nevada City social media sites, users agree to the City's terms of use. Users participate by their own choice, taking personal responsibility for their comments, username, and any information provided therein.
14. If users need to contact the Nevada City Police Department, please call the Department's front desk at (530) 265-4700, or, if it is an emergency, call 911 and ask for assistance. While comments posted on the City's social media sites are monitored, posting comments is neither recommended nor an acceptable way to contact the Nevada City Police Department for assistance or immediate service.

## **Public Records Law**

The City of Nevada City's social media sites are subject to applicable public records laws. Any content maintained in a social media format related to agency business, including communication posted by the Agency and communication received from

citizens, is a public record. The City will respond completely and accurately to any public records request for social media content.

## **Records Retention**

- Social media sites contain communications sent to or received by the Agency and its employees, and such communications are therefore public records. Records retention requirements apply regardless of the form of the record (for example, digital text, photos, audio, and video). The Deputy City Clerk maintaining a site shall preserve records pursuant to the relevant records retention schedule for the required retention period in a format that preserves the integrity of the original record and is easily accessible. Furthermore, retention of social media records shall fulfill the following requirements:
- Social media records are captured in a continuous, automated fashion throughout the day to minimize a potential loss of data due to deletion and/or changes on the social networking site.
- Social media records are maintained in an authentic format (i.e. ideally the native technical format provided by the social network, such as XML or JSON) along with complete metadata.
- Social media records are archived in a system that preserves the context of communications, including conversation threads and rich media, to ensure completeness and availability of relevant information when records are accessed.
- Social media records are indexed based on specific criteria such as date, content type, and keywords to ensure that records can be quickly located and produced in an appropriate format for distribution (e.g. PDF).
- Each employee who administers one or more social networking sites on behalf of the City has self-service, read-only access to search and produce relevant social media records to fulfill public information and legal discovery requests as needed.

## **Internal Policy**

### **PERSONAL USE BY CITY EMPLOYEES**

1. All City employees may have personal Social Media sites.
2. City employees shall not share work related information and/or information related to City business on personal Social Media sites and shall avoid mixing their professional information with their personal information or opinions.
3. City employees shall not use their City e-mail account or password in conjunction with a personal Social Media site, nor shall a City employee be compelled as a condition of employment to disclose to the City their username and password for personal Social Media sites. Nothing herein

precludes the City, as an employer, from requiring or requesting a City employee to disclose a username, password, or other method for the purpose of accessing an employer-issued electronic device and/or any employer-issued Social Media or e-mail account.

4. City employees, unless specifically authorized by the City to do so, are not authorized to speak on behalf of the City and shall not post comments or opinions without also clarifying that the information being presented is on their personal behalf and it does not represent the position of the City.
5. The following guidance is for City employees who decide to have a personal Social Media site or who comment on posts about official City business:
  - State your name and, if relevant, role, when discussing City business;
  - Use a disclaimer such as: “The postings on this site are my own and don’t reflect or represent the opinions of the City for which I work.”
6. City employees who are authorized to speak on behalf of the City shall identify themselves by (1) Full Name; (2) Title; (3) Department; and (4) Contact Information, when posting or exchanging information of Social Media forums, and shall address only issues within the scope of their specific authorization.

#### PROFESSIONAL USE BY CITY EMPLOYEES

1. Designated City Employees that comment on the City’s Social Media sites in their personal and/or professional capacity are bound by the Comment Policy of the City of Nevada City’s Social Media Policy, stated herein.
2. All official City-related communication through Social Media outlets shall remain professional in nature and be conducted in accordance with the City’s communications policy, practices, and expectations.
3. Employees must not use official City Social Media sites to conduct private commercial transactions or to engage in private business activities.
4. City employees should be mindful that inappropriate usage of official City Social Media sites, can be grounds for disciplinary action. If Social Media sites are used for official City business, the entire City site, regardless of any personal views, is subject to best practices guidelines, and standards.
5. Only individuals authorized by the City may publish content to an official City Social Media sites. Employees representing the City through social media outlets or participating in social media features on City websites must maintain a high level of ethical conduct and professional decorum. Failure to do so is grounds for revoking the privilege to participate in City Social Media sites, blogs, or other social media features.

6. Information must be presented following professional standards for good grammar, spelling, brevity, clarity and accuracy, and avoid jargon, excessive hashtags and emojis, obscure terminology, or acronyms.
7. City employees recognize that the content and messages they post on social media websites are public and may be erroneously cited as official City statements. Social media should not be used to circumvent other City communication policies, including news media policy requirements.
8. Employees representing the City government via City Social Media sites must conduct themselves at all times as a representative of the City and in accordance with all City policies.

#### SOCIAL MEDIA USE BY CITY'S PUBLIC OFFICIALS

1. Public officials that comment on the City's social media sites and/or on private non-city social media sites in their personal and/or official capacity are bound by the Comment Policy of the City of Nevada City's Social Media Policy and to each and every policy applicable to City employees, stated herein.
2. While elected officials and City Council-appointed board, committee and commission members may maintain and use personal web pages and websites, blogs, and social networking sites, their status as elected/appointed officials requires that the content of any postings on those sites not be in violation of existing City by-laws, policies, directives, rules, or regulations.
3. The City's image as a professional organization is critical to maintaining the respect of its constituents. Although the City recognizes that elected/appointed officials may choose to express themselves by posting personal information upon social media platforms or by making comments on sites hosted by other persons, groups, or organizations, this right of expression should not interfere with the operation of the City. That is, although the City acknowledges its officials have the First Amendment right to free speech, the right is not absolute when involving matters of official City business, issues, or concerns.
4. If a public official conducts any City business or communication as an elected or appointed official from a personal account, or an account created for a City board/committee/commission that is not administered by a City employee, the City-related communications may be considered a public record subject to the California Public Records Act, found at Government Code sections 6250 *et seq.* When presented with a Public Records Act request, the official must produce responsive public records maintained on the official's personal servers and devices; and/or, after a reasonable search, affirm that the official is not in possession of any such responsive public records on personal devices or personal servers.

5. Officials should exercise caution with respect to comments they post, particularly those concerning the City and the business of the City.
6. All officials are expected and required to conduct themselves in a manner consistent with the City's policies and standards of conduct.
7. Officials must not reveal any confidential or privileged information about the City, its constituents, or its contractors. Officials must be particularly careful to protect against the inadvertent disclosure of confidential information.
8. Officials should be honest and accurate when posting information or news, and should quickly correct any mistakes, misstatements and/or factual errors in content upon discovery. Officials should not post or share information known to be false or unconfirmed rumors about the City, its employees, constituents, officials, suppliers, vendors, contractors, or any other entities or individuals.
9. Officials should never represent themselves as a spokesperson for the City Administration, any City department, the City Council, or a City board or committee, unless the official has been designated to serve as a spokesperson.
10. Because the posting of content, including simply "liking" or reacting to a post from another official, regarding City-related matters by a public official could inadvertently result in the violation of the Open Meetings Law, officials should consult the Open Meetings Law Guide provided to them by the City Clerk's Office and/or contact the City Attorney's Office for guidance before posting about meetings, conferences, sub-committee meetings, or the work of the public body, or any commission, board, or committee.
11. Officials are expressly prohibited from using social media to engage in any activity or conduct that violates federal, state, or local law (e.g., to circumvent election or campaign requirements, software or data piracy, child pornography, etc.)
12. Officials are prohibited from using social media to engage in any activity that constitutes a conflict of interest.
13. Officials must be mindful that members of the public who may appear before boards, commissions, or committees come from all walks of life. Public comments, in any forum, that contain racial slurs, express bigotry toward a group based on race, religion, national origin, sexual orientation, gender, gender identity or any other legally protected classification may be considered conduct unbecoming.
14. Appointed and elected board/committee members are strongly encouraged to consider the potential impact of social media statements prior to posting. The City strives to be professional in its operations and



processes. Posts that express favoritism and/or bias for or against any individual or group of individuals (e.g., based upon race, gender, national origin, sexual orientation, political affiliation, etc.), reflect poorly on the public official, as well as the City and its residents. Further, comments suggesting such treatment can expose the City to liability and legal costs.

15. Elected and appointed officials should be cautious in using official City-provided head shot photographs on personal social media sites. Elected and appointed officials choosing to use official City-provided head shots on personal social media sites should tailor communications on those sites accordingly.

16. A public official that violates the City's policies and/or by such conduct invites claims or suits or other liability unto the City may be subject to censure; and the City may pursue all remedies available under the law.

## REGISTERING A NEW PAGE

All City social media sites shall be (1) approved by the City Manager; (2) published using approved Social Media platform and tools; and (3) administered by the City Manager or his/her designee.

## DEREGISTERING AN EXISTING PAGE

If a social media page is no longer of use, (1) notify the City Manager, (2) ensure records have been archived according to agency guidelines, and (3) unpublish and delete page.