



CITY OF PACIFIC GROVE
300 Forest Avenue, Pacific Grove, California 93950

AGENDA REPORT

TO: Honorable Mayor and Members of the City Council
FROM: Ben Harvey, City Manager
MEETING DATE: May 4, 2016
SUBJECT: Resolution to Amend the City's Current Social Media Policy.
CEQA: Does not constitute a "Project" under California Environmental Quality Act (CEQA) Guidelines because it is an organizational or administrative activity.

RECOMMENDATION:

Approve a resolution to amend the City's current Social Media Policy.

DISCUSSION:

On September 19, 2012, the City Council approved Council Policy No. 000-22, establishing the City's social media policy (Attachment 1).

The City's current policy must be amended to reflect newer social media rules, needs and expectations, while ensuring compliance with legal requirements. The proposed policy sets forth the scope of the City's and others' activities as they relate to the City's social media channels (Attachment 2).

As the current Policy provides information to and for employees, staff believes certain information should be revised to be an "internal social media" policy, and adopted as part of the City's Employee Handbook. This internal policy, Policy XX-XXX, addresses the use of social media sites by City employees and their associated privacy rights.

Staff has forwarded the City's media policies to the representatives of the management associations for review. Council's approval of the policies is conditioned upon that review.

The proposed Policy is not a project under CEQA because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. If approved, the resolution (Attachment 3) would take immediate effect, pending the review of the management associations.

FISCAL IMPACT:

None.

May 4, 2016

ALTERNATIVES:

1. Take no action
2. Suggest additional or different changes to the City's Policy.

ATTACHMENTS

1. Council Policy #000-22
2. Proposed Social Media Policy
3. Resolution to amend Council Policy #000-22
4. Proposed Employee Policy XX-XXX

RESPECTFULLY SUBMITTED:

Ben Harvey

Ben Harvey
City Manager

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May 4, 2016

CITY OF PACIFIC GROVE, CALIFORNIA COUNCIL POLICY

SUBJECT	POLICY NO.	EFFECTIVE DATE	PAGE
Social Media Policy	000-22	October 18, 2012	1 of 5

PURPOSE

The City of Pacific Grove encourages the use of social media to further the goals of the City and its programs through the dissemination of information about the City's mission, meetings, activities, and current issues to members of the local and distant public. This policy sets policies and procedures regulating the City's presence on social media websites and regulating employees responsible for maintaining the City's presence on social media websites. The most appropriate uses of social media tools are as informational channels to increase the City's ability to broadcast its messages to the widest possible audience.

The City should use social media to:

- Increase the public's knowledge, trust, and use of City services; and
- Promote the value and importance of City services among and between governing officials, civic leaders, and the general public; and
- Maintain open, professional and responsive communication between the City and members of the public and the news media.

OWNERSHIP

All social media communications composed, sent, or received on City equipment are and remain the property of the City. While the social media sites are administered by the City, the content on the sites is not entirely controlled by the City. The City shall not endorse any links or advertisements on its social media sites placed.

The City's social media sites may be subject to California's civil discovery statutes and the California Public Records Act. Any content maintained in a social media format that is related to City business, including a list of subscribers and posted communication (with certain exceptions), may be a public record.

California law and relevant City records retention schedules apply to social media formats and social media content.

POLICY

- A. All City social media sites will be subject to approval by the City Manager or designee.
- B. City social media sites shall make clear that they are maintained by the City and follow this Social Media policy.
- C. The City's website (<http://www.ci.pg.ca.us>) will remain the City's primary and predominant internet presence.

- D. Wherever possible, content posted to the social media sites must first be made available on the City's website by the program's website content manager(s).
- E. Wherever appropriate, content posted to social media sites must contain hyperlinks directing users back to the City's official website for in-depth information, forms, documents, or online services necessary to conduct business with the City.
- F. The City's public information officer or designee will monitor content on social media sites to ensure adherence to both the City's Social Media policy and the interest and goals of the City.
- G. Wherever possible, use of social media sites must comply with all appropriate City policies and procedures, including but not limited to:
 - 1. Electronic Communications Policy.
 - 2. Administrative Policy and Procedures Manual.
 - 3. Employee Handbook.
 - 4. Council policies, including records retention policies.
- H. Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of City logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identified the Pacific Grove Police Department and/or City of Pacific Grove on any personal or social networking or other website or web page, without the permission of the Chief of Police and/or City Manager is strictly prohibited.
- I. Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department owned, for personal purposes while on-duty, except in the following circumstances:
 - 1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
 - 2. During authorized breaks, such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.
- J. The program maintaining the site is responsible for responding to any public records request for public records on social media; provided, however, such requests must be handled in collaboration with the City Clerk's Office and the City Attorney's Office. Content related to City business must be maintained in an accessible format so that it can be produced in response to a request. Wherever possible, such sites must clearly indicate that any articles and any other content posted or submitted for posting may be or are subject to public disclosure upon request.
- K. California law and the City records retention schedules apply fully to the City's social media formats and social media content. Unless otherwise addressed in a specific social media standards document, the program maintaining a site must

preserve records required to be maintained pursuant to an applicable records retention schedule for the required retention period in a format that preserves the integrity of the original record and is easily accessible.

- L. City social media sites shall be managed consistent with the Brown Act. Members of the City Council and City advisory bodies should refrain from responding to any published postings, or from using such a site to respond to, blog, engage in serial meetings, or otherwise discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the body.

COMMENT POLICY

A. Users and visitors to the City's social media sites must be notified that the intended purpose of the site is to serve as a means of communication between City programs and members of the public. All comments posted by others to the City's social media sites will be monitored. Articles, posts, and comments containing any of the following forms of content will not be allowed and must be removed as soon as possible:

1. Profane language or content;
2. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, sexual orientation or any other basis protected by state or federal law;
3. Sexual content;
4. Solicitations of commerce and other purely commercial speech;
5. Conduct or encouragement of illegal activity;
6. Comments in support of or opposition to political campaigns or ballot measures;
7. Information that may compromise the safety or security of the public, public systems, or employees;
8. Content that violates a legal ownership interest of any other party;
9. Any link or direction to another site that contains content referenced by the foregoing restrictions.

B. Users and visitors to the City's social media sites must also be notified that:

1. A comment posted by a member of the public on any City social media site is the opinion of the commentator or poster only, and the publication of a comment does not imply endorsement of, or agreement by, the City, nor do such comments necessarily reflect the opinions or policies of the City.
2. The City reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law. Notwithstanding the foregoing, the City is not obligated to take such actions, and the City disclaims any and all responsibility and liability for any materials that the City deems inappropriate for posting, which cannot be removed in an expeditious and otherwise timely manner.
3. By posting a comment, users agree to indemnify the City, its officers and employees from and against all liabilities, judgments, damages, and costs

(including attorney's fees) incurred by any of them which arise out of or are related to content posted by users. If a user does not agree to these terms, the individual should not use the City's social media sites.

4. The City does not guarantee the authenticity, accuracy, appropriateness, nor the security of external links, websites, or content linked thereto.
- C. The above comment guidelines and disclaimers ("Terms of Use") must be displayed to users or made available by hyperlink. Any content removed based on these guidelines must be retained, including the time, date and identity of the poster in accordance with the City's policy on the retention of such information.
 - D. When a City employee responds to a comment, in his/her capacity as a City, the employee's name and title should be made available and the employee should not share personal information about him/herself, or about other City employees.

"Social media" refers to activities that integrate technology, social interaction and content creation. This media allows people to generate, organize, share, edit and comment on web content. Examples of social media include, but are not limited to, Facebook, Twitter, YouTube, Blogs, Really Simple Syndication ("RSS"), LinkedIn, and Flickr.

This policy does not govern or regulate the use of social media sites by City employees or the privacy rights associated therewith.

CITY OF PACIFIC GROVE, CALIFORNIA COUNCIL POLICY

PURPOSE

The City of Pacific Grove encourages the use of social media to further the goals of the City and its programs. ~~T~~through ~~the dissemination of information about social media~~, the City ~~aims to share information about the City's mission, meetings, services, and~~ activities, ~~and current issues to members of the local and distant public.~~ This policy sets policies and procedures regulating the City's presence on social media websites and regulating employees responsible for maintaining the City's presence on social media websites. The most appropriate uses of social media tools are as informational channels to increase the City's ability to broadcast its messages to the widest possible audience and maintain open, professional and responsive communication between the City and members of the public. ~~This Social Media Policy provides guidelines for the development and use of the City's social media sites.~~

~~The City should use social media to:~~

- ~~• Increase the public's knowledge, trust, and use of City services; and~~
- ~~• Promote the value and importance of City services among and between governing officials, civic leaders, and the general public; and~~
- ~~• Maintain open, professional and responsive communication between the City and members of the public and the news media.~~

OWNERSHIP

All social media communications composed, sent, or received on City equipment are and remain the property of the City. While the City's social media sites are administered by the City, the content on the sites is not entirely controlled by the City.

~~The City shall not endorse any links or advertisements on its social media sites placed.~~

The City's social media sites may be subject to California's civil discovery statutes and the California Public Records Act.

-Any content maintained in a social media format that is related to City business may be a public record. Wherever possible, such sites must clearly indicate that any articles and any other content posted or submitted for posting may be or are subject to public disclosure upon request. However, confidential information, such as those relating to litigation or potential litigation, personnel, attorney-client

communication, closed session labor negotiations, or information relating to confidential real estate negotiations, and copyrighted or proprietary information shall not be posted.
~~, including a list of subscribers and posted communication (with certain exceptions), may be a public record.~~

All requests for public records, through the City's social media sites, shall immediately be referred to the City Clerk's Office for handling.

California law and relevant City records retention schedules apply to the City's social media formats and social media content.

GENERAL POLICY

A. "Social media" refers to activities that integrate technology, social interaction and content creation. This media allows people to generate, organize, share, edit and comment on web content. Examples of social media include, but are not limited to, Facebook, Instagram, Twitter, LinkedIn, YouTube, Blogs, Really Simple Syndication ("RSS"), and Flickr.

B. "User" refers to users, content contributors, visitors, posters, and commentators.

C. All City social media sites will be subject to approval by the City Manager or designee. The City reserves the right to terminate any social media site at any time without notice. The City reserves the right to change, modify, or amend all or part of this Policy at any time.

D. City social media sites shall make clear to the extent possible:

1. Sites ~~that they are~~ maintained by the City ~~and~~ follow this Social Media Policy.
2. Sharing, liking or retweeting a post or link on the City's social media sites shall not constitute an endorsement or official position of the City.
3. Links or advertisements placed on the City's social media sites shall not constitute an endorsement by the City.

E. Wherever possible, use of City social media sites must comply with all appropriate City policies and procedures, including but not limited to:

1. Electronic Communications Policy.
2. Administrative Policy and Procedures Manual.
3. Employee Handbook.
4. Council policies, including records retention policies.
5. City Conflict of Interest Code.

- F. City social media sites shall be managed consistent with the Brown Act. Members of the City Council and City advisory bodies shall not like, share, retweet or otherwise respond to any published postings, or from using such a site to respond to, blog, engage in serial meetings, or otherwise discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the body.
- G. The City's website (<http://www.ci.pg.ca.us/cityof/pacificgrove.org>) will remain the City's primary and predominant internet presence.
- H. ~~Wherever possible~~When appropriate, content posted to the City's social media sites must ~~first~~ be made available on the City's website ~~by the program's website content manager(s)~~.
- I. ~~Wherever~~When appropriate, content posted to City social media sites must contain hyperlinks directing users back to the City's official website for in-depth information, forms, documents, or online services necessary to conduct business with the City.
- I. The City ~~Manager or designee shall be responsible to post and~~'s ~~public information officer or designee will~~ monitor content on social media sites to ensure adherence to both the City's Social Media ~~P~~olicy and the interest and goals of the City.
1. All content on City social media sites shall be reviewed, approved, and administered under the authority of the City Manager or designee.
 2. The City Manager or designee may develop guidelines regarding content on City social media sites.
 3. All City or department active social media sites shall be made known to the City Manager or designee.
 4. Content must pertain to City-sponsored or City-endorsed programs, services, and events.
 5. The City shall not post content relating to candidate or ballot measure candidacy on its social media sites.
 6. City social media sites shall not be the primary tool for disseminating emergency information.
- K. All content posted by others to the City's social media sites shall be monitored. The following forms of content will not be allowed and must be removed as soon as possible:
1. Profane language or content;
 2. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, sexual orientation or any other basis protected by state or federal law;
 3. Sexual content;

4. Solicitations of commerce and other purely commercial speech;
5. Conduct or encouragement of illegal activity;
6. Content in support of or opposition to political campaigns or ballot measures;
7. Information that may compromise the safety or security of the public, public systems, or employees;
8. Content that violates a legal ownership interest of any other party;
9. Any link or direction to another site that contains content referenced by the foregoing restrictions.

L. Users of the City's social media sites must also be notified that:

1. Content posted by a user on any City social media site is the opinion of the user only, and the publication of content does not imply endorsement of, or agreement by, the City, nor does such content necessarily reflect the opinions or policies of the City.
2. The City reserves the right to restrict or remove any content that is deemed in violation of this Policy or any applicable law. Notwithstanding the foregoing, the City is not obligated to take such actions, and the City disclaims any and all responsibility and liability for any materials that the City deems inappropriate for posting, which cannot be removed in an expeditious and otherwise timely manner.
3. By posting content, users agree to indemnify the City, its officers and employees from and against all liabilities, judgments, damages, and costs (including attorney's fees) incurred by any of them which arise out of or are related to content posted by users. If a user does not agree to these terms, the individual should not use the City's social media sites.
4. The City does not guarantee the authenticity, accuracy, appropriateness nor the security of external links, websites or content linked thereto.

M. The above content guidelines and disclaimers ("Terms of Use") must be displayed to users or made available by hyperlink. Any content removed based on these guidelines must be retained, including the time, date and identity of the poster in accordance with the City's policy on the retention of such information.

~~1.~~

~~A. Wherever possible, use of social media sites must comply with all appropriate City policies and procedures, including but not limited to:~~

- ~~1. Electronic Communications Policy.~~
- ~~2. Administrative Policy and Procedures Manual.~~
- ~~3. Employee Handbook.~~
- ~~4.1. Council policies, including records retention policies.~~

~~B. Posting, transmitting or disseminating any photographs, video or audio~~

~~recordings, likenesses or images of City logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identified the Pacific Grove Police Department and/or City of Pacific Grove on any personal or social networking or other website or web page, without the permission of the Chief of Police and/or City Manager is strictly prohibited.~~

~~C.—Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department owned, for personal purposes while on duty, except in the following circumstances:~~

- ~~1.—When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).~~
- ~~2.—During authorized breaks, such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.~~

~~D.—The program maintaining the site is responsible for responding to any public records request for public records on social media; provided, however, such requests must be handled in collaboration with the City Clerk's Office and the City Attorney's Office. Content related to City business must be maintained in an accessible format so that it can be produced in response to a request. Wherever possible, such sites must clearly indicate that any articles and any other content posted or submitted for posting may be or are subject to public disclosure upon request.~~

~~E.—California law and the City records retention schedules apply fully to the City's social media formats and social media content. Unless otherwise addressed in a specific social media standards document, the program maintaining a site must—preserve records required to be maintained pursuant to an applicable records retention schedule for the required retention period in a format that preserves the integrity of the original record and is easily accessible.~~

~~City social media sites shall be managed consistent with the Brown Act. Members of the City Council and City advisory bodies should refrain from responding to any published postings, or from using such a site to respond to, blog, engage in serial meetings, or otherwise discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the body.~~

~~N. For blogs and forums, the following disclaimers must be stated on the City's main webpage:~~

- ~~1. The City is not responsible for the accuracy of any information posted on affiliated blogs, forums and/or forwarded or otherwise redistributed content.~~
- ~~2. Unless expressly authorized, the information posted is the personal opinion of the user and does not constitute an official position of the~~

City.

COMMENT POLICY

~~F.—Users and visitors to the City’s social media sites must be notified that the intended purpose of the site is to serve as a means of communication between City programs and members of the public. All comments posted by others to the City’s social media sites will be monitored. Articles, posts, and comments containing any of the following forms of content will not be allowed and must be removed as soon as possible:~~

- ~~1.—Profane language or content;~~
- ~~2.—Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, sexual orientation or any other basis protected by state or federal law;~~
- ~~3.—Sexual content;~~
- ~~4.—Solicitations of commerce and other purely commercial speech;~~
- ~~5.—Conduct or encouragement of illegal activity;~~
- ~~6.—Comments in support of or opposition to political campaigns or ballot measures;~~
- ~~7.—Information that may compromise the safety or security of the public, public systems, or employees;~~
- ~~8.—Content that violates a legal ownership interest of any other party;~~
- ~~9.—Any link or direction to another site that contains content referenced by the foregoing restrictions.~~

~~G.—Users and visitors to the City’s social media sites must also be notified that:~~

- ~~1.—A comment posted by a member of the public on any City social media site is the opinion of the commentator or poster only, and the publication of a comment does not imply endorsement of, or agreement by, the City, nor do such comments necessarily reflect the opinions or policies of the City.~~
- ~~2.—The City reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law. Notwithstanding the foregoing, the City is not obligated to take such actions, and the City disclaims any and all responsibility and liability for any materials that the City deems inappropriate for posting, which cannot be removed in an expeditious and otherwise timely manner.~~
- ~~3.—By posting a comment, users agree to indemnify the City, its officers and employees from and against all liabilities, judgments, damages, and costs (including attorney’s fees) incurred by any of them which arise out of or are related to content posted by users. If a user does not agree to these terms, the individual should not use the City’s social~~

~~media sites.~~

~~4.—The City does not guarantee the authenticity, accuracy, appropriateness nor the security of external links, websites or content linked thereto.~~

~~H.—The above comment guidelines and disclaimers (“Terms of Use”) must be displayed to users or made available by hyperlink. Any content removed based on these guidelines must be retained, including the time, date and identity of the poster in accordance with the City’s policy on the retention of such information.~~

This ~~P~~policy does not govern or regulate the use of social media sites by City employees or the privacy rights associated therewith. The policy governing use of social media sites shall be located in the Employee Handbook.

DRAFT RESOLUTION NO. 16-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE
AMENDING POLICY 000-22 ENTITLED “SOCIAL MEDIA POLICY”**

WHEREAS, the City Council encourages the use of social media to further the goals of the City and its programs, where appropriate, through dissemination of information about the City’s mission, meetings, activities, and current issues to members of the public;

WHEREAS, “Social media” refers to activities that integrate technology, social interaction, and content creation. Examples of social media include Facebook, Instagram, Twitter, YouTube, Blogs, Really Simple Syndication (“RSS”), LinkedIn, and Flickr;

WHEREAS, on September 19, 2012, the City Council approved Council Policy No. 000-22, establishing the City’s Social Media Policy;

WHEREAS, the City’s Social Media Policy sets City policies and procedures regulating the City’s presence on social media websites;

WHEREAS, the City’s current policy must be amended to reflect newer social media rules, needs and expectations, while ensuring compliance with legal requirements;

WHEREAS, the Council finds that portions of the City’s current Policy pertain to and for employees should also be revised, and are more appropriately located in the City’s Employee Handbook;

WHEREAS, the portion of the Policy for the Employee Handbook has been distributed for review by representatives for all the employee associations; and

WHEREAS, the City Council finds the introduction and adoption of this resolution is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential to have a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE:

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth in full.

SECTION 2. Council Policy No. 000-22 is amended as indicated in the policy attached hereto.

SECTION 3. Social Policy XX-XXX is amended as indicated in the policy attached hereto, subject to review by the representatives of the employee associations and senior managers.

SECTION 4. This resolution shall take effect immediately following passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE
this ____ day of _____, 2016, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

BILL KAMPE, Mayor

ATTEST:

SANDRA KANDELL, City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney

XXX.XXX Social Media

The City Social Media Program aims to share information about the City's mission, services and activities and highlight community news and events through professional and responsive communication between the City and members of the public.

City of Pacific Grove Social Media Policy

All City employees and City Social Media Designees are required to review, be familiar with and comply with the City's Social Media Policy as well as with the social media site's use policies and terms and conditions. Employees and designees should notify their immediate supervisor, the City Manager's Office or any member of management upon learning of violations of these policies.

Representation and Use

Unless specifically designated by the City Manager's Office, City employees are not authorized to post items for the City and its Social Media Program. However, City employees are welcome and encouraged to share ideas for the program with their team or by contacting the City Manager's Office.

City Social Media Designees are City employees or volunteers authorized by the City Manager to post items on behalf of the City and for the City's Social Media Program. Authorized City Social Media Designees shall:

1. Conduct themselves at all times as professional representatives of the City and in accordance with all City policies.
2. Not express personal views or concerns through City-related postings. Postings on the City's social media sites shall only reflect the official views of the City and must pertain to City-sponsored or City-endorsed programs, services, and events.
3. Make available his or her name and title. The Designee shall not share personal information about himself or herself or other City employees.
4. Ensure postings contain information freely available to the public and not confidential as defined by any City policy or state or federal law.
5. Utilize only authorized City contact information for account set-up, monitoring and access to City social media sites. City social media contact information can be obtained through the City Manager's Office.

Personal Use

The City recognizes employees may engage in the personal use of social media. At all times, City employees should maintain professional conduct and use common sense when participating in social media. Employees may respond to social media posts during breaks and personal time; however, use of social media during regularly scheduled work hours must directly relate to official City business. Employees should refer to the City's Electronic Communications Policy and the City's Social Media Policy for all other matters concerning the use of computer and email usage.

Employees who violate these policies and/or guidelines will be subject to disciplinary action, up to and including termination of employment.

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