

CHAPTER ONE: GENERAL PROVISIONS
SUBCHAPTER 1.17: SOCIAL MEDIA POLICY

1.17.010 Purpose and Scope

(a) This subchapter shall serve as the Town of Colma's Social Media Policy and shall govern the use of Social Media sites used for Town business purposes.

1.17.020 Definitions

"Social Media sites" shall be defined as services through which multiple users can easily publish and share a wide variety of content, including written commentary, pictures, and video/audio files via the Internet. Social Media sites may include Facebook, Twitter, Instagram, LinkedIn, or any other site that meets the definition provided in this subchapter.

1.17.030 General Policy

(a) The City Manager or his/her designee shall review and pre-approve a Town Department's establishment and use of any Social Media site.

(b) All Town Social Media site shall adhere to applicable Federal, State and local laws as well as Town policies and regulations.

(c) All Town Social Media sites are subject to the California Public Records Act. Any and all content on a Town Social Media site, including, but not limited to, subscribers, postings, ~~and~~ comments, and private messages may be considered a public record and ~~could~~ may be subject to public disclosure.

(d) Town Social Media sites shall be maintained by the designated Town of Colma employee(s) and shall be used for Town business purposes only. The Town Social Media Policy governs use of any Town administered Social Media site; regardless of whether the site(s) is (are) accessed from Town computers, computers outside the Town, or mobile devices.

(e) Upon the City Manager's approval, Town Social Media sites shall bear the name and/or official logo of the Town and shall link to the Town's website. Wherever applicable, Town Social Media sites shall be classified and registered with the service provider as "Official" and/or governmental entity sites.

(f) The Ralph M. Brown Act (Brown Act) requires that public agencies deliberate and take action openly. Content and/or comments made by a Town Official via a Social Media site on Town-related issues within their jurisdiction could be subject to the requirements of the Brown Act. Town Elected Officials should refrain from corporately discussing, deliberating, or expressing opinions on any Town of Colma-related issue on a Social Media site. Brown Act issues also have the potential to arise

on private Social Media sites. As such, Town Elected Officials should also refrain from corporately discussing, deliberating, or expressing opinions on any Town of Colma-related issue on private Social Media sites.

(g) The Town of Colma reserves the right to restrict or remove any content that is in violation of any applicable law or the Town's Social Media Policy. Any content which is removed will be retained by the Town for a reasonable period of time, and will include the time, date, and user name (or screen name) of the content originator, when possible.

(h) All Social Media sites established and administered by the Town of Colma will clearly state that they are sponsored by the Town. Whenever possible, the Town's Social Media sites shall contain links directing users back to the Town's official website for in-depth information, forms, documents, online services, and other information necessary to conduct business with the Town.

(i) The City Manager or his/her designee, are responsible for assigning staff to update, respond to inquiries, and keep information current on Social Media sites.

(j) The Town's policy allows for the posting of pictures by the assigned staff on the Town's Social Media sites. If the assigned staff person desires to post a picture that includes councilmembers, the staff person shall only post pictures with a majority and up to the full City Council. In other words, no picture shall be posted where councilmembers appear in a number less than three.

(k) The objectives for participating in Social Media sites are to:

- (1) Disseminate information to our community and neighboring communities;
- (2) Demonstrate commitment to outreach and engagement and to monitor issues affecting the Town; and
- (3) Build and engage an "online community" of residents and businesses.

(l) All staff time used on Social Media sites shall be for the purposes of conducting Town business only.

(m) Staff shall not express personal views or concerns. Postings shall reflect the view of the Town.

(n) No communications made with the Town through Social Media sites shall be deemed to constitute public comment or legal notice to the Town or any of its agencies, officers, employees, agents or representatives where notice to the Town is required by any federal, state, local laws, rules or regulations. Any comment or notice

shall be submitted to the Town and not through a Social Media site. Information posted to a Town Social Media site will supplement, and not replace, required notices and standard methods of communication.

- (1) No request made through a Town Social Media site shall constitute a request under the Public Records Act. Any request for a public record shall be submitted to the Town and not through a Social Media site.

(o) To ensure compliance with this section and the Policy, the Town shall post on each Social Media Site that all Town business shall be conducted through the Town's website at www.colma.ca.gov.

(p) The Town reserves the right to terminate any Town Social Media site at any time without notice.

1.17.040 Comment Policy

(q) The Town of Colma is committed to serving the online community in a civil and unbiased manner. In order to streamline communication and to the extent feasible, Town Social Media sites will not allow direct comments or postings and the Town establishes its Social Media sites as non-public forums.

(r) In the event that a Social Media Site does not allow for the Town to restrict direct comments or postings, the Town disclaims liability for any direct comments or postings, and reserves the right to remove any direct comments or postings that contain any of the following:

- (1) Comments in support of or opposition to political campaigns or ballot measures;
- (2) Profane or obscene language or content;
- (3) Content that promotes, fosters, or perpetuates discrimination on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status;
- (4) Sexual content or links to sexual content;
- (5) Solicitations of commerce;
- (6) Conduct or encouragement of illegal activity;

- (7) Information that may tend to compromise the safety or security of the public or public systems;
- (8) Defamatory statements;
- (9) Content that violates a legal ownership interest, such as a copyright, of another party;
- (10) Threats of violence or injury to any person, property, or organization.

(s) Any Town staff member who finds content on a Town Social Media site that is potentially inappropriate or inconsistent with this Social Media Policy will notify his or her supervisor, who will consult with the City Manager and/or the City Attorney for direction on further handling of the potentially inappropriate or inconsistent content to ensure compliance with the Social Media Policy. The Town disclaims any and all responsibility and liability for any materials that the Town deems inappropriate for posting that cannot be removed in an expeditious and otherwise timely manner.

Town Social Media sites may contain content over which the Town has no control, including but not limited to, advertisements or hyperlinks. The Town does not endorse any hyperlink or advertisement on Town Social Media sites by the social media site's owners, vendors, or partners.

(t) For each Social Media Site subject to subsection (b) above, the Town shall post on the Social Media Site the following information:

- (1) "The Town of Colma reserves the right to remove postings or comments that violate the Town's Social Media Policy that can be found at www.colma.ca.gov in the Administrative Code, Chapter 1, Subchapter 17."

(u) The Town of Colma reserves the right to deny access to a Town Social Media site to any individual who violates the Town of Colma's Social Media Policy at any time, and without prior notice. Any denial of access or "blocking" from a Town Social Media site shall not be based on the viewpoint of the third party individual or entity who posted content to a Social Media site.

1.17.050 Code of Conduct for Town Employees

(v) All employees shall be provided with a copy of this Policy and be directed to familiarize themselves with it.

(w) Employees' use of Town Social Media sites for official business is governed by this Policy, as well as applicable Town Rules and Regulations. Disciplinary action, up to and including dismissal, may be imposed for violation of this Policy. If findings

warrant, disciplinary action will be initiated in accordance with all relevant sections of the Town's Personnel Rules and Regulations.