

RESOLUTION NO. 22- 98
RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF EL CENTRO ADOPTING AN UPDATED
SOCIAL MEDIA POLICY

WHEREAS, the City utilizes a number of social media platforms to keep its residents and visitors updated and provide other useful and needed information; and

WHEREAS, those platforms currently include Facebook Instagram, YouTube and Twitter; and

WHEREAS, the City Manager's Office, Community Services, Police and Fire utilize such social media platform; and

WHEREAS, the City's insurer, CalJPIA, has asked that the City update its 2011 Social Media Policy No. 109 utilizing materials provided by CalJPIA; and

WHEREAS, CalJPIA has reviewed and approved the updated policy; and

WHEREAS, the updated policy addresses current issues with social media policies, including when a post comment may be removed from the site and how long a post must be retained under the Public Records Act; and

WHEREAS, the update policy has been reviewed by and revised in collaboration with those departments which have such social media platforms each of which will implement the Policy for its social media platforms; and

WHEREAS, once adopted, CalJPIA will provide training on application of the policy; and

WHEREAS, it is in the best interests of the City to adopt this updated and revised policy.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL CENTRO DOES RESOLVE A FOLLOWS:

1. The Recitals set out above are true and correct.
2. The City Council approves updated Social Media Policy No. 109 in the form attached to and incorporated as Exhibit A to this Resolution and as on file in the City Clerk's Office.
3. The employees and others identified in the Policy are authorized to carry out its terms.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of El Centro, California held on 20th day of Sept., 2022.

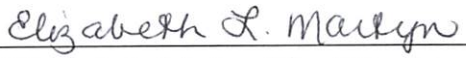
CITY OF EL CENTRO

By 
Tomas Oliva, Mayor

ATTEST:

By 
Norma Wyles, City Clerk

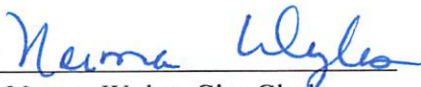
APPROVED AS TO FORM:
Office of the City Attorney

By 
Elizabeth L. Martyn, City Attorney

STATE OF CALIFORNIA)
COUNTY OF IMPERIAL) ss
CITY OF EL CENTRO)

I, Norma Wyles, City Clerk of the City of El Centro, California do hereby certify that the foregoing Resolution No. 22- 98 was duly and regularly adopted at a regular meeting of the City Council of the City of El Centro, California, held on the 20th day of Sept., 2022, by the following vote:

AYES: Garcia, Viegas-Walker, Oliva, Cardenas-Singh, Marroquin
NOES: None
ABSENT: None
ABSTAINED: None

By 
Norma Wyles, City Clerk

CITY OF EL CENTRO POLICY STATEMENT

Policy Statement No:	109	Adopted: May 3, 2011
Category:	General	Revised: September 20, 2022
Subject:	Social Media Policy	Distribution: All Departments

I. Purpose

This Policy is to establish guidelines on the use of social media and address the fast-changing landscape of the Internet and the way residents communicate and obtain information online. City of El Centro departments use social media tools to reach a broader audience to provide information regarding City programs and events.

- A. This Social Media Policy establishes guidelines, protocols, and procedures for the use by City Departmental staff of third-party platforms commonly known as social media sites, channels, and technology. This City regards social media and any official online and Internet presence as a means of augmenting and enhancing traditional communication methods and to engage, convey information to, and communicate with members of the public in order to meet City missions and goals. This Policy applies to all City employees, officers, volunteers, and, as applicable, any consultants, providers, and contractors acting in an official capacity when communicating with the public on behalf of the City through the use of social media.
- B. The City intends for its use of any social media sites to relate solely to matters of City business and does not, in any way, intend to or actually create general or traditional public forums. The purpose of this Policy is to establish and confirm the use of the City's social media platforms as limited public forums i.e.; an authorized City employee may remove certain posts that do not comply with this Policy as provided in Section II, G Section J and K below.
- C. The City presently utilizes the following platforms through its departments, which currently utilize Facebook, Instagram, Twitter and YouTube. If and when additional platforms are added, they will be governed by this Policy as it may be amended from time to time: All types of content, technologies, and services covered by this Policy include: Media Sharing (examples: Flickr, iTunes), Blogging/Microblogging (examples: WordPress, Blogger, Twitter), Social Networking (example: LinkedIn), Document and Data Sharing Repositories (examples: Scribd, SlideShare, Socrata), Social Bookmarking

(examples: Delicious, Digg, Reddit), Wikis (examples: Aboutus, Wikipedia, Ballotpedia), Mash-ups (examples: Trendsmap, TimeTube, Craigslist), Really Simple Syndication (RSS) (examples: Google News, New York Times, CNN), and Widgets (examples: Google Maps, AddThis, Facebook "Like"). The foregoing are examples, only, and the references are not to be considered a requirement that the City use any of these third-party tools, services, or technologies. See Section II (F) below regarding opening new social media accounts.

- D. The City has an overriding interest in protecting the integrity of the information posted on its social media sites and the content that is attributed to the City or its officials while, at the same time, mitigating and/or eliminating associated risks from the use of such technology.
- E. As the City changes its direction on social media use with the evolution of such use, this Policy will be revised and social media activity shall be adjusted accordingly. Any questions relating to this Policy should be directed to the City Manager's Office.
- F. While this Policy acknowledges that social media is a way to engage with others, this Policy is not intended to require City, nor any City employee or contractor acting in an official City capacity actually to use social media unless otherwise directed to do so. The City Council periodically will conduct a risk assessment of the use of social media technology and sites and determine whether the use of social media sites is appropriate and whether appropriate risk mitigation controls can be implemented.
- G. Technology, social media capabilities and scope, and online behaviors are changing constantly. Because of this constant adjustment and adaptation, the City reserves the right to change, modify, or otherwise amend all or part of this Policy at any time.

II. Internal Policy

- A. A copy of this Policy shall be posted on the City website. The City has a number of social media pages, including those administered by the City Manager's Office and those administered by City Departments. The City's social media pages and those administered by each City Department shall include a link to this Policy as posted on the City website. The Policy is located at www.https://cityofelcentro.org/cityclerk/policies/
- B. The purpose of the City's use of social media is to provide information regarding City events and programs. While City-approved social media sites are to be

used for the purposes stated, they are not intended to replace nor serve as the primary means of this City's communication with anyone. The City's official website is and shall remain the primary means of online communication with the public.

- C To the extent possible, and consistent with the City Code and other City policies, City social media sites shall contain visual elements/graphics clearly identifying such sites as official City sites, and distinguishing them from other non-professional or personal sites. Such identification of official City social media sites may include the use of the City seal, logo(s), or other insignia seal as authorized by the City Council as well as contact information including an official City email address, link to the official City website, and links to other City social media sites, as applicable.
- D. The City Manager ("City Manager") is responsible for the overall administration of the City 's social media sites, enforcement of this Policy, securing protection of City information and technology assets against potential destructive technical incidents in the context of social media use. Approval of City social media sites and Departmental social media sites shall be made by the City Manager following consultation with City legal counsel, Human Resources/Risk Management, and the applicable Department Directors. In addition, the City Manager also is responsible for administration of the City's Manager's Office's social media sites ("City site"). The City Manager's duties under this Policy may be delegated only with the prior approval of the City Council on or after the date of adoption of this Policy.
- E Administration of each Department's social media sites is the responsibility of that Department Head and the site's authorized users. Administration of each Department's social media sites shall include, but is not limited to, the following:
 - 1. Each Department shall maintain a list of its social media sites and the City Manager's office shall maintain a list of all of the City's social media sites that are approved and operating.
 - 2. Each Department shall provide regular monitoring of its sites, including timely review and approval of all content, and removal of content after the two-year records retention period or otherwise according to this Policy.
 - 3. Each Department Head or the City Manager shall administer this Policy for that Department and must maintain accurate City information in compliance with laws policies on social media sites and check for exploitation and misuse by reviewing and updating each social media site as necessary and appropriate on a regular basis.

4. Police and Fire social media sites also shall comply with Lexipol requirements.
5. If it is determined that any Department social media communication needs to be corrected, amended, or clarified, the Department will determine what modification or supplement to the earlier social media communication is needed. Employees seeking a correction shall raise any concern with the City Manager.
6. The City seal, logos or other insignia may be used on social media sites as provided by separate Resolution.

F. Establishing additional Social Media Sites

1. The establishment and use by any City Department of City social media sites are subject to prior written approval by the City Manager. When a department wishes to set up a social media site (or additional site), the Department Head shall provide a written request to the City Manager for the administration of such site under this Policy.
2. Unless already in use, City social media sites shall be established using only an official City email address.

G. Authorized Posting on City Social Media Sites

1. Only employees who are authorized in writing by the City Manager may post and/or delete posts on official City social media sites on behalf of the City. Any postings that are intended to be deleted or removed from a City social media site must be kept as a record in compliance with the retention periods used by the City and the provisions of the Public Records Act. (See Section H. 2. below).

Except as otherwise provided in Section J below regarding content and comment moderation, employees authorized to post on the City's behalf are not authorized to hide or remove social media posts. Employees authorized to post on the City's behalf shall move or delete older posts to an archived status as provided in the records retention policy consistent with this Policy. The archived status is not displayed on the social media page.

Employees authorized to act on the City's behalf in a social media setting may not engage in viewpoint discrimination (for example, a post may not be deleted simply because that post is not agreed with or is critical of an elected official).

No employee may ban anyone from posting on a City social media site or restrict access in other ways unless authorized to do so in accordance with this Policy.

2. An employee representing the City on social media sites shall conduct themselves at all times as a professional representative of the City and shall comply with all City policies and codes of conduct, including but not limited to the provisions of the Personnel Rules & Regulations.
3. The employee shall not share materials on the City's social media accounts in violation of City policies or rules, including but not limited to the provisions of the City's Policy Statement No. 113 Regarding Technology Use (as that may be amended from time to time).
4. An employee posting on the City's behalf who violates this Policy is subject to discipline under this Policy and other applicable City policies, including but not limited to the City's Personnel Rules & Regulations. Official posting access will be restricted pending a determination of a violation.
5. City social media passwords shall not be shared with unauthorized personnel.
7. All City-created graphic content posted by City employees on City social media sites must be marked or otherwise identified as the City's content to track and prevent unauthorized reuse. The City seal or logos or other official insignia may be used only for official City's posts with approval as provided by Resolution No. _____ (as that may be amended or replaced from time to time) and may not be approved for use on unofficial sites or materials.
7. All City social media sites shall be registered with the underlying social media platform so that they are identified as actual City sites.

H. Management of Social Media Sites

1. City social media sites shall be managed consistent with federal and state law and regulations, including but not limited to the Brown Act, the Political Reform Act, and the California Elections Code, as those may be amended from time to time, as well as the requirements of the City Code and this

Policy. The City Attorney, joint powers authority and others will provide training in such requirements.

Consistent with the Brown Act, elected and appointed members of the City shall not respond to any published postings, nor use any social media site or any form of electronic communication to respond to, blog or engage in serial meetings, or otherwise discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the body, or for any political purpose.

2. Posted communications, and communications submitted for posting, are a public record and subject to public disclosure under the Public Records Act. Requests for the production of social media site content shall be handled in the same manner as other Public Records Act requests and referred to the City Clerk. Screenshots or prints of such public records shall be retained for two years after the date of posting or submission for posting or as otherwise provided by the applicable City records retention policies.
3. City social media sites must be used only to communicate City missions and messages where there is a legitimate business purpose to do so. Those authorized to post social media content on behalf of City should carefully weigh options and risk management concerns when deciding whether to use social media at all. If information is not public, or if it is not clear that it is public information, it should not be posted. There is no expectation of privacy for posted content.
4. When an employee posts to social media in an official City capacity, the City is responsible for that content. City-generated content must be professional, objective and descriptive and in compliance with other City policies, as well as with this Policy.

I. Personal Use of Social Media by City Employees

The City recognizes that employees have the right to express their personal views through social media activity. Employees do not need to obtain permission from the City to participate in social media sites in their *personal* capacity.

However, City principles, guidelines, and standards of conduct that apply to employees acting in their official capacities and carrying out their official duties for the City may also apply to an employee's participation in social media even when an employee thinks they are posting in their personal capacity. For example, employees posting in their personal capacity may not disclose non-

public information (such as personnel matters, threatened litigation, or other privileged matters).

When an employee uses social media in a personal capacity, they are doing so for themselves and they are not speaking nor communicating on behalf of the City. Employees must make certain that it does not appear they are speaking for the City unless authorized to do so. When the employee's use of social media reasonably may create the impression that their views are from, by, or sanctioned by the City, they shall use a disclaimer to address this situation. For example, the following disclaimer could be displayed in a profile or other prominent place on a social media site: "*The views and information presented here are mine.*" Employees shall consult the Human Resources Director if there are any questions.

Employees may not use official City emails when establishing, setting up, or using social media sites for personal or non-City/non-official activities. Employees shall consult the Human Resources Director if there are any questions.

Employees and contractors shall not use their City position, title, or authority to endorse any product, service, company, non-profit organization, or any other enterprise, except as part of their official job duties.

1. Content and Comment Moderation

1. As a public agency, the City abides by certain standards to serve all constituents in a civil and unbiased manner. As such, the City has implemented these Social Media Comment and Content Moderation policies.

Images, text, video, audio files, and other content are subject to the Copyright Law of the United States of America and related codes, policies, and directives. For questions regarding copyright issues, see the Copyright and DMCA Policy included on the City's website.

2. City social media content, including comments, pictures, graphics or any other material, containing content that is determined to be inconsistent with the list below, is detrimental to the purpose of the City's social media sites, shall not be allowed and is subject to removal and/or restriction. Consistent with the purpose of this use of City social media sites as a limited public forum, City reserves the right to moderate, monitor, remove, prohibit, restrict, block, suspend, terminate, delete, discontinue or reject posts and comment and access to the City's social media site when comments are:

- *Profane, obscene, or pornographic, or links or comments containing sexually explicit content material or language to the extent not blocked by the platform*
 - *Hate speech (discriminatory comments regarding or comments that promote, foster, or perpetuate discrimination or harassment on the basis of race, ethnicity, religion, gender, disability, sexual orientation, or a protected class under local, state, or federal law*
 - *Trolling (posts that are deliberately offensive, provocative, or disruptive and intended to hijack content, deflect information off-track,*
 - *Messages that are a violation of existing law or regulation*
 - *Violations of the intellectual property rights of others*
 - *Spam (unsolicited messages that are usually intended as advertising or messages that are repeatedly posted on the same site)*
 - *Links to malicious software or sites*
 - *Cyber-stalking or threats to an individual or organization, or intended to collect or post private information and data without disclosure (e.g., doxxing)*
 - *Messages that relate to confidential, private, or proprietary information*
 - *Self-promotion*
 - *Solicitation of funds*
 - *Unsolicited business proposals and inquiries*
 - *Reports of criminal or suspicious activity (contact the City Police Department directly with this type of information)*
 - *Encouragement of illegal or unlawful activity*
 - *Any form of legal and/or administrative notices or processes*
 - *Posts not in compliance with this Policy, including those not in compliance with Lexipol policies as administered by Police and Fire*
 - *Random or unintelligible posts*
 - *Posts that support or oppose a candidate or ballot measure*
3. Except when blocked by the platform, the deletion of any social media post must be approved by the City Manager personally or the Department Head and City Attorney. A deleted post will be retained as a public record for the records retention period.
4. Any unofficial or non-authorized content and all content posted by a member of the public on the City's social media site are the opinions of the person making the post. Appearance of content on the City's social media sites does not imply endorsement of, nor agreement by, the City, nor does such content reflect the opinions or policies of the City.

5. The City reserves the right to deny access to City social media sites for any individual who violates this Policy, at any time and without prior notice.
6. The City employee administering the City's social media site at all times shall turn on the platform's permissions for profanity filter of posts which violate these provisions
7. For any social media sites approved by the City, the City may develop additional usage or other standards to optimize City's use of such third-party site.
8. Any content posted on a social media site may also be subject to third-party, site-specific rules or policies. The City reserves the right to report any such violations of a third-party site's rules or policies. The City also reserves the right to report any post to law enforcement.

K Tagging and Profane Language

1. The City does not authorize the tagging of City social media pages and such tagging does not represent City's endorsement of the person or entity doing the tagging.
2. The City employee administering the social media site must turn on any anti-tagging provisions of the social media platform.
3. Individuals who tag City sites will be warned that to do so is a violation of this Policy. Thereafter, continuing to tagging City sites may result in that person's being suspended, restricted or blocked from posting on City social media sites.
4. City employees may not provide City website or social media comment to third parties to post on their sites except pursuant to this Policy.
5. To the extent not already blocked by the platform, the City employee administering the social media site must turn on any blocking provisions of the platform for profane, obscene or pornographic language or links containing sexually explicit content.

III. External Policies

The following, attached policies or language will be posted on the City public website and linked to each Department's social media pages:

- A. Limitations on Use: The public is warned that there is no reasonable expectation that City nor any emergency services of the City will respond to any social media posting. The public is warned that medical or legal information on the site is intended as information only.
- B. No Right of Action: City's uses of social media are not intended to, do not create nor may they be relied upon to create, any rights enforceable by law by any party in a civil or criminal action, and do not create any obligation or duty of care.
- C. Emergency Information: As a means of communication with residents and other users of the sites, the City may post emergency information on its social media sites. **The City is not required in any way to post such information nor is it responsible for the posting or failure to post emergency information.**
- D. Right to Terminate: Each Department Head or the City Manager reserves the right to terminate its official City social media site(s) at any time without notice. The use of social media by the City is not intended to create any contract with anyone at any time or in any way nor is any use of social media by the City intended to create any expectation of action to be taken by the City.
- E. Privacy: This City has established a Website Privacy Policy. Although some third-party social media providers might be exempt from privacy Policy requirements, the City will abide by its with respect to the City's official website. However, City cannot guarantee nor enforce such privacy statements on third-party sites. City will periodically review the privacy policies of third-party social media sites to make a risk assessment as to the continued use of such third-party offerings.
- F. The City cannot control and is not responsible for unofficial or unauthorized postings or and other content on social media sites. The City does not authorize the tagging of City social media pages and such tagging does not represent City's endorsement of the person or entity doing the tagging.
- G. **Those using the City's social media sites are warned that tagging is not allowed. See Section II (K) of the City's social media policy as posted on the City website. Those tagging may be banned from the City site.**
- H. Those using the City's social media sites also are warned that comments which fall into those categories set out in Section II (J) of the City's social media policy, as posted on the City website, may be removed by City employees without prior notice.