

RESOLUTION ADOPTING A SOCIAL MEDIA POLICY

WHEREAS, the City of Fredericktown, Missouri ("City") has four Facebook accounts to facilitate distribution of information to citizens of the City, to-wit general business, police, fire, and swimming pool; and

WHEREAS, the Board of Aldermen of the City recognizes that a social media policy should be established to address protocol for postings by employees officially as well as personally and comments left by the general public; and

WHEREAS, This Policy is adopted to provide guidance and information both to the public and for the City's use of Social Media, including but not limited to, web and mobile cell phone applications, blogs, photo and video sharing sites, micro-blogging, social networking sites and wikis. This policy is not intended to address any one particular form of social media (i.e. Facebook, Instagram, Snapchat, Tumblr, Twitter, Flickr, Next-door, YouTube and similar platforms); rather social media in general, as advances in technology will occur and new tools for sharing information will emerge. While the City's website (www.fredericktownmo.org) is the City's primary Internet presence, the City recognizes that, when used appropriately, Social Media may be useful in furthering the goals of the City and the missions of its departments, in informing and interacting with the public.

WHEREAS, the Board of Aldermen of the City recognizes the need for any and all City social media pages, accounts and websites to have the social media policy posted so it can be followed.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF FREDERICKTOWN, MISSOURI as follows:

1. The social media policy attached hereto and marked Exhibit A is incorporated herein by reference.
2. The City of Fredericktown hereby adopts the social media policy attached hereto as Exhibit A as the policy of the City and hereby directs that it be disseminated to all City employees and that the Social Media Administrator for each site be required to review and acknowledge compliance with such policy.

3. The City of Fredericktown hereby designates the Social Media Administrator for each of the current City Social Media Accounts as follows:

- a. City's web page: Theresa Harbison, City Clerk
- b. City's Main FaceBook page: Theresa Harbison, City Clerk
- c. City's Swimming Pool FaceBook page: Audra Bastie, Pool Manager
- d. City's Police Department FaceBook page: Eric Hovis, Chief of Police
- e. City's Fire Department FaceBook page: volunteer Fireman Kevin Jones

In the event of termination of employment or association with the City (as the case may be), such Social Media Administrator authority shall immediately cease and the following shall be Social Media Administrator until alternative appointment is made:

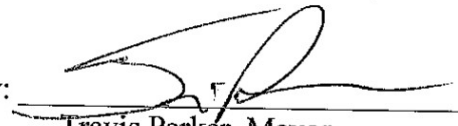
- f. City's web page: City Clerk
- g. City's Main FaceBook page: City Clerk
- h. City's Swimming Pool FaceBook page: City Clerk
- i. City's Police Department FaceBook page: Chief of Police
- j. City's Fire Department FaceBook page: Fire Chief or, if none, City Administrator

4. The City Clerk is directed to distribute a copy of the Social Media Policy to all City employees and acquire their written acknowledgement that they have received, read, understand and agree to comply with this Policy.

5. This resolution shall take effect and be in force immediately upon its passage and approval.

Adopted and approved by the Board of Aldermen of the City of Fredericktown, Missouri, this 23 day of October, 2023, by a vote of 6 ayes, 0 nays, 0 abstentions and 0 absentees.

CITY OF FREDERICKTOWN, MISSOURI

By: 
Travis Parker, Mayor

ATTEST:


Theresa Harbison
City Clerk

**POLICY FOR CITY SOCIAL MEDIA ACCOUNTS
CITY OF FREDERICKTOWN**

I. PURPOSE

This document defines the policy for social networking and social media accounts for the City of Fredericktown. To address the fast-changing landscape of the Internet and the way residents communicate and obtain information online, City of Fredericktown departments may consider using social media tools to reach a broader audience. The City of Fredericktown encourages the use of social media to further the goals of the City of Fredericktown and the missions of its departments, where appropriate.

The City of Fredericktown 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 and on behalf of the City.

II. DEFINITIONS.

- A. **Agents** -- all City representatives, including its **Employees** and other agents of the City, including without limitation, independent contractors and anyone acting on behalf of, appearing to act on behalf of, or in the name of the City.
- B. **City Social Media Accounts** – Those pages, sections, or posting locations in social media websites established, managed or maintained by an **Employee** or **Officer** of the City authorized to do so as part of the **Employee’s** or **Officer’s** duties. There are five authorized City Social Media Accounts:
 - 1. City’s web page
 - 2. Main FaceBook page
 - 3. Swimming Pool FaceBook page
 - 4. Police Department FaceBook page
 - 5. Fire Department FaceBook page
- C. **City** – City of Fredericktown, Missouri
- D. **Content** - any posts, writings, material, documents, photographs, graphics, or other information that is created, posted, shared, distributed, or transmitted via social media.
- E. **Custodian** - The City’s Custodian of Records is responsible for ensuring that all City records created or maintained by the City are retained according to the Sunshine Act and the Records Control Schedule established under state law and are properly preserved or disposed of and these include the **Content** on **City Social Media Accounts**.
- F. **Digital Identity** – Information about a user of a social media site that differentiates that user from others.

- G. **Employees** -- all City representatives and anyone employed by the City. The term "Employee" includes **Officers** and volunteer firemen unless specifically omitted in the text or the context requires their exclusion.
- H. **Officers** – all City elected and appointed officials including all members of boards, committees and commissions of the City.
- I. **Social Media** – Internet and mobile-based applications, websites and functions, other than email with a focus on immediacy, interactivity, user participation, and information sharing. These venues include social networking sites, forums, weblogs (blogs, vlogs, microblogs), online chat sites, and video/photo posting sites or any other such similar output or format. Current examples include Facebook, Instagram, Twitter, YouTube and this policy includes emerging new webbased platforms generally regarded as social media or having many of the same functions as those listed.
- J. **Social Media Account** - any account or site established on **Social Media**.
- K. **Social Media Administrator** – The City **Employees** expressly designated by the City Administrator to monitor, manage, supervise or control the City social media sites as provided in this Policy.

III. **ADMINISTRATIVE ROLES AND RESPONSIBILITIES**

- A. The City shall broadly disseminate the Policy to inform **Employees** and **Officers** of these guidelines for creating, using and maintaining **Social Media** resources subject to this Policy and to ensure that all **Employees** and **Officers** confirm they are aware of and understand this Policy.
- B. The City Administrator must designate a person to act as **Social Media Administrator** for each of the City's **Social Media Accounts** and until a person has been designated for a particular account the City Administrator acts as the City's **Social Media Administrator** for that account.
- C. The designated **Social Media Administrator** is responsible for developing and administering the assigned **City Social Media Accounts** and the use of those sites and must:
 1. Develop and administer the City's presence on a **Social Media** site that is the City's official **Social Media Account**. City **Employees** and departments are encouraged to contribute **Content** and ideas to the **Social Media** site by contacting the **Social Media Administrator**.
 2. Review social media sites that have already been established to ensure that they are in compliance with this Policy within 90 days of the effective date of this Policy. If not in compliance, within 120 days of the effective date of this Policy those sites must be immediately taken down and their use discontinued as provided in Section X Deactivating a **Social Media Account**.
 3. Ensure the **City Social Media Accounts** are regularly maintained and kept current.
 4. Communicate regularly with **Custodian** to ensure that the site complies with any applicable public records laws.

- D. The City Administrator is responsible for reviewing all requests to establish additional department-specific *City Social Media Accounts* and recommend approval or denial to the Board of Aldermen.
- E. Any employee, agent, or official who is authorized to edit, post or alter *Content* of a *City Social Media Account* must agree in writing to comply with any training or other requirements, policies or restrictions and have on file in the office of the *Administrator* such written agreement before editing, posting or altering *Content* on a *City Social Media Account*.
- F. The City Administrator will be the coordinating authority for review and monitoring and enforcement of any approved *City Social Media Accounts*. The Board of Aldermen shall be the final decision-making authority for the approval or denial of any *Social Media Accounts* and the use of such sites by the City.

IV. **THE CITY OFFICIAL SOCIAL MEDIA ACCOUNTS AND OTHER SPECIFIC SOCIAL MEDIA ACCOUNTS.**

- A. The City's web page and the Main FaceBook page provide the primary tier of the City's *Social Media* presence. Third Party comments and posts are not permitted on the City's web page or the Main FaceBook page. City *Employees, Officers* and Departments are encouraged to contribute *Content* and ideas to this Site/Account by contacting the *Social Media Administrator*.
- B. A Department may seek to develop its own site or account or platform specific to its needs. Department-Specific *Social Media* sites should be focused and limited in scope and topic and should complement rather than supplant the Main FaceBook page or existing web resources.
 - 1. The Swimming Pool FaceBook page shall only post information and comments regarding events and activities at the swimming pool to promote community wellness and camaraderie. Third Party comments shall be permitted on the Swimming Pool FaceBook page as moderated per the terms of this policy.
 - 2. The Police Department FaceBook page shall only post information regarding police related alerts and activities. Third Party comments and posts are not permitted on the Police Department FaceBook page.
 - 3. The Fire Department FaceBook page shall only post information and comments regarding fire department related alerts and activities to promote public safety and wellbeing. Third Party comments shall be permitted on the Fire Department FaceBook page as moderated per the terms of this policy.
- C. On a case-by-case basis the City Administrator must review and approve or deny all requests for developing additional *City Social Media Sites/Accounts/Platforms*, as follows:
 - 1. The department shall submit a request in writing on a form provided by the *Social Media Administrator*. The request shall state:
 - a. how or in what respect there is a clear benefit of specific stakeholder outreach that is not already met by the *City's Social Media Account*;

- b. how the department has developed an effective strategy to develop and maintain the Site/Account/Platform; and
 - c. how the *Content* contained on the *City's Social Media Account* will be captured and retained in accordance with applicable Public Records retention laws and the Missouri Sunshine Act.
2. The *Social Media Administrator* will be the coordinating authority for review and monitoring and enforcement of any approved *City Social Media Accounts*. The Board of Aldermen shall be the final decision-making authority for the approval or denial of any *Social Media Accounts* and the use of such accounts and sites by the City.
- D. Boards and Committees shall not be permitted to establish a *Social Media Account* separate and apart from the City's official *Social Media Account*.

V. MODERATION OF THIRD-PARTY CONTENT

A. **Third Party Content Not Permitted on Non-public forum.** Third Party Content is not permitted to be posted on the City's web page, the City's Main FaceBook page, or the Police Department FaceBook page as they shall be opened as a "non-public" forum. The following applies to *City Social Media Accounts* established as a non-public forum:

1. **Right to Remove Posts that Do Not Comply with the Rules of the Non-Public Forum.** The *Social Media Administrator* is authorized to remove unauthorized *Content* or links posted on non-public forum *City Social Media Accounts* that do not conform with the requirements of this Policy in a viewpoint neutral manner.
 - a. Said *Social Media Accounts* shall be established so as to not permit comments to be posted by anyone other than the *Administrator* for that site.
 - b. Under no circumstances should this Policy be interpreted to allow censorship based on viewpoint.
2. **Required Disclosures.** A clear statement of the intent, purpose and subject matter of each site, as well as a statement clearly articulating whether that site accepts comments, shall be prominently displayed on each *Social Media Account*. The following statements must be included on each *City Social Media Account* that does not accept comments following the City's description of the purpose of that *Social Media Account*:

REQUIRED NOTICE AND USE POLICY

"In order to better serve its residents, the City of Fredericktown utilizes user engagement tools and websites, including social media channels, to provide residents with information in more places and more ways than were traditionally available.

All *Content* of this site is public and is subject to disclosure pursuant to Missouri's Sunshine Act.

- The City reserves the right to discontinue any or all *City Social Media Accounts* at any time.
- Practical and legal considerations may sometimes constrain, prevent, or prohibit discussion by the City of certain topics, including, but not limited to litigation, pending investigations, and other topics through various media including *Social Media*.
- Following or “friending” persons or organizations is not an endorsement by the City and is only intended as a means of communication.
- The City does not review, sponsor, or endorse any other website(s) linked to its website or to *City Social Media Accounts*. The views and opinions of authors expressed on those websites do not necessarily state or reflect the opinion of the City and may not be quoted or reproduced for the purpose of stating or implying any endorsement or approval of any product, person, or service by the City or its *Employees* or *Agents*.
- The City is not responsible for *Content* that appears on external links.
- The City is not responsible for and does not guarantee the authenticity, accuracy, appropriateness or security of any link, external website or its *Content*.
- Investors determining whether to invest or continue to invest in the City’s debt offerings should not rely on information posted on the site in making their decisions to invest or not to invest; information regarding the City’s financial position is posted at www.fredericktownmo.org.

Any questions should be directed to the *Social Media Administrator* at 573-783-3683. By accessing this site I acknowledge having been advised of and understand the foregoing.”

B. Third Party Content Is Permitted on Limited Public Forum. Third Party Content is permitted to be posted only on the Swimming Pool FaceBook page and the Fire Department FaceBook page as they each are a limited public forum. The following applies to *City Social Media Accounts* established as a limited public forum:

1. **Right to Remove Posts that Do Not Comply with the Rules of the Limited Public Forum.** The *Social Media Administrator* is authorized to remove unauthorized *Content* or links posted on limited public forum *City Social Media Sites* that do not conform with the requirements of this Policy in a viewpoint neutral manner.
2. **Required Disclosures.** A clear statement of the intent, purpose and subject matter of a site, as well as a statement clearly articulating whether that site accepts comments, shall be prominently displayed on each *Social Media Account*. The following statements must be included on each *City Social Media Account* allowing comments following the City’s description of the purpose of that *Social Media Account*:

REQUIRED NOTICE AND USE POLICY

“In order to better serve its residents, the City of Fredericktown utilizes user engagement tools and websites, including social media channels, to provide residents with information in more places and more ways than were traditionally available.

All **Content** of this site and all comments submitted to this page are public and are subject to disclosure pursuant to Missouri's Sunshine Act. Please be aware that anything you post may survive deletion whether by you or others.

- Requests for emergency services should be directed to 9-1-1 not through this site. Individual complaints, concerns, or service requests will not be addressed via Social Media.
- To protect your privacy and the privacy of others, please do not include sensitive personally identifiable information, such as social security numbers. The City hosted tools and websites should not be considered secure.
- If you have specific questions regarding a City activity or program that involves details you do not wish to share publicly, please contact * (*the pool manager at 573-783-3683 or *the Fire Department at 573-944-2223).
- Posts to this site may be removed in a viewpoint neutral manner under the City's Policy for City Social Media Sites if allowed by law and under this policy Section V. B. (Right to Remove Posts that Do Not Comply with the Rules of the Limited Public Forum) and Section VI.P. (Removing Content, Posts or Comments of the Public) subject to the right of appeal under Section VIII E (Right to Appeal Removal of Content or Application of this Policy to the Public) but may be preserved as a public record.
- The City reserves the right to discontinue any or all **City Social Media Accounts** at any time.
- Practical and legal considerations may sometimes constrain, prevent, or prohibit discussion by the City of certain topics, including, but not limited to litigation, pending investigations, and other topics through various media including **Social Media**.
- Following or "friending" persons or organizations is not an endorsement by the City and is only intended as a means of communication.
- Any references or links to a specific entity, product, service or organization posted by individuals on the **City Social Media Sites** should not be considered an endorsement by the City or its departments or **Employees** or **Officers**.
- The City does not review, sponsor, or endorse any other website(s) linked to its website or to **City Social Media Accounts**. The views and opinions of authors expressed on those websites do not necessarily state or reflect the opinion of the City and may not be quoted or reproduced for the purpose of stating or implying any endorsement or approval of any product, person, or service by the City or its **Employees** or **Agents**.
- The City is not responsible for **Content** that appears on external links.
- The City is not responsible for and does not guarantee the authenticity, accuracy, appropriateness or security of any link, external website or its **Content**.
- Investors determining whether to invest or continue to invest in the City's debt offerings should not rely on information posted on the site in making their decisions to invest or not to invest; information regarding the City's financial position is posted at www.fredericktownmo.org.

Any questions should be directed to the **Social Media Administrator** at 573-783-3683. By accessing this site I acknowledge having been advised of and understand the foregoing.

The purpose of this site is to discuss * (*Pool related or Fire Department related) matters of public interest in and to the City of Fredericktown as identified and raised by the City for discussion. We encourage you to submit comments that are on topic, but please address your comments to the specific topic(s) discussed. This is a forum limited to the specific topics identified and raised by the City. Users who submit **Content** to this **City Social Media Site** agree they have read, understand and agree to the following terms and conditions by virtue of such use:

Terms of Use

1. I am submitting **Content** voluntarily and on my own behalf.
2. The **Content** I post reflects my own original thoughts or work.
3. I understand that the City has the right to re-post or share any **Content**, photos or videos that I submit on this or other **City Social Media Sites**.
4. I have read and understand the Policy, including the right of the City to remove, or archive **Content** as described in the City's policy and as may be allowed by law.
5. I understand that any **Content** I provide may be considered a "public record" under state law.
6. I understand and agree that unless specifically identified as a resource for receiving requests for information under the state public information laws, **City Social Media Sites** are not proper vehicles for making requests for public information or public records under state law and any such requests must be made to the appropriate custodian of the records.
7. I understand and agree that my and others' comments are subject to archiving and that my comments and others' comments are subject to removal in whole or in part from this site if my or their comments contain:
 - comments not directly on the topic raised for discussion,
 - obscene, indecent, or profane language, or pornographic images
 - direct threats,
 - **Content** that promotes discrimination on the basis of race, color, creed, sex, sexual orientation, national origin, ethnicity, age, disability, or gender identity,
 - the solicitation, promotion or endorsement of specific commercial services, products or entities,
 - links to any site or **Content** posted by automatic software programs (i.e. "bots"),
 - the promotion or encouragement of illegal activity,
 - personally identifiable information or sensitive personal information that if released violates federal or state law,
 - The promotion or endorsement of a political campaign or candidate,
 - Information that compromises the public safety or security of the public or security systems,
 - Information that directly interferes or compromises ongoing investigations, public safety tactics, or the safety of public safety officers,
 - Confidential or exempt information in violation of state or federal law, or

- Appear to violate the intellectual property right of the City or a third party under federal or state law

8. I also understand that the views and comments expressed on this site only reflect those of the comment's author, and do not necessarily reflect the official views of the City's agents, its elected and appointed *Officers* and *Employees* or its departments and agencies.

9. *Waiver of Liability*. Because various laws exist that create liability for various actions, including but without limitation defamation, invasion of privacy, false light, breach of contract, procurement violations, violations of due process among many potential areas of exposure for which the City accepts no responsibility based on the actions of others or for creating this *Social Media Site*, I, for myself, successors and assigns, release and hold harmless and agree to indemnify the City, including its *Officers* and *Employees*, from any and all actions, claims, liabilities and damages of whatever kind and nature arising out of or in connection with my use of the City *Social Media Site/Account*.

By posting or commenting I acknowledge that I understand and accept these terms of use.”

VI. *STANDARDS AND BEST PRACTICES OF CITY SOCIAL MEDIA ACCOUNTS*

The following general standards apply to all *City Social Media Accounts*, sites and platforms including departmental sites. The *Social Media Administrator* may develop and provide additional detailed best practices guidance for the *City Social Media* sites, accounts and platforms.

- A. **Regulatory Purpose.** Unless otherwise specifically noted, when the City establishes a City website or *Social Media Account* it does so to communicate to the public, to inform and relay official City *Content*. The City therefore regulates the *City Social Media Accounts* that it maintains for the following reasons:
1. Posts on *City Social Media Accounts* appear to carry the approval of the City and unauthorized posts on those sites can confuse people as to whether the City endorses the post or if a specific post forms a position of the City and whether it is the City's official position.
 2. *City Social Media Accounts*, unless expressly noted, are not intended to operate as a traditional open public forum as there are ample open forums for purposes of expressing opinions and views. *Social Media* and Internet sites are many and varied and offer an ever expanding opportunity for expression over a multitude of platforms, in many different languages and countries all of which can be easily accessed through Internet searches.
- B. **Archiving Content.** The City will archive *Content* in accordance with the Public Records Law. Any *Content* that is removed may also be considered “public records” and will be archived as required by law to the extent possible using then current reasonable options.
- C. **City and Departmental Logo.** Departments may use a departmental logo in their *Social Media Account*. Where appropriate for a particular site, *Social Media* pages will include the City's logo. Page names should be descriptive of the department using the site.

- D. **Identification.** All *City Social Media Accounts* must clearly indicate that the *Social Media* site is maintained by the City and must have appropriate City contact information prominently displayed.
- E. **Links.** Links placed on *City Social Media Accounts* should only link to a resource on the City's website, a City-owned Web site, a state, federal or local government site, an educational Web site (.edu) or an organization with an official partnership or supportive business relationship with a City department or program.
- F. **Design.** Design elements (logos, background, images) should be appropriate to the subject matter and consistent with the City's design guidelines, which are available from the *Social Media Administrator*.
- G. **Intellectual Property Rights and Confidential Information.** Information that is proprietary, copyrighted or any other intellectual property, attorney-client privileged, or information subject to state or federal privacy laws, and information not subject to disclosure under the Missouri Sunshine Act ("confidential information") must not be posted on *City Social Media Accounts*. Any questions concerning this standard should be directed to the City Attorney's Office. An owner of copyrighted material or other intellectual property who believes the owner's rights are infringed must promptly notify the *Social Media Administrator*. The *Social Media Administrator* must take appropriate action upon notification.
- H. **Data Tracking.** Most *Social Media* sites offer some mechanism for capturing data or tracking user trends and activity. It is the responsibility of the *Social Media Administrators* to use these applications to ensure the most effective use of social media outlets.
- I. **References, Links and Embedded Content.**
1. Any references or links to a specific entity, product, service or organization posted by individuals on the City *Social Media Sites* must not be considered an endorsement by the City or its departments or *Employees*
 2. The City should not sponsor or endorse any other website(s) linked to its website or to *City Social Media Accounts*. The views and opinions of authors expressed on those websites do not necessarily state or reflect the opinion of the City and may not be quoted or reproduced for the purpose of stating or implying any endorsement or approval of any product, person, or service by the City or its *Employees* or *Agents*.
 3. The City is not responsible for *Content* that appears on external links.
 4. The City is not responsible for and does not guarantee the authenticity, accuracy, appropriateness or security of any link, external website or its *Content*.
 5. The City reserves the right to, and may, delete links and embedded *Content* that violate the City's *Social Media* policy.
- J. **Security and Privacy Risks.** Applications (such as streaming video, music, photos, and subscriptions to RSS feeds) that may be useful to a City *Social Media*

Account's mission can cause clutter and security risks. An application should only be used to serve a City purpose and add to the user experience, and only if it comes from a trusted source and has gone through the approval process outlined in this Policy. An application may be removed at any time without notice if it causes a security breach or contains or is suspected of containing a virus. Where *Social Media* sites are hosted by third parties, they are governed by those parties' privacy policies. Additionally, the City *Social Media Accounts* are governed by federal, state and other laws that establish privacy rights.

K. **Employee Requirements for the City's Social Media Accounts.**

1. *Employees* responsible for setting up or maintaining *City Social Media Accounts* must use their City issued email accounts in order to conduct municipal *Social Media* operations in a manner that is cybersecurity prudent and more password secure. By operating social media platforms using only public emails, the City's IT Department is able to better control accounts in the event that a rapid change must be made. Because personnel working for the City often change positions, duties and employment, the City must retain control over *Social Media Accounts* created in its name or on its behalf and for that reason all necessary information to retain that control must be provided to the *Social Media Administrator* or other appropriate official to allow continuing use by the City.
2. *Social Media Administrators* and *Employees* authorized as part of their official duties to post information, make comments, and send messages to the public on a department's *Social Media Account* must set up the account using the department's name where a user creates a business account in the user's name to facilitate transparency in communications. Accounts established under this provision are City owned accounts and belong to the City.
3. A platform requiring a user to create a business account in the user's name established by an *Employee* under this policy must:
 - a. Contain the *Employee's* name.
 - b. Be created using the administrator or *Employee's* City issued email address.
 - c. Be set up so that the page does not allow "wall posts" or "friending" the *Employee*.
 - d. Be used solely for City business in connection with the *Employee's* department's *Social Media* page, and must not allow comments or "friending" the administrator or *Employee*.
 - e. The *Employee* must comply with the provisions of this policy in Section XIII (Employee Obligations and Restrictions in Personal Use of Social Media) and provide the required information to the specified officials.

4. There is no reasonable expectation of privacy associated with the administration of a **City Social Media Account** or an account established under this Policy.
5. All **Social Media** interaction involving a **City Social Media Account** may be subject to relevant records retention law and open records statutes.
6. Upon **Employee** termination, retirement, or other form of separation from City as employer or change in job duties, account ownership remains the City's and the **Employee** must take all necessary steps to protect the City's interest in the site or account.
7. Administrators and City **Employees** and **Officers** must not form groups/pages that are private or closed to the public such as restricted access sites or subsites without the express approval of the Board of Aldermen. It is important to note that in the event that such a group is created, it may be subject to records retention, open records statutes and other applicable law.
8. **Employees** using **City Social Media Accounts** in their official capacity, in the scope of their employment or while on duty, whether as an administrator or as a responder to a posting, must follow these guidelines:
 - a. Unless posting or responding as the site administrator, **Employees** must be clear about his/her role in regards to the subject and the extent of the **Employee's** authority to speak for the City.
 - b. Write and post about his/her area of expertise, especially as related to the City and daily assignment(s). When writing about a topic for which an **Employee** is not the City's expert, make this clear to readers.
 - c. Keep postings factual and accurate. If a mistake is made, admit to it and post a correction as soon as possible.
 - d. Reply to comments in a timely manner, when a response is appropriate. When disagreeing with others' opinions or providing comments, be sure that the comments are meaningful, respectful and relevant to the topic.
 - e. Understand that postings are widely accessible, not retractable, and retained or referenced for a long period of time, so consider **Content** carefully.
 - f. Ensure comments do not violate the City's privacy, confidentiality and applicable legal guidelines for external communication. Never comment on anything related to legal matters, litigation or any parties with whom the City may be in litigation without the specific approval of the City Attorney.
 - g. Refrain from expressing personal opinions or positions regarding policies, programs or practices of other public agencies, political organizations, private companies or non-profit groups. All communication must maintain a high level of ethical conduct and be professional in nature.

the decision under Section VIII. E., Right to Appeal Removal of Content or Application of this Policy to the Public, of this Policy. When **Content** is removed because it is a potential security breach or may contain a virus, the notice under this Section is not required, but the person responsible for the post may appeal the decision under Section VIII. E., Right to Appeal Removal of **Content** or Application of this Policy to the Public. When an **Employee** or **Officer** has **Content** removed or otherwise violated this policy, the **Employee** or **Officer** may be disciplined, and applicable grievance procedures and disciplinary procedures will apply.

VII. RECORDS RETENTION, PUBLIC RECORDS AND OPEN MEETINGS

- A. **Public Records and Records Retention.** *Custodian* must ensure that *City Social Media Accounts* meet the requirements of law regarding record retention, disposal and retention schedules. Departments maintaining *City Social Media Accounts* or using social media tools must preserve records as required by law for the required retention period in a format that preserves the integrity of the original record and is easily accessible. Further, the *Social Media Administrator*, or any *Employee* may only destroy, transfer, or otherwise dispose of records in accordance with records disposition schedules.
- B. **Open Records.** State law governs whether **Content** in *City Social Media Accounts*, including a list of subscribers and posted communications, is a public record. The *Social Media Administrator*, or the appropriate department, of the City maintaining the account or site is responsible for working with the *Custodian* in responding completely and accurately under the requirements of State law to any public information requests for information on *Social Media*. Public records **Content** must be maintained in an accessible format so that it can be produced in response to a request. Difficulty in accessing the information does not excuse compliance. An *Employee* who removes, deletes or redacts **Content** from *Social Media* may be destroying a public record if such record is not properly archived and made available for public inspection.
- C. **Open Meetings and Public Business.** State law governs whether communications must be discussed in an open meeting or constitutes a meeting. Communications about public business may come under the state Sunshine Act. *Employees* and members of any board, committee, or commission must comply with state law and must not use *City Social Media Accounts* to discuss matters that can only be discussed in an open meeting under the Missouri Sunshine Act regulating Open Meetings. A member of a public body such as a board member who “likes,” comments, shares, tweets, or otherwise engages in another board member’s **Content** on *Social Media* may be communicating City business and the state law may apply.
- D. **Archive Resource.** The City utilizes an automated archiving solution provided by ArchiveSocial to comply with applicable public records law and fulfill the above record retention requirements. Please contact the City Clerk, custodian of records, to request a copy of public records.

VIII. **LIMITATION ON LIABILITY OF CITY**

- A. The City strives to post accurate and relevant **Content**, but does not guarantee the accuracy of any information posted on **City Social Media Accounts** and assumes no liability for damages resulting from reliance on any inaccuracies.
- B. The City does not warrant that **City Social Media Accounts** will be uninterrupted, permanent or error free.
- C. The **City Social Media Accounts** should not be considered by investors determining whether to invest or continue to invest in the City's debt offerings; information regarding the City's financial position is posted at www.fredericktownmo.org.
- D. **City Social Media Accounts** are not intended to operate as traditional open public forums. City Sites that are open for public comment are not intended to be open for any and all purposes but to only be open at that site for limited discussion of only those topics specified by the City on that site. In some instances, sites may be non-public forums, that is, not open to public comment at all, and in other instances, the site will be designated a limited public forum and its purpose is only to advance the business purposes of the City on the specific topics identified.
- E. **Right to Appeal Removal of Content or Application of this Policy to the Public.**
 - 1. When a post or comment has been removed, anyone aggrieved other than an **Employee** as provided in E.3 below may seek to have the **Social Media Administrator** reconsider the decision to edit or remove a comment by providing the **Social Media Administrator** with a written request stating the reason or reasons why the comments do not fall within those limitations established in this Policy or offer other bases to establish a right to publish the comments or other communications on the **City Social Media Account**. The **Social Media Administrator** or other appropriate official must render a written decision on the request within one business day (excluding official City Holidays) of receipt of the request noting the basis for the decision. The decision of the **Social Media Administrator** or other appropriate official shall be the final administrative decision of the City.
 - 2. When a person other than an **Employee**, as provided in E.3 below, believes this Policy violates their rights in ways other than set out in E.1, that person may seek to have the **Social Media Administrator** review all or part of the policy as applicable to that person by providing the **Social Media Administrator** with a written request stating the reason or reasons why the policy violates the person's rights. The **Social Media Administrator** must render a written decision on the request within 5 business days (excluding official City Holidays) and give the basis for the decision. For good cause, the **Social Media Administrator** may extend the time for rendering a decision by 5 additional days. The decision of the **Social Media Administrator** shall be the final administrative decision of the City.

3. The rights to appeal created in this Section do not apply to an *Employee* when the *Employee* is acting in an official capacity or as a representative of the City and may only apply when the *Employee* is acting in the *Employee's* personal capacity as a private party and when exercising the rights accorded a person under the Constitution and the laws of the United States. An *Employee* who feels aggrieved by any action under this Policy not covered by this Section should seek review through established grievance procedures, if applicable, or through the *Employee's* chain of command.

IX. TRANSFERRING OWNERSHIP, ADMINISTRATIVE RIGHTS AND RESPONSIBILITIES FOR A SOCIAL MEDIA ACCOUNT. When the *Social Media Administrator* or an *Employee* needs to make a change to the administrators responsible for a *City Social Media Account*, the following actions shall occur:

- A. Notify the City Administrator before the change needs to occur. Include whether the change in ownership is to a different administrator or to an entirely different department or board, as applicable, within the City
- B. The new administrator shall be given all administrative rights to the *Social Media Account* and the administrator's *Digital Identity*
- C. Administrative rights for the departing administrator must be revoked immediately when such administrator separates from service or is transferred to a different role.
- D. Any *Employee* who improperly uses administrative rights to a *City Social Media Account* while employed may be disciplined up to and including termination and any person who having left employment improperly uses administrative rights to a *City Social Media Account* shall be prosecuted to the fullest extent of the law.

X. DEACTIVATING A SOCIAL MEDIA ACCOUNT. If a decision is made by the Board of Aldermen to deactivate a *Social Media Account*, because it is no longer of use, or accomplishing the goals of the City or Department or Board, or otherwise does not comply with City policy, the following actions shall occur:

- A. Confirm all public records management to preserve *Content* related to the account has occurred;
- B. Set a time-line for deactivating the site;
- C. Develop a "sign-off" message to post on the site that includes when the site shall be closed and a "sign-off" message to post during the final days/weeks;
- D. Confirm to the City Administrator once the site has been deactivated that the site is completely deactivated;
- E. Determine whether to protect the site name by keeping it active to prevent use of the City's name for improper purposes and, upon a determination that it is necessary to protect the site name, take all necessary action to do so.

XI. USE OF CITY SOCIAL MEDIA ACCOUNTS IN TIMES OF DISASTER OR EMERGENCY

In disaster or emergency situations, the Mayor may assume control of *City Social Media Accounts* to ensure that communications are managed appropriately. The

Social Media Administrator either directly or under the direction of the Mayor must facilitate use of the *City's Social Media Accounts* to ensure timely dissemination of information during the emergency.

XII. EMPLOYEE OBLIGATIONS AND RESTRICTIONS IN OFFICIAL USE OF CITY SOCIAL MEDIA ACCOUNTS

- A. *Employees* assigned to work on and maintain City *Social Media Accounts* must adhere to the principles and standards articulated in this Policy. Non-exempt *Employees* must not work on departmental *Social Media Accounts* during off-duty hours unless specifically pre-approved to do so in writing by the *Employee's* supervisor. All such time worked outside the *Employee's* normal work schedule must be reported and included in the *Employee's* regular work week. If an *Employee* is in a non-exempt position, any work in excess of 40 hours will be paid overtime either as compensatory time or as required by law and City policy.
- B. City resources, work time, social media tools, and a City *Employee's* official position must not be used for personal profit, private gain or loss, or business interests or to participate in political activity. For example, a building inspector may not use the City's logo (or its likeness), email, or work time to promote a side business as a plumber or support a political candidate.
- C. An *Employee's* use of City resources or equipment, including the Internet or *City Social Media Accounts* is not private and an *Employee* has no expectation of privacy while using the Internet or the *City Social Media Account*. An *Employee's* use may be investigated and monitored at any time.
- D. *Employees* shall protect all confidential and exempt information, including all sensitive information relating to City business, its *Employees* or residents, as required by law or policy.

XIII. EMPLOYEE OBLIGATIONS AND RESTRICTIONS IN PERSONAL USE OF SOCIAL MEDIA

Guidelines for Employee use of *Social Media* tools in their personal lives is set forth in the City's Personnel Rules and Regulations Manual in Section 6.307.

XIV. VIOLATION OF POLICY BY EMPLOYEES.

Violations of this Policy are considered misconduct and may result in discipline up to and including indefinite suspension or termination as authorized or permitted by law or policy.

XV. VIOLATION OF POLICY BY ELECTED OFFICIALS AND MEMBERS OF BOARDS AND COMMISSIONS.

Violations of the Policy by the Mayor or members of the Board of Aldermen, its boards, committees, or commissions may be deemed acts of malfeasance and cause for sanctions including removal from office, as appropriate, authorized or permitted by law or policy. In addition, the City may seek other appropriate relief including damages or an injunction to enforce compliance.

XVI. CONTROLLING AUTHORITY

This Policy does not amend any duly adopted law or ordinance of the City except to the extent there is any conflict between the terms of this Policy and the City's Personnel Rules and Regulations, this Policy controls.

XVII. SEVERABILITY AND SAVINGS.

If any part or provision of this Policy or the application to any person or circumstance is held invalid or unconstitutional, such declaration shall not affect the other parts or provisions or application of the Policy which can be given effect without the invalid or unconstitutional part or provision or application and are therefore deemed severable.

This Policy shall become effective upon its passage and approval.