

ORDINANCE NO. 2024-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ODESSA, TEXAS, AMENDING CHAPTER 6 OF THE CITY OF ODESSA PERSONNEL POLICIES AND PROCEDURES MANUAL; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING A SEVERABILITY CLAUSE AND DECLARING AN EFFECTIVE DATE

WHEREAS, on November 27, 1990, by Ordinance No. 90-76, the City of Odessa adopted the Odessa Personnel Policies and Procedures Manual to facilitate efficient and economical services to the public and to provide for a fair and equitable system of personnel management; and

WHEREAS, from time to time there is a need to update and or amend the Personnel Policies and Procedures Manual to be consistent with the needs of the City and its employees, to remain compliant with new laws and regulations, or to keep up with advances in technology; and

WHEREAS, the City Council of the City of Odessa has determined that there is a need to update Chapter 6 of the Personnel Policies and Procedures Manual by adding Section 6.105 entitled Media Relations and Personal Social Media.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF ODESSA, TEXAS

Section 1. That Chapter 6 of the Personnel Policies and Procedures Manual is hereby amended by adding Section 6.105 entitled Media Relations and Personal Social Media as shown by the attached Exhibit "A".

Section 2. That should any section, clause or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity

of this ordinance or any other ordinance of the city as a whole or any part thereof, other than the part so declared to be invalid.

Section 3. That this ordinance, since it does not impose any penalty or fine, shall go into effect following adoption on second approval as provided by City Charter Sections 61 and 65, without the need for publication.

The foregoing ordinance was first approved on the 13th day of February, A.D., 2024, by the following vote:

Mark Matta	AYE
Steven P. Thompson	AYE
Gilbert Vasquez	AYE
Greg Connell	AYE
Chris Hanie	ABSENT
Denise Swanner	AYE
Javier Joven	AYE

The foregoing ordinance was adopted on second and final approval on the 27th day of February, A.D., 2024, by the following vote:

Mark Matta	AYE
Steven P. Thompson	ABSENT
Gilbert Vasquez	AYE
Greg Connell	AYE
Chris Hanie	AYE
Denise Swanner	AYE
Javier Joven	AYE

Approved this the 27th day of February, A.D., 2024.

Javier Joven, Mayor

ATTEST:

Norma Aguilar-Grimaldo, City Secretary

APPROVED AS TO FORM:

Daniel C. Jones, City Attorney

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EXHIBIT "A"**



Personnel Policies and Procedures

Subject:
Media Relations and Personal Social Media

Sec. Number: 6.105
Effective Date: TBD

I. PURPOSE

The City of Odessa has a legitimate government interest in effective, efficient, and consistent communications with the public. The City also strives to have a productive workplace. Certain activities on the part of its personnel may become a problem if such activities could:

- a. impair the work of any City official or employee; create a harassing, demeaning, or hostile work environment; or
- b. disrupt the smooth and orderly flow of work; or harm the goodwill and reputation of the City among its citizens or in the community.

II. MEDIA RELATIONS

The City of Odessa has established procedures and guidelines for City of Odessa employees concerning internal communications, response to media inquiries as well as approval and distribution of all news releases and any other official communications.

The City of Odessa Communications Director will function as the liaison between the employees of the City and the media. Directors should determine Department and Division spokespersons authorized to speak to the media in the event that the media requires a specific subject matter expert to provide a comment or on-camera interview. These comments or on-camera interviews shall be coordinated with the Communications Director.

To ensure accuracy and transparency, the City of Odessa will have a collective platform for social media which will be overseen by the City Manager, or his designee, and the Director of Communications. All City of Odessa departments will cease to have individual social media accounts upon the implementation of this Social Media Policy ("Policy").

1. News Release Guidelines. All non-public safety news releases shall be routed through the Communications Office, which will edit and manage the approval and distribution of all news releases.
2. Media Inquiries.
 - a. The Communications Department coordinates all media inquiries, interviews, and briefings related to any of the departments. Only the Director of Communications

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will be allowed to disseminate information to a reporter or media outlet, with the approval of the City Manager unless the City Manager has designated another person within the City of Odessa.

- b. Media inquiries, information or situations that are serious, controversial or have City-wide impact must immediately be reported to the City Manager and the Communications Office. The City Manager must be notified in the event of a fast-breaking and escalating story to facilitate an appropriate response. The City Manager will notify staff and the City Council when appropriate.
 - c. Refer all media requests for City records (PIA requests) to the Director of Communications and Public Information Coordinator. If the request is from the news media, a copy of the request shall be provided to the Communications Office in a timely manner and prior to or concurrent with delivery of requested records.
3. Emergency Events. In the event of a disaster or emergency that does not require the activation of the City's Emergency Operation Center ("EOC"), the incident commander from the Fire Department or Police Department will coordinate with the City Manager, or his designee, and the Director of Communications.
 4. Employee Opinions Outside of City Business. The U.S. Constitution holds that U.S. citizens have the right to their personal points of view regarding any issue. City employees who interact with the media in any means outside their capacity as City employees should take measures to ensure that they are not designated as a City spokesperson, or that they are viewed as offering the "official City point of view."
 5. Comments on Social Media. Any City social media account that permits interactivity and comments must include a link to the City of Odessa's webpage that lays out the City's social media terms of service outlined in this policy. Statements on the page will include:
 - a. The reasons for which comments may be hidden or restricted from public view, but not deleted.
 - b. That comments posted by others to City social media accounts do not necessarily reflect the views or position of the City.
 - c. Notice to readers that "follows" from City or elected officials' social media accounts do not reflect endorsements.

III. PERSONAL SOCIAL MEDIA USE

1. Introduction. Given the multitude of concerns (legal, political, and ethical) raised by social networking (Facebook, Instagram, Snapchat, LinkedIn, Twitter, etc.), this Policy establishes prudent and acceptable practices regarding City officials and employees (personnel) use of the internet.

For these reasons, the City reminds its personnel that the following guidelines apply in their use of social media, while both on and off duty.

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2. Disclaimer.

- a. Under this Policy, the City of Odessa disavows, and is not responsible for any sites, posts, opinions, or content not coordinated through and approved by the Director of Communications.
- b. If City personnel posts data purporting to be on behalf of the City while using a social media site without the prior approval of the Director of Communications, the City is not responsible for said posted content. Such content is not to be construed as reflecting the views or opinions of the Mayor, City Council or City Staff, and such action may be grounds for disciplinary action as seen fit by the employee's Department Director, the Director of Human Resources, and the City Manager.
- c. The absence of explicit reference herein to a particular site does not limit the extent of the application of this Policy. If any City personnel is uncertain, he/she must consult their supervisor before proceeding.

3. Guidelines for Official City Sites.

- a. All City-sanctioned social media sites shall be maintained by the Director of Communications. Any content to be posted on City-sanctioned social media sites must meet the approval of the City Manager, or his designee, and the Director of Communications before it is posted.
- b. All personnel that engage in social media activities and/or visit any City-sanctioned social media site on the City's behalf shall adhere to applicable federal, state, and local laws, regulations, and policies, including the Texas Public Information Act and the records retention schedule. All content must be managed, stored, and retrieved to comply with these laws.
- c. Any personnel that posts online content as a representative of the City, or on the City's behalf shall clearly state within said post that said content is subject to all applicable records retention and public disclosure laws. All City-sanctioned social media sites shall clearly indicate that any articles and any other content posted or submitted for posting are subject to records retention and public disclosure.
- d. Any content posted as representative of the City, or content posted to a City-sanctioned social media site containing any of the following is prohibited:
 - i. Comments not topically related to the particular site or blog article being commented upon;
 - ii. Profane language or content;
 - iii. Content that promotes, fosters, or perpetuates discrimination based on race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability;

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- iv. Sexual content or links to sexual content;
 - v. Conduct or encouragement of illegal activity;
 - vi. Information that may tend to compromise the safety or security of the public or public systems;
 - vii. Content that violates a legal ownership interest of any other party;
 - viii. Information that is incorrect or misleading;
 - ix. Information that conflicts with an approved City policy, ordinance, directive, or plan; and/or
 - x. Anything else that creates a disruption in the workplace.
- e. Content submitted for posting on a City-sanctioned social media site that is deemed unsuitable for posting by the Director of Communications because it violates criteria in the preceding item of this Policy, shall be retained pursuant to the records retention schedule along with a description of the reason the specific content is deemed unsuitable for posting.
 - f. Any hyperlinks posted on a City-sanctioned social media site shall be accompanied by the following disclaimer: "The City guarantees neither the authenticity, accuracy, appropriateness nor security of the link, website, or content linked thereto."
4. Personal Social Media. The following principles apply to personal uses of social media:
- a. Employees shall know and adhere to all City of Odessa policies and procedures when using social media in reference to the City.
 - b. Elected officials shall know and adhere to Article 1-4, Chapter 3 "Code of Conduct" of the City of Odessa Code of Ordinances when using social media in reference to the City.
 - c. City policies, rules, regulations, and standards of conduct apply to employees that engage in social networking activities while conducting City business. Use of a City email address and communication by a City employee in his or her official capacity will constitute conducting City business.
 - d. Employees and elected officials shall not use their City email account or password in conjunction with a personal social networking site.
 - e. Employees and elected officials must be aware of the effect their actions may have on their personal image, as well as the City's image. Information posted or published by employees will become public information.

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- f. Employees and elected officials should use their best judgment in avoiding posting material that misrepresents or is harmful to the City, its employees, the Council, or the City's brand.
- g. Although not an exhaustive list, some specific examples of prohibited social media conduct include posting commentary, content, or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile, discriminatory or retaliatory work environment.
- h. City resources, work time, social media tools, and a City employee or elected official's position shall not be used for personal profit or business interests or to participate in political activity.
- i. Personal or business venture social media account names shall not be tied to the City.
- j. Elected officials with social media accounts that include their elected title (i.e., Mayor, Councilwoman, etc.) shall NOT be considered an official City-authorized social media account without the express written approval of the City Manager and Director of Communications.
- k. Employees, elected officials, City contract employees, and City volunteers shall not post images, files, or text depicting City property, equipment, or personnel in any manner that would adversely affect the reputation of the City or a City department.
- l. The following guidelines apply to personal communications using various forms of social media (including without limitation personal social media, private blogging, business venture social media, and personal social networking sites):
 - i. Whether on or off duty, the City expects its employees to be truthful, courteous, and respectful toward supervisors, co-workers, citizens, customers, and other persons associated with the City. Employees and elected officials shall not engage in name-calling or personal attacks or other such demeaning behavior.
 - ii. Except as otherwise allowed by law, employees and elected officials, whether on duty or off duty, shall not utilize social media to communicate (e.g. verbally, non-verbally, or in writing), depict, or use any hate speech, slurs, connotations, caricatures, or references that derogate, ridicule, degrade, malign, or disparage another's protected class, including but not limited to race, ethnicity, national origin, religion, sex, gender, sexual orientation, or sexual identity, where such conduct satisfies one or more of the following three criteria: it would (1) adversely affect the employee's job performance, work, job duties or ability to function in the employee's position; (2) adversely affect the City's (including the department's) ability to fulfill its mission or to serve the public; or (3) create a hostile work environment.

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- iii. Each situation will be evaluated on a case-by-case basis and may include punishment up to termination. Employees are encouraged to discuss this policy with their supervisor, who may escalate the matter to appropriate City personnel, as part of discussing the matter with the employee.

- m. Employees have the right to speak out as public citizens on matters of public concern, so long as the speech does not unduly disrupt the operations or mission of the City. Online posts must respect the confidential information of the City, and must respect the privacy of others' personal information, such as health, sexual orientation, home address, and family information. If there are questions regarding what type of information is confidential, employees should contact the Human Resources Department, the Director of Communications, and/or their Supervisor.

- n. Employees that indicate on any social media profile or account that they work at the City shall include a disclaimer in their profile or about section that indicates they are not speaking on behalf of the City of Odessa but speaking in their capacity as a private citizen. If an employee publishes content on any website outside of the City of Odessa and it has something to do with the employee's employment at the City or subjects associated with the City, the employee shall use a disclaimer such as: "**The postings on this site are my own and don't necessarily represent the City's positions or opinions**". It should be noted that a disclaimer will not prevent an employee from being disciplined if their communication has the effect of violating any City policy.

- o. Social media networks, blogs, and other types of online content sometimes generate press, media attention, or legal questions. Employees and elected officials should refer these inquiries to the Director of Communications.

- p. Employees and elected officials should obtain appropriate permission before referring to or posting images of current or former employees, members, vendors, or suppliers.

- q. Social media use should not interfere with an employee's work-related responsibilities with the City. City computer systems are for business purposes only. When using City computer systems, the use of social media for work-related purposes is allowed (ex: Facebook, Twitter, and LinkedIn); however, personal use of social media use during work hours is strongly discouraged and may result in disciplinary action up to and including termination of employment.

- r. Online activity that violates the City Standards of Conduct or any other City policy, whether during or after working hours on a City-owned network or City-owned electronic device, is prohibited.

- s. Whether during or after their work hours, employees who post material related to City forums, must make it clear to the readers that the views expressed are the employee's alone and not reflective or represent the City in any manner.

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- t. Individual supervisors do not have authority to make exceptions to this policy.
- u. Employees shall not post pictures of themselves or other City employees on their personal social media site(s) that contain images of City uniforms or insignia, City logos, City equipment or City work sites without approval of their Department Director.

IV. POLITICAL ACTIVITY

1. City of Odessa employees will not be appointed or retained on the basis of their political support, affiliations, and opinions or because of race or religious beliefs, provided that such opinions, affiliations or beliefs do not advocate the overthrow of the government of the United States of America by force or violence. City employees are encouraged to vote and to exercise other prerogatives of citizenship consistent with state and federal law and this policy.
2. All employees are encouraged to vote and are free to express their personal opinions about candidates for office, but they shall not campaign during work hours for *ANY* person seeking office.
3. General Limitations. City employees and officials may not:
 - a. Use their position or office to coerce political support from employees or citizens;
 - b. Use their official authority or influence to interfere with or affect the result of a campaign issue, an election, or nomination for public office;
 - c. Make, solicit, or receive any contribution to the campaign funds of any candidate, directly or indirectly through an organization or association, for the City Council or take any part in the management, affairs, or political campaign of any such candidate, except as permitted by law; provided nothing herein shall infringe upon the rights of employees to seek office themselves or their constitutional rights to express their opinions or to cast their votes;
 - d. Use working hours or City property in any way to solicit or receive any subscription, contribution, or political service to circulate petitions or campaign literature on behalf of an election issue or candidate for public office in any jurisdiction; or
 - e. Contribute money, labor, time, or other valuable thing to any person for City election purposes, except as permitted by law.