

**RESOLUTION NO. 3762**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MONTE SERENO  
RESCINDING RESOLUTION NO. 3747 WHICH ADOPTED A CITY SOCIAL  
MEDIA POLICY AND ADOPTING A NEW CITY SOCIAL MEDIA POLICY**

**WHEREAS**, the City of Monte Sereno recognizes the value in using social media as a means of conveying information to members of the public; and

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

**WHEREAS**, the City Council adopted Resolution No. 3747 which adopted a Social Media Policy at its meeting on August 6, 2019, the purpose of which was to set forth the City's goals, policies and procedures relating to the City's presence on social media sites and to regulate employees who are responsible for maintaining the City's presence on social media websites.

**WHEREAS**, the City has an overriding interest and expectation in deciding what is "spoken" on behalf of the City through the use of social media sites. This new policy establishes new guidelines for the establishment and use of social media by the City as a means of conveying information about the City and its events and activities to its residents.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Monte Sereno hereby rescinds Resolution No. 3747 and adopts a new City of Monte Sereno Social Media Policy attached hereto as Exhibit "A."

REGULARLY PASSED AND ADOPTED this 21<sup>st</sup> day of January, 2020, by the following roll call vote:

AYES: Council Member LaBouve, Turner, Mayor Pro Tempore Leuthold  
and Mayor Lawler  
NOES: None  
ABSENT: Council Member Ellahie

BY:   
LIZ LAWLER, MAYOR

ATTEST:

  
ANDREA CHELEMENGOS, CITY CLERK

# **CITY OF MONTE SERENO SOCIAL MEDIA POLICY**

## **ADOPTED JANUARY 21, 2019**

### **Purpose**

The City of Monte Sereno has an overriding interest and expectation in deciding what is “spoken” on behalf of the city through use of social media sites. This social media policy establishes guidelines for the establishment and use of social media by the city as a means of conveying information about the city, it’s events, and activities to residents.

The intended purpose behind establishing City of Monte Sereno social media sites is to disseminate information from the city, about the city, to residents. Nothing in this policy shall be applied to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor laws or other applicable laws.

### **General Policy**

1. City social media sites should make clear that they are maintained by the City of Monte Sereno and that they follow the city’s social media policy.
2. Wherever possible, city social media sites should link back to the official City of Monte Sereno website for forms, documents, online services, and other information necessary to conduct business with the City of Monte Sereno.
3. Designated Social Media Administrator(s) will monitor content on city social media sites to ensure adherence to both the city’s social media policy and the interest and goals of the City of Monte Sereno.

4. The city reserves the right to restrict or remove any content that is deemed in violation of this social media policy or any applicable law. Any content removed based on these guidelines must be retained by the designated Social Media Administrator(s) for a reasonable period of time, including the time, date and identity of the poster, when available.
  5. These guidelines must be displayed to users or made available by hyperlink.
  6. The city will approach the use of social media tools as consistently as possible, city-wide.
- 
7. The City of Monte Sereno's website at <http://www.cityofmontesereno.org> will remain the city's primary and predominant Internet presence.
  8. All city social media sites shall adhere to applicable federal, state and local laws, regulations and policies.
  9. City social media sites are subject to the California Public Records Act. Any content maintained in social media format that is related to city business, including a list of subscribers, posted communication, and communication submitted for posting, may be a public record subject to public disclosure. For Public Records Act requests, please contact the City Clerk's office directly.
  10. Comments on topics or issues not within the jurisdictional purview of the City of Monte Sereno may be removed.
  11. Employees representing the city government via city social media sites must conduct themselves at all times as a

representative of the city and in accordance with all city policies.

12. The Monte Sereno Social Media Policy may be revised at any time by a majority vote of the city council.

### **Comment Policy**

1. As a public entity the city must abide by certain standards to serve all its constituents in a civil and unbiased manner.
2. Comments or content containing any of the following inappropriate forms of content shall not be permitted and are subject to removal and/or restriction by the city:
  1. Comments not related to the business of the city (or specific department if department-specific site), or not relevant to the original topic.
  2. Violent, profane, obscene or pornographic content and/or language.
  3. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, sexual orientation, gender, or national origin.
  4. Content that threatens or defames any person or organization.
  5. Content that is hateful or incites violence.
  6. Solicitation of commerce, including but not limited to, advertising of any non-government related event, or

business or product for sale.

7. Conduct in violation of any federal, state or local law.
  8. Encouragement of any illegal activity.
  9. Information that may tend to compromise the safety or security of the public or public systems.
  10. Content that violates a legal ownership interest, such as a copyright, of any party.
- 
3. A comment posted by a member of the public on any city of Monte Sereno Social Media site is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, the City of Monte Sereno, nor do such comments necessarily reflect the opinions or policies of the City of Monte Sereno.
  4. The City of Monte Sereno reserves the right to deny access to City of Monte Sereno social media sites to any individual, who violates the City of Monte Sereno's Social Media Policy, at any time and without prior notice.
  5. Designated Social Media Administrator(s) shall monitor city social media sites for comments requesting responses from the city and for comments in violation of this policy. The city shall use its discretion in determining when to reply publicly versus replying privately or not replying at all.
  6. When a City of Monte Sereno employee responds to a comment in his/her capacity as a City of Monte Sereno employee, the

employee's name and title should be made available, and the employee shall not share personal information about himself or herself, or other city employees.

7. All comments posted to any social media sites maintained by the City of Monte Sereno are bound by the "Terms of Service".

### **Reporting/Removal of Unauthorized Comments**

The city requires that designated Social Media Administrator(s) immediately notify the City Manager's Office if there is any posted material that may be inappropriate, violates this or any city policy, is illegal, or that potentially infringes the copyrights or other rights of any persons. The City Manager's Office will investigate and respond to all reports of potential violations of this policy.

Any content removed based on these guidelines must be retained by the sponsoring department for a reasonable period of time, including the time, date and identity of the poster, when available. Upon removal of content, the Social Media Administrator shall notify the commenter that their response has been deemed inappropriate and removed due to inconsistency with the city's content requirements.

The city reserves the right, at any time and without prior notice, to deny access to the social media site to any individual who violates this policy.

### **Terms of Service**

Each type of social media maintains a "Terms of Use" agreement. All comments posted to any city social media site are bound by these "Terms of Use" and the city reserves the right to report any user violation.

social media use by employees, city council members, and commissioners on non-city sites and accounts. The City of Monte Sereno does not and cannot restrict the exercise of its employees, council members, and commissioners freedom of speech. Notwithstanding the foregoing, it is recommended employees, council members, and commissioners observe the following:

1. California laws, including the Brown Act, strictly limit certain communications involving multiple council members/ commissioners outside of formal, properly noticed public meetings. For more information see:  
<https://www.cacities.org/Resources-Documents/Resources-Section/Open-Government/Open-Public-2016.aspx>.
2. Employees, council members and commissioners should make it clear in their personal postings and discussions that their communications and opinions do not represent the city. It is recommended that where possible such postings include the following disclaimer:

Disclaimer: The information contained in this post represents my personal opinions as a resident of Monte Sereno. It should not be construed as representing the official position of the City of Monte Sereno. Public comments and discussion are welcome, however, California State Law (The Brown Act) greatly limits the extent to which council members and commissioners may discuss items coming before the city outside of official council meetings. Therefore, other council members are precluded from participating on this comment thread. If other council members are not participating, this is the reason.

3. Before initiating or engaging in a discussion online regarding city business, council members should be cautious of serial discussions and/or creating an “unnoticed” public meeting. In addition, when posting in an official capacity, all comments posted must be in compliance with the Monte Sereno Code of Ethics, City Council Role Vision and Values document, and any other subsequent city or council policy regarding conduct for employees, commissioners, and council members.
4. Trolling, defined as creating discord on the internet by starting quarrels or upsetting people by posting inflammatory or off topic messages in an online community, is prohibited in connection to Monte Sereno City business or council policy. “Thanking” or “liking” or other emoting on posts by others is highly discouraged.
5. Be aware that comments on others’ postings as well as “thanks” and “likes” may implicate the Brown Act.
6. When posting about a topic that is controversial or coming before the council/commission, the council member/commissioner posting should remain objective, unbiased and indicate they are maintaining an open mind and will make a final decision after a formal noticed meeting. Commissioners and council members should be mindful of due process concerns regarding matters that have the potential to come before the council or commissions.
7. When an employee or city council member/commissioner engages in public social media discussion on controversial or potentially controversial matters which come before or are likely to come before the city council, it is strongly recommended that the participant capture relevant comment threads and forward such communications to the City Manager or at minimum, to the participant’s own City of Monte Sereno email account so that such communications are captured and preserved in case there are future questions about whether or not such matters are covered



under public records maintenance requirements, the Brown Act or other laws.

8. Council members/commissioners and city employees are welcome to share informational postings on subjects which are not controversial or which do not represent matters under consideration by the council/commissions or matters likely to come under consideration by the council/commissions. However, if there is any concern about whether such matter falls within the Brown Act or other legal limitations, the council members/ commissioners and employees should exercise discretion, follow the suggestions above, and/or check with the City Manager or City Attorney before posting.
-