

RESOLUTION ADOPTING SOCIAL MEDIA POLICY

WHEREAS, The City of Post Falls (“City”) is dedicated to enhancing the traditional forms of communication with various constituents using Social Media. This dedication stems from the public’s expectations, the capabilities of current technology, and the rapid growth of Social Media use by other governmental entities, all of which serve as a strong indication that Social Media can be used effectively to enhance communications between our local government and the public; and

WHEREAS, The City’s use of Social Media is provided as a means of conveying information from the City to its citizens in a limited public forum to facilitate resident involvement, interaction, and feedback related to City programming, services, projects, issues, events, and activities; and

WHEREAS, the City Council finds that it is desirable to implement a policy to establish best practices, provide guidance and information for those who use the City’s Social Media presence.

NOW THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Post Falls that the Social Media Policy attached hereto as **Exhibit A** is hereby adopted.

APPROVED by the City Council on this 2nd day of December, 2021.



CITY OF POST FALLS


Ronald Jacobson, Mayor

ATTEST:


Shannon Howard, City Clerk

Upon a motion made by a council member, seconded by a council member, the following vote was recorded:

AYES: all
NAYES: none
ABSENT: anthony



ADMINISTRATIVE POLICY 2021-3

Source Department: Legal Services	Policy Title: Social Media Policy
Subject/Description: Policy to govern use of social media by officials, commissioners, directors, employees, and agents.	Replaces Policy:
Requires Council Approval: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If yes, Council Meeting Date Approved: December ____, 2021

DATE ISSUED: December ____, 2021

DATE EFFECTIVE: December ____, 2021

APPROVED BY: _____
Shelly Enderud, City Administrator

SECTION 1. POLICY PURPOSE

- A. The City of Post Falls (“City”) is dedicated to enhancing the traditional forms of communication with various constituents using *Social Media*. This dedication stems from the public’s expectations, the capabilities of current technology, and the rapid growth of *Social Media* use by other governmental entities, all of which serve as a strong indication that *Social Media* can be used effectively to enhance communications between our local government and the public.
- B. The City’s primary internet presence is the City’s website at <https://www.postfallsidaho.org>. The City’s use of *Social Media* is provided as a means of conveying information from the City to its citizens in a limited public forum to facilitate resident involvement, interaction, and feedback related to City programming, services, projects, issues, events, and activities.
- C. This Policy is adopted to provide guidance and information both to the public, the City and its employees who use *Social Media* such as Twitter, Facebook, Pinterest, YouTube, Tumblr, Google, and similar platforms. This policy is not intended to address any one particular form of *Social Media*, rather *Social Media* in general, as advances of technology will occur and new tools for sharing *Content* will emerge.

SECTION 2. DEFINITIONS

Agent(s). All City of Post Falls 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 of Post Falls.

City Social Media Sites or Accounts. Those pages, sections, or posting locations on Social Media websites established, managed, or maintained by an Agent.

Content. Any post, writing, material, document, photograph, graphic, or other information that is created, posted, shared, distributed, or transmitted via Social Media.

City Clerk. The City Clerk is responsible for ensuring that all City records created or maintained by the City are retained according to Idaho Code Title 50 Chapter 9 and are properly preserved or disposed of and these include content on City Social Media sites.

Digital Identity. Information about a user of Social Media that differentiates that user from others.

Employees. All City representatives and any employed by the City. The term “employee” includes officials unless specifically omitted in the text of the context requires their exclusion.

Officials. All City elected and appointed functionaries including all members of boards, committees, departments, or agencies of the City.

Social Media. Internet and mobile-based applications, websites, and functions, other than email with a focus on immediacy, interactivity, user participation, and information sharing through which users create online communities to share information, ideas, personal messages, and other content. These venues include social networking sites, forums, weblogs (blogs, vlogs, microblogs), online chat sites, and audio/video/photography posting sites or any other such similar formats. Common examples include Facebook, Instagram, Twitter, YouTube, WhatsApp, TikTok, and any other emerging new platforms generally regarded as Social Media or platforms having some of the same functions as those listed.

Social Media Account. Any account established on Social Media.

Social Media Administrator(s). Any City Employee or Employees expressly designated by the City Administrator to monitor, manage, supervise, or control the City Social Media sites as provided in this Policy. Social Media Administrators shall have admin level privileges, as applicable, for City Social Media Sites or Accounts.

Social Media Editor. Any City Employee or Employees expressly designated by the City Administrator to have Editor privileges to edit pages, create or delete content, and respond to or delete comments on City Social Media sites as provided in this Policy.

SECTION 3. SCOPE

This Policy applies to all City *Officials, Employees, and Agents* when working with *Social Media* tools on behalf of the City, and applies to an *Official's, Employee's and Agent's* use of personal *Social Media* sites as addressed in this Policy.

SECTION 4. ADMINISTRATIVE ROLES AND RESPONSIBILITIES

- A. **The City of Post Falls Official Social Media Accounts.** The Public Information Office is responsible for implementing this Policy and leading the City's *Social Media* efforts for official City business. The Public Information Specialist shall serve as the *Social Media Administrator* for the City's *Social Media* presence.
- B. **Department-Specific Social Media Accounts.** Individual departments may have *Social Media* sites if authorized in writing by the Department Director and the City Administrator.
1. Each Department Director shall serve as the *Social Media Administrator* for the Department-Specific Social Media Account and shall be responsible for implementing and complying with this Policy.
 2. The Department Director shall designate a *Social Media Editor* for their department affirmed by the City Administrator. The *Social Media Editor* should be granted an appropriate level of *Social Media* site access, preferably at a level below admin as available.
 3. The Public Information Specialist shall be given admin access as provided and as available for *Social Media* sites.
 4. The department may inform the City's Information Technology (IT) Administrator and provide them with a login and password. The IT Administrator has the authority to remove any prohibited *Content* from any City *Social Media* site upon request of the City Administrator.
- C. **Existing Social Media Sites/Accounts.** *Social Media Administrators* must review existing *City Social Media Sites or Accounts*. Those pages, sections, or posting locations on Social Media websites established, managed, or maintained that have already been established as of the effective date of this Policy to ensure that they follow this Policy. Within sixty (60) days of the effective date of this Policy, departmental *Social Media Administrators* shall review the department's *Social Media* sites or accounts and submit a written request for approval of such sites to the City Administrator. In the event the request is denied, the site or account must be immediately taken down and its use discontinued as provided in SECTION 10 DEACTIVATION OF A SOCIAL MEDIA SITE OR ACCOUNT.
- D. **Duties of Social Media Administrator(s).** The *Social Media Administrator* must:
1. Sign an agreement acknowledging this Policy and their responsibilities.
 2. Ensure that the *City Social Media Sites or Accounts* are implemented correctly, regularly maintained, and kept current.
 3. Review information posted to *City Social Media Sites or Accounts* by *Employees* or *Agents* to ensure the *Content* is appropriate, professional, and consistent with the City's policies and the purpose for which the site exists.

4. Frequently review of site that provide the opportunity for comment and other interaction is essential. *Social Media Administrators* must establish a schedule for the regular review of each site and submit such schedule for review and approval by the Department Director.
5. Keep the City Administrator informed of the City's and Department's *Social Media* activities.
6. Communicate regularly with the *City Clerk* to ensure *Social Media* sites or accounts comply with any applicable public records laws.
7. Establish a process to ensure that this Policy is broadly distributed and that all *Employees* are aware of and confirm their understanding of this Policy.

E. Duties of Social Media Editor(s). The *Social Media Editor* must:

1. Sign an agreement acknowledging this Policy and their responsibilities.
2. Create or manage *Content* on the *City Social Media Sites or Accounts*.
3. Review information posted or proposed to be posted to *City Social Media Sites or Accounts* by *Employees* or *Agents* to ensure the *Content* is appropriate, professional, and consistent with the City's policies and the purpose for which the site exists.

F. Standards of Conduct. *City Employees* and *Officials* are responsible for ensuring that all use and contributions to the *Content* of the *City Social Media Sites or Accounts* adhere to the standards of conduct and requirements as outlined in this Policy and that their personal use of *Social Media* adheres to the standards of conduct as regulated by this policy.

1. Any *Employee*, *Agent*, or *Official* who is authorized to edit, post, or alter *Content* of a *City Social Media Sites or Accounts* must agree in writing to comply with any training or other requirements, policies, or restrictions and have on file in the office of the City Administrator such written agreement before editing, posting, or altering *Content* on a *City Social Media Site or Account*.
2. In terms of personal use, it is not the intent of the City to restrict an *Employee's*, *Agent's* or *Official's* First Amendment rights, but rather to ensure that *Content* posted by *Officials*, *Employees* or *Agents* clearly reflect that those comments are personal and not being made on behalf of the City of Post Falls unless authorized by the City of Post Falls. Similarly, *Officials*, *Employees* and *Agents* are prohibited from disclosing confidential information except under polices and regulations that address disclosure of that information. For example, Public Records Acts, Freedom of Information Acts and Public Information Acts generally provide for the disclosure of public records but prohibit disclosure of exempt or confidential information. Please see specific rules and limitations found in Section 506 of the City of Post Falls Personnel Policy Handbook.
3. Any *Employee*, *Agent*, or *Official* responsible for setting up or maintaining *City Social Media Sites or 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 such platforms using public emails, the City's IT department is able to better control accounts in the event that a rapid change must be made.

- G. **Authority.** The Public Information Specialist will be the coordinating authority for review and monitoring and enforcement of any approved *City Social Media Sites or Accounts*. The City Administrator shall be the final decision-making authority for the approval or denial of any *Social Media* sites or accounts and the use of such by the City.

SECTION 5. THE CITY OF POST FALLS OFFICIAL SOCIAL MEDIA SITE AND OTHER SPECIFIC SOCIAL MEDIA SITES OR ACCOUNTS.

- A. The City of Post Falls Facebook Page, <https://www.facebook.com/cityofpostfalls>, The @cityofpostfalls Twitter account, and the City of Post Falls YouTube Channel, <https://www.youtube.com/c/cityofpostfallsidah> are the primary tier of the City's *Social Media* presence. City *Employees, Officials*, and Departments are encouraged to contribute *Content* ideas to these sites by contacting the Public Information Office.
- B. Department-Specific *Social Media* sites should be focused and limited in scope and topic and should complement rather than supplant the primary tier *Social Media* sites or existing official website.

SECTION 6. BOARDS, COMMISSIONS, AND COMMITTEES.

- A. City Boards, Commissions, and Committees must comply with this Policy and relevant department *Social Media Administrators* are responsible for ensuring that any requests for *Content, Social Media* tools or resources are coordinated and acted upon.
- B. No Board, Commission, or Committee may develop its own *Social Media* site or account.
- C. The Idaho Open Meetings Law may apply to the use of *Social Media* by one or more members of a Board, Commission, or Committee and may prohibit the member from participating in postings or discussion threads on *Social Media* sites whether created and maintained by the Board, Commission, or Committee of which they are a member or otherwise. Members of Boards, Commissions, and Committees must comply with Idaho State Law regarding Open Meetings, Public Records, and Public Information when using *Social Media*.¹
- D. Any use of *Social Media* site shall not serve as a replacement for postings and notifications required by law except under and as allowed by those laws.
- E. Boards, Commissions, and Committees may not utilize *Social Media* for soliciting official public comment for discussion of items for approval in a formal action at a public meeting.
- F. Regular business of the Board, Commission, or Committee may be posed to approved *Social Media* sites by the appropriate *Social Media Administrator* without formal action of the Board, Commission, or Committee provided that posed documents are also available on the City's website. In general, it is preferred that the *Social Media* site simply provide a link back to the information and documents posed on the City's website. "Regular Business" is defined as the standard and routine activity of any Board, Commission, or Committee, and generally includes agendas, minutes, presentation documents and items

¹ Any questions about the usage of *Social Media* in any manner should be referred to the Public Information Officer or the Legal Services Department.

created during the course of regular proceedings. This may also include responses or clarification of items of fact relating to the proceedings (i.e., dates, times, etc.).

- G. Other than following a vote by a majority of the members to do so, under no circumstances should a board member, commission member, or committee member post, or direct staff to post, statements of personal opinion held by individual members to the City's *Social Media*. When approval to post personal opinions or statements has been given, those statements and opinions must clearly be identified as personal and not those of the entity of which the person is a member.

SECTION 7. STANDARDS AND BEST PRACTICES OF CITY SOCIAL MEDIA SITES.

The City of Post Falls' use of *Social Media* is provided as means of conveying information from the City, to its citizens. The following general standards apply to all *City Social Media Sites or Accounts*, and platforms including department-specific *Social Media* sites.

- A. **Establishment.** The City website or *Social Media* accounts are established to communicate to the public and to inform and relay official *City Content*. The City of Post Falls therefore regulates the *City Social Media Sites or Accounts* it maintains for the following reasons:
1. Posts on the City of Post Falls *Social Media* sites 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 forms an official position of the City.
 2. On topic posts and Comments are encouraged on the *City Social Media Sites or Accounts* that allow posts, however, *City Social Media Sites or Accounts* are limited public forums and are moderated by City staff.
- B. **Identification.** All *City Social Media Sites or Accounts* must clearly indicate that site is maintained by the City of Post Falls and must have appropriate contact information prominently displayed.
- C. **Content.** All posted *Content* must be related to discussion of City programs, services, projects, issues, events, or activities. All *Content* uploaded or posted to *City Social Media* will be periodically reviewed. All *Content* uploaded or posted to *City Social Media Sites or Accounts* are public records subject to public disclosure under the Public Records Act.
1. The following are prohibited on *City Social Media Sites or Accounts*:
 - a. *Content* not topically related to City programs, services, projects, issues, events, activities, or the particular post being commented on.
 - b. *Content* that promotes or advertises commercial services, entities, or products except as agreed to in City marketing plans and determined by the City to be essential to economic development.
 - c. *Political Content*, including comments that endorse or oppose any political candidates or ballot propositions.
 - d. *Religious Content*, including comments that endorse or oppose any type of religious opinions or activities.
 - e. *Content* that promotes, fosters, or perpetuates discrimination on the basis of creed, color, age, religion, gender, marital status, status with regard to public

assistance, national origin, physical or mental disability, or sexual orientation.

f. *Content* with vulgar, offensive, threatening, or harassing language, personal attacks, or unsupported accusations.

g. Obscene or sexual *Content* or links to obscene or sexual *Content*, illegal activity, or encouragement of illegal activity.

h. *Content* that may tend to compromise the safety of, or security of, the public or public systems.

i. *Content* that violates a legal ownership interest of any other party.

j. *Content* posted by automatic software programs (i.e. “bots”)

- D. **Right to Remove Content.** The City of Post Falls reserves the right to remove any posted *Content* or links posted on *City Social Media Sites or Accounts* that do not conform with the requirements of this Policy or does not comply with the rules of the limited public forum. *Social Media Administrators* are authorized to remove unauthorized *Content* or links that do not conform to this Policy in a viewpoint neutral manner.
- E. **Archiving Content.** The City will archive *Content* in accordance with the Idaho Public Records Law. Any *Content* removed under this Policy may be preserved as a public record and will be archived as required by law to the extent possible using then current reasonable options.
- F. **Notice.** Communications made through the *City Social Media Sites or Accounts* in no way constitute a legal or official notice or comment to the City of Post Falls. To comment about a specific City project or program, please contact the appropriate department.
- G. **Required Disclosures.** It is the intent and purpose of the *City Social Media Sites or Accounts* to treat them as a limited public forum. The *City Social Media Sites or Accounts* should prominently disclose that all *Content* posted to the site is subject to public disclosure laws and that users assent by use to the rules of the limited forum and the conditions established for its use.
- H. **Privacy.** All users of *City Social Media Sites or Accounts* are subject to the site’s own privacy policy as well as privacy laws applicable to the City of Post Falls. The City has no control over third-party privacy policies or modifications to such policies.
- I. **Data Ownership and Copyright Policy.** The City of Post Falls retains the rights to all *Content* of any kind found on *City Social Media Sites or Accounts* that was produced by the City. All *Social Media Content* composed, sent, or received on City equipment in an official capacity is property of the City. The City maintains the sole property rights to any *Content* captured while a *City Employee* is representing the City in any capacity even if disseminated over *City Social Media* sites whether the dissemination is authorized or unauthorized unless a release of those property rights has been specifically granted.
- J. **Other Forums.** The *City Social Media Sites or Accounts* are not intended to operate as a traditional open public forum, as there are other ample open forums for the 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. A user who does not wish to comply with this Policy or one who believes this Policy infringes on that user's rights may use other traditional means to communicate with the government.

SECTION 8. LIMITATION ON LIABILITY OF CITY

- A. The City of Post Falls strives to post accurate and relevant *Content*, but does not guarantee the accuracy of any *Content* posted on *City Social Media Sites or Accounts* and assumes no liability for damages resulting from reliance on any inaccuracies
- B. The City of Post Falls disclaims all liability for ads, videos, promoted *Content* or comments accessible from any external website. The responsibility of external *Content* or comments rests with the organizations or individuals providing them. Any inclusion of external *Content* or comments on external *Social Media* websites does not imply endorsement by the City of Post Falls.
- C. The City of Post Falls does not warrant that *City Social Media Sites or Accounts* will be uninterrupted, permanent, or error free.

SECTION 9. RIGHT TO APPEAL REMOVAL OF CONTENT OR APPLICATION OF THIS POLICY TO THE PUBLIC.

- A. When *Content* has been removed, any aggrieved person, other than an *Employee*, may seek to have the *Social Media Administrator* reconsider the decision to edit or remove the *Content* by providing the *Social Media Administrator* with a written request via email to mediacenter@postfallsidaho.org stating the reason or reasons why the comments do not fall within those limitations established by this Policy or offer other basis to establish a right to publish the *Content* on the *City Social Media Sites or Accounts*. The *Social Media Administrator* or other appropriate *Agent* must render a written decision on the request within one (1) business day (excluding official City holidays) of receipt of the request nothing the basis for the decision. The decision of the *Social Media Administrator* or other appropriate *Agent* shall be the final administrative decision of the City.
- B. When a person, other than an *Employee*, believes that this policy violates their rights in ways other than set out in 9.A., that person may seek to have the *Social Media Administrator* review all or part of this policy as applicable to that person by providing the *Social Media Administrator* a written request via email to mediacenter@postfallsidaho.org stating the reasons why the policy violates the person's rights. The *Social Media Administrator* must render a written decision within five (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 an additional five (5) business days. The decision of the *Social Media Administrator* shall be the final administrative decision of the City.
- C. 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 by a person under the Constitution and laws of the United States. An *Employee* who feels aggrieved by an action under this Policy not covered by

this section should seek review through established grievance procedures, if applicable, or through *Employee's* chain of command.

SECTION 10. DEACTIVATION OF A SOCIAL MEDIA SITE OR ACCOUNT.

If the City Administrator decides to deactivate a social media site or account, because it is no longer in use, or accomplishing the goals of the City, or otherwise does not comply with this Policy, the following actions must occur:

- A. Confirm all public records management to preserve *Content* related to the site or account has occurred.
- B. Set a timeline for deactivating the site or account.
- C. Develop a “sign-off” message to post on the site that includes when the site will be closed and an additional “sign-off” message to post during the final days.
- D. Confirm to the City Administrator once the site has been 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 actions to do so.

SECTION 11. EMPLOYEE OBLIGATIONS AND RESTRICTIONS IN OFFICIAL USE OF CITY SOCIAL MEDIA SITES AND ACCOUNTS.

- A. *Employees* assigned to work on and maintain *City Social Media Sites or Accounts* must adhere to the principles and standards articulated in this Policy. Non-exempt *Employees* must not work on *City Social Media Sites or 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 working hours must be reported and included in the *Employee's* regular work schedule. Any work in excess of forty (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 an *Employee's* official position must not be used for personal profit, private gain or loss, business interests, or to participate in political activity.
- C. An *Employee's* use of City resources and equipment, including the internet or *City Social Media Sites or Accounts* is not private, and an *Employee* has no expectation of privacy while using the internet or *City Social Media Sites or Accounts*. An *Employee's* use may be investigated and monitored at any time.

SECTION 12. VIOLATIONS OF THIS POLICY

- A. Violations of this Policy by *Employees* is considered misconduct and may result in disciplinary action up to and including suspension or termination as authorized or permitted by law or policy.
- B. Violations of this Policy by *Officials* 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.

SECTION 13. 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, provisions, or application of this Policy which can be given effect without the invalid or unconstitutional part, provision, or application and are therefore deemed severable