INTRODUCTION

Local governments that use social media sites are engaging their citizens in new and different ways in order to provide services, address local concerns and create a variety of opportunities for citizens to interact with their government. The use of social media sites is breaking new ground and setting new standards. However, because social media technology and local governments' use of it is relatively new, there are many unknowns related to the results, consequences and liability for its use. Further, with so many social media tools currently available and more on the way, it can be overwhelming and impractical to evaluate and have a presence on each site.

Maintaining and managing a social media site (or multiple sites) takes staff time and energy. In considering how to use a site, you should consider what need the site is filling in your community and what benefits will accrue from using the site. Those factors should be weighed with or against the staff time, energy and social media know-how required to manage the site(s).

Colorado Open Records Act (CORA)
CORA states that "[a]ll public records are open for inspection by any person at reasonable times." Public records include all writings made, maintained, or kept for use in the exercise of functions required or authorized by law or administrative rule. The inquiry of whether a record falls under CORA must be content driven.

Writings include "other documentary materials, regardless of physical form or characteristic." The statute specifically includes digitally stored data. The custodian is the officer or employee who is responsible for the keeping of public records, regardless of whether such records are in his or her actual custody or control. A social networking site manager can be a custodian for social networking records.

When running an organization-sponsored social networking site (eg: the city's Facebook page), be prepared to treat the comments, posts, pictures, and lists of individuals connected to the site as open records.

Colorado Open Meetings Laws
A "meeting" means "[a]ny kind of gathering, convened to discuss public business, in person, by telephone, electronically, or by other means of communication." C.R.S. §24-6-402(1)(b). There must be a link between the meeting and the policy-making powers of the organization holding the meeting. Therefore, a meeting occurs when discussion involves a rule, regulation, ordinance, policy or formal action. Merely discussing matters of public importance does not necessarily mean it's a "meeting." A quorum, of three or more members of a local public body (whichever is fewer) discussing public business or taking formal action constitutes a meeting that must be open to the public.

If the organization would like to host an e-meeting through its social networking site, it should treat the meeting as any meeting held in person, by providing sufficient notice to the public that the meeting will occur. Further, the organization should be prepared to keep minutes of the meeting, which should include all of the comments and posts.

Source: Greater Metro Telecommunications Consortium Social Media Guidebook - March, 2010
Prepared by: Kenneth S. Fellman and Nancy Cornish Rodgers – Kissinger & Fellman, P.C.

POLICY OBJECTIVE

The purpose of the Social Media Policy is to address the Town's participation in the quickly-changing landscape of the Internet; serve as a guideline for all social media activity for the Town; and to standardize procedures.

The Town's Social Media function shall serve to:

- Define Social Media terminology
- Establish procedures for creating an overall social media presence for the Town
- Represent the Town appropriately and consistently on the Internet
- Provide a public service to citizens
- Provide information in a professional and timely manner
- Further the goals of the Town

DEFINITIONS

Social Media*: Social media includes a broad range of Internet and mobile-based tools for obtaining and discussing information. These tools include social networking sites (Facebook, MySpace, LinkedIn), blogs and micro-blogs (Blogger, Twitter, Nixle), video and photograph sharing sites (YouTube, Flickr, Flixster), and Wikis (shared encyclopedias). There are already numerous social media sites operating, with more sites likely to launch in the near future.

Currently, local governments are using social media sites to:
- Provide information about upcoming events, news, announcements, and emergencies but not allow the posting of comments/replies by the public (Closed Non-Public Forum).

- Provide information about upcoming events, news, announcements, and emergencies and allow the posting of comments/replies by anyone on any topic or political issue without disclaimers concerning civil discourse (Open Public Forum).

- Provide information about upcoming events, news, announcements and emergencies and allow the posting of public comments/replies which relate to the issue and in accordance with disclaimers concerning civil discourse (Designated Public Forum).

Open Public Forum*: In an open public forum, the organization does not restrict access at all and allows open access to anyone.

Designated Public Forum*: A designated public forum, the organization has restrictions on who can and who cannot post comments or information to the site AND the restrictions are tied to the site's purpose.

Closed Non-Public Forum*: The organization establishes restrictions on who can and who cannot post comments or information to their site and generally do not include access to people not in the organization. The only people who can post are members of the organization assigned to communicate via the social networking site. Further, only "government communication" is allowed. The site, in general, is not open to public posts or comments.

*Source: [Greater Metro Telecommunications Consortium](#) Social Media Guidebook - March, 2010
Prepared by: Kenneth S. Fellman and Nancy Cornish Rodgers – Kissinger & Fellman, P.C.

POLICY

The Town will determine, at its discretion, how its Social Media Web Sites will be designed, implemented and managed as part of the Town's overall communication strategy and available resources. Town-related Social Media Web Sites may be modified or removed by the Town at any time and without notice.

1. At the time of policy implementation, the default setting for Town of Erie Social Media forums shall be "Designated Public Forum" as described above. At its discretion, the Town may set Social Media forums as "Open Public Forum" or "Closed Non-Public Forum" as described above.

2. All official Town of Erie Social Media Web sites or services are considered an extension of the Town's information networks and are governed by the Town's Employee Handbook and the Town of Erie Employee Communications Policy and Procedures. All communications published via Social Media should adhere to the foundational messages included in the Board of Trustees Goals and the Town's Communications and Marketing Policies.

3. The naming and contact conventions used for Social Media Web Sites shall be Town of Erie-specific and must not contain individual employee names. All approved Social Media Web Sites will be linked with the Town's official Web site.

4. Links to "more information" should direct users back to the Town's official website for more information, forms, documents or online services necessary to conduct business with the Town of Erie.

5. Town of Erie Social Media Web Sites may not be used by any Town employee or representative for private or personal purposes or for the purpose of expressing private or personal views on personal, political or policy issues. Town Social Media Web Sites may not be used to express personal views or concerns pertaining to Town employment relations matters.

6. Employees representing the Town of Erie via social media outlets must conduct themselves at all times as representatives of the Town of Erie. Employees that fail to conduct themselves in an appropriate manner shall be subject to the Disciplinary Procedures outlined in the Employee Handbook.

7. A Social Media Web site account shall not be used by the Town or any Town employee or representative to disclose sensitive and or confidential information without the prior expressed written approval of the Town Administrator's Office.

8. As time and resources allow, the Assistant to the Town Administrator/Information Coordinator and the Communications and Information Services Division will monitor content on all Town Social Media Web Sites to ensure adherence to the Social Media Policy for appropriate use, message and branding consistent with the goals of the Town of Erie.

ONLINE CONTENT – TOWN OF ERIE

1. All postings on Town of Erie Social Media Websites are considered official Town of Erie documents and subject to compliance with Colorado Open Records laws. As such, content posted by Town Staff on Social Media Web Sites will be limited to content (or portions thereof) which has been created, approved, retained and distributed through the Town's standard communications channels.

2. Social media websites must contain the following disclaimer: "The Town of Erie's use of external Social Media Web sites is provided as a public service. The Town of Erie disclaims liability for advertisements, videos, promoted content and/or comments accessible from any external Web page. The responsibility for external content or comments rests with the organizations or individuals providing them. Any inclusion of external content or comments on external Social Media Web sites does not imply endorsement by the Town of Erie. The Town of Erie makes every reasonable effort to assure that it does not link directly to web pages or Social media Web Sites that contain obscene, scurrilous, or otherwise objectionable material. If you encounter objectionable material on this page or on any linked page, please notify the webmaster of this site immediately."

3. Content and entries will be posted only by authorized Town of Erie employees.

4. Social media Web Sites are to be consistently branded in order to communicate a clear association with the Town. Branding should include, but is not limited to, the inclusion of the Town logo and, where possible, the Town's official Web site colors.

5. Social Media Web Sites links must comply with the linking policies established in the Town's Internet Standards and Guidelines.

6. Social media pages created and/or maintained by the Town shall be monitored to remove inappropriate content or links as defined in this policy.

7. Content shall be current and updated as appropriate. If resources are not available to maintain, update, and retain records of a Town-sponsored social networking page, it should be taken down, to the extent possible for that social media channel.

ONLINE CONTENT – PUBLIC

1. The Town intends social media forums to be family friendly, and as such, asks that wall posts and comments remain consistent with this standard.

2. Comments expressed through any Town of Erie social media medium do not reflect the opinions and position of the Town of Erie or its officers and employees. If you have any questions concerning the operation of this or any online Town of Erie social media site, please contact the Assistant to the Town Administrator/Information Coordinator.

3. The Town of Erie welcomes citizen comments and expects that any conversation will follow the general rules of respectful civil discourse. The Town recognizes that the Web is a 24/7 medium, however, given the need to manage Town resources, monitoring and posting of comments will generally occur during regular business hours Monday through Friday.

4. The Communications and Information Services Division Manager will retain all posted comments on Town Social Media pages in accordance with CORA and the Town's Records Retention Policy.

5. The Town will not edit or alter posts or comments by citizens. However, the Town may remove comments that do not promote civil discussion. The following forms of content will be removed:

   - Obscene, profane, explicit, or racist language

   - Potentially libelous statements, personal attacks, threats, harassment, insults, or language inciting violence

   - Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, sexual orientation, or political party

   - Sexual content or links to sexual content

   - Comments not topically related to the current thread

   - Campaign-related posts of any kind

   - Commercial product or service promotions or solicitations

   - Conduct or encouragement of illegal activity

   - Information that may tend to compromise the safety or security of the public or public systems

SECURITY
Social Media Web site accounts are considered a Town asset and logins to these accounts must be securely administered in accordance with Town security policies. Information regarding account logins and passwords will be shared only with individuals directly administering Social Media Sites. A list of approved administrators for social media Web sites will be provided to the Assistant to the Town Administrator/Information Coordinator and the Communications and Information Services Manager.

INTERNAL APPLICATION & REVIEW PROCEDURES
The Town will follow a centralized model, where specified employees are in charge of the social media site(s) for the entire organization. As such, all messages should go through the Town Administrator's Office, Communications and Information Services Division or appropriate Department Head in order for the organization to maintain greater control over the consistency of the message communicated via the social media site.

The Assistant to the Town Administrator/Information Coordinator shall approve what Social Media outlets may be suitable for use by the Town and its departments. Any department wishing to create a new social media presence must initially submit a request to the Assistant to the Town Administrator/Information Coordinator. This will initiate a process to ensure that the Town's sanctioned social media accounts are kept to a sustainable number, policies are followed, and the Town's Internet-based communication strategy is appropriately maintained.

DISCLAIMERS

The Town disclaims liability for ads, videos, promoted content or comments accessible from any external web page. The responsibility for external content or comments rests with the organizations or individuals providing them. Any inclusion of external content or comments does not imply endorsement by the Town of Erie.

The Town of Erie assumes no liability for damages incurred directly or indirectly as a result of errors, omissions or discrepancies.

The Town of Erie reserves the right to remove any messages or postings that are obscene, defamatory, involve fraud, incite violence or criminal conduct, or are in violation of the copyright, trademark right, or other intellectual property right of any third party. Furthermore, Town of Erie reserves the right to remove any messages or postings that are unrelated to the topic of the forum. These include commercial promotions or purposes, and hyperlinks to material not directly related to the discussion.

If a customer does not agree to these terms, the individual should not use the Town of Erie sponsored pages.

SPECIAL CONSIDERATIONS FOR ELECTED OFFICIALS

The state of the law is lagging behind the state of the art in social media technology. This presents unique challenges in following the intent and the letter of the laws regulating public meetings and communications of local government. For this reason, the Town cautions members of the Erie Board of Trustees who have personal social media websites to be aware of their responsibilities under applicable laws when communicating via these emerging technologies.

Elected officials should consider their use of official, personal, and campaign sites. Campaign activities should be kept separate from any site a person maintains in his or her elected official capacity. Personal sites and campaign sites may provide a link to the organization's official site, but should take care to note that the organization's site does not endorse any candidate or any individual elected official's position. However, elected officials can be open about the positions they hold for the organization. Elected officials should work with Town Staff including the Town Attorney and Town Clerk to discuss social networking site issues.

Should the Town choose to host an electronic meeting through its social networking site, it will do so only in accordance with Colorado Open Meeting Laws (C.R.S. §24-6-402(1) (b)) and the Town of Erie Board of Trustees Rules of Order & Procedure (Resolution No. 03-10). The Town will treat any electronic meeting as any meeting held in person, by providing sufficient notice to the public that the meeting will occur. Further, the Town will keep minutes of the meeting, which will include all of the comments and posts.