



## CITY COUNCIL MEETING STAFF REPORT

To: City Council Members and Mayor  
From: Laura Blair Johnson, Administrative Services Director  
Meeting Date: August 28, 2023  
Agenda Item Number: 11.B.

---

### **Title** Social Media Policy.

This item was tabled at the August 14, 2023, City Council Meeting.

1. Motion to Remove Item From Table.
2. Consider Motion to Approve Social Media Policy.

### **Purpose**

Review and approve revised Social Media policy.

### **Recommended Action**

Approve the recommended revisions to the Social Media policy.

### **Attachments**

1. Social Media Policy - Revised August 28, 2023\_draft

### **Strategic Plan Alignment**

*We are Accessible:* We work so all residents have equal access to information, services, transportation, facilities, and involvement. We want to be a place where all residents feel they belong and have open, easy, meaningful ways to connect with neighbors, organizations, and local government.

### **Background**

Revisions to the Social Media policy were reviewed at the August 14, 2023 City Council meeting. The Council approved all but one paragraph of the recommended updates.

### **Discussion**

The City Council directed staff to revise one paragraph in the policy. The City Attorney provided the following update:

Minnesota law includes a statute that governs the use of social media by members of a public body that is subject to the Open Meeting Law. Minnesota Statutes section 13D.065 provides that the use of social media by members of a public body does not violate the Open Meeting Law so long as the social media use is limited to exchanges with all members of the general

public. For purposes of this statute, email is not considered a type of social media. To avoid the chances of discussing, deciding, or receiving information as a group on issues relating to City business, elected and appointed City officials should not be in private social media groups with a quorum or more of members of the public body. Section 13D.065 only applies when elected or appointed City officials are acting in their official capacities, not in their private capacities. Elected or appointed City officials' participation in private social media groups is a concern if there is a quorum or more members of the public body discussing, deciding, or receiving information on issues relating to the official business of that governing body.

**Financial Plan and Impact**

There is no financial impact beyond staff time.

**Alternatives**

**Recommended Action**

Approve the recommended revisions to the Social Media policy.

**Update June 21, 2019**

**Revised August 28, 2023**

## **Section #585 – Social Media Policy**

### **Purpose**

This Social Media Policy (“Policy”) establishes guidelines for the establishment and use by the City of Red Wing (“City”) of social media sites as a means of conveying information to members of the public.

The intended purpose of City social media sites is to disseminate information from the City about the City’s mission, meetings, activities, and current issues to members of the public.

The City has an overriding interest and expectation in protecting the integrity of the information posted on its social media sites and the content that is attributed to the City and its officials.

The City of Red Wing recognizes that you may wish to use social media in your personal life. This policy does not intend to discourage nor unduly limit your personal expression or online activities.

However, you should recognize the potential for damage that might be caused (either directly or indirectly) to the City of Red Wing in certain circumstances based on your personal use of social media when you can be identified as a City of Red Wing employee. Accordingly, it is highly recommended you comply with this policy to ensure that the risk of such damage is minimized.

### **Definitions**

“Employees” for purposes of this policy mean officials (elected and appointed officials, including the Mayor, City Council members, and Board and Commission members), employees, representatives, agents, volunteers, and contractors.

“Social media sites” means content created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the internet. Examples of social media include, but are not limited to, Facebook, Twitter, Instagram, Blogs, RSS, YouTube, LinkedIn.

“City social media sites” means social media sites which the City establishes, maintains, and controls all postings, except for advertisements or hyperlinks by the social media site’s owners, vendors, or partners. City social media sites shall supplement, and not replace, the City’s required notices and standard methods of communication.

“Posts” or “postings” mean information, articles, pictures, videos or any other form of communication posted on a City social media site.

### **General Statement of Policy – City Social Media Sites**

- 1.1. The City’s official website at [www.red-wing.org](http://www.red-wing.org) (or any domain owned by the City) will remain the City’s primary means of internet communication.
- 1.2. The establishment of City social media sites is subject to approval by the Director of Administrative Services. Upon approval, City social media sites shall bear the name and/or official logo of the City.
- 1.3. City social media sites shall clearly state that such sites are maintained by the City and that the sites comply with the City’s Social Media Policy.
- 1.4. City social media sites shall link back to the City’s official website for forms, documents, online services and other information necessary to conduct business with the City.
- 1.5. The City’s Administrative Services Director, or designee, shall 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.
- 1.6. City social media sites shall be managed consistent with the Open Meeting Law. Members of the City Council, Commissions and/or Boards shall not use City social media sites to respond to, "like", "share", re-tweet or otherwise participate in any published postings, or use the site to respond to, blog or engage in serial meetings, or otherwise discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the body. This section shall not prohibit these individuals from making necessary communications about City business.
- 1.7. The City reserves the right to terminate any City social media site at any time without notice.
- 1.8. City social media sites shall comply with usage rules and regulations required by the site provider, including privacy policies.
- 1.9. The City’s Social Media Policy shall be displayed to users or made available by hyperlink.
- 1.10. All City social media sites shall adhere to applicable federal, state and local laws, regulations and policies.
- 1.11. City social media sites are subject to the Minnesota Government Data Practices Act. Any content maintained on a City social media site that is

related to City business, including posted communication and communication submitted for posting, may be considered a public record and subject to public disclosure.

- 1.12. Employees representing the City on City social media sites shall conduct themselves at all times as a professional representative of the City and in accordance with all City policies
- 1.13. All City social media sites shall utilize authorized City contact information for account set-up, monitoring and access. The use of personal e-mail accounts or phone numbers by any City employee is not allowed for the purpose of setting-up, monitoring, or accessing a City social media site.
- 1.14. City social media sites may contain content, including but not limited to, advertisements or hyperlinks over which the City has no control. The City does not endorse any hyperlink or advertisement placed on City social media sites by the social media site's owners, vendors, or partners.

### **Content Guidelines**

- 1.1. The content of City social media sites shall only pertain to City-sponsored or City-endorsed programs, services, and events. Content includes, but is not limited to, information, photographs, videos, and hyperlinks.
- 1.2. Content posted to the City's social media sites must contain hyperlinks directing users back to the City's official website for in-depth information, forms, documents or online services necessary to conduct business with the City of Red Wing, whenever possible.
- 1.3. The City shall have full permission or rights to any content posted by the City, including photographs and videos.
- 1.4. Any employee authorized (means by the following; City Council Administrator, Administrative Services Director, Department Head or designee) to post items on any of the City's social media sites shall review, be familiar with, and comply with the social media site's use policies and terms and conditions.
- 1.5. Any employee authorized to post items on any of the City's social media sites shall not express his or her own personal views or concerns through such postings. Instead, postings on any of the City's social media sites by an authorized City employee shall only reflect the views of the City.
- 1.6. Postings must contain information that is freely available to the public and not be private, non-public, or confidential as defined by any City policy or state or federal law.

- 1.7. Postings may NOT contain any personal information, except for the names of employees whose job duties include being available for contact by the public.
- 1.8. Postings to City social media sites shall NOT contain any of the following:
  - 1.8.1. Comments that are not topically related to the particular posting being commented upon;
  - 1.8.2. Comments in support of, or opposition to, political campaigns, candidates or ballot measures;
  - 1.8.3. Profane language or content;
  - 1.8.4. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender identity, sex, marital status, or status with regard to public assistance, national origin, physical or mental disability or sexual orientation, as well as any other category protected by federal, state, or local laws;
  - 1.8.5. Sexual content or links to sexual content;
  - 1.8.6. Solicitations of commerce;
  - 1.8.7. Conduct or encouragement of illegal activity;
  - 1.8.8. Information that may tend to compromise the safety or security of the public or public systems; or
  - 1.8.9. Content that violates a legal ownership interest of any other party.
  - 1.8.10. Photos that could identify subjects that are protected by State Statute and Federal regulations
- 1.9. These guidelines shall be displayed to users or made available by hyperlink on all City social media sites. Any content removed based on these guidelines must be retained, including the time, date and identity of the poster, when available.
- 1.10. The City reserves the right to implement or remove any functionality of its social media site, when deemed appropriate by the Administrative Services Director and/or the City Council Administrator. This includes, but is not limited to, information, articles, pictures, videos or any other form of communication that is posted on a City social media site.

- 1.11. Except as expressly provided in this Policy, accessing any social media site shall comply with all applicable City policies pertaining to communications and the use of the internet by employees, including e-mail content.

### **General Statement of Policy – Personal Social Media Sites**

The City of Red Wing respects the rights of its employees to use, post on, publish, and maintain personal websites, blogs, and social media websites and accounts, and to use and enjoy social media on their own personal devices during non-work hours. The City requires you, as an employee, to act in a prudent manner with regard to the content and comments you post, publish, disclose, or share on websites, the internet, and social media, especially when it references or relates to the City or its employees, operations, or property. You are personally responsible for the content you publish in a personal capacity on the internet or any form of social media platform. When in doubt, you should seek guidance from the Administrative Services Director on how to comply with the following obligations.

### **Rules for Personal Websites, Blogs, and Social Media Accounts**

Minnesota law includes a statute that governs the use of social media by members of a public body that is subject to the Open Meeting Law. Minnesota Statutes section 13D.065 provides that the use of social media by members of a public body does not violate the Open Meeting Law so long as the social media use is limited to exchanges with all members of the general public. For purposes of this statute, email is not considered a type of social media. To avoid the chances of discussing, deciding, or receiving information as a group on issues relating to City business, elected and appointed City officials should not be in private social media groups with a quorum or more of members of the public body. Section 13D.065 only applies when elected or appointed City officials are acting in their official capacities, not in their private capacities. Elected or appointed City officials' participation in private social media groups is a concern if there is a quorum or more members of the public body discussing, deciding, or receiving information on issues relating to the official business of that governing body.

You are strongly discouraged from identifying your role or affiliation with the City when responding to or commenting on websites, blogs, or social media posts with personal opinions or views. Where your online or social media posts, comments, content, or profile identify you as, or you can reasonably expect to be identified as, a City employee, you are strongly encouraged to:

- 1.1. ensure that all content published is accurate, not fraudulent or misleading, and complies with all relevant City Policies;
- 1.2. be polite and respectful to all people you interact with; and
- 1.3. adhere to the Terms of Use of the relevant social media platform/website, as well as copyright, privacy, defamation, contempt of court, discrimination,

harassment, and other applicable laws.

When using, posting, or commenting on websites, blogs, or social media, all employees, regardless of whether you can be identified as an employee, shall not:

- 2.1. Post or publish material that is, or might reasonably be construed as, threatening, harassing, bullying, discriminatory, hateful, racist, sexist, or otherwise unlawful towards another employee.
- 2.2. Post or publish material that is, or might reasonably be construed as, defamatory, obscene, or pornographic; solicits or promotes illegal drugs or criminal activity; infringes a copyright or trademark; or violates any federal law, state law, or local ordinance.
- 2.3. Without prior authorization, state or imply that you are speaking for, or on behalf of, the City of Red Wing or are authorized to do so, or give the impression that the views you express are those of the City of Red Wing. When a reasonable person would question whether you are acting as a private citizen or as a public employee, you are strongly encouraged to include a disclaimer on the social media site or post to eliminate any confusion and to clarify that you are speaking as a private citizen and not as a City employee. The disclaimer should state that any opinions and views are your own and not those of the City and do not necessarily reflect those of the City.
- 2.4. Use your City of Red Wing e-mail address or any City, department, or government logo, brand, insignia, or other City identifier.
- 2.5. Use the identity or likeness of another employee of the City of Red Wing.
- 2.6. Use or disclose any private, non-public, or confidential information or data maintained by the City of Red Wing or obtained in your capacity as an employee of the City. This includes any private or confidential personnel data on other employees. Removing names and other identifying information is insufficient if any member of the community could still identify the employee. For the same reason, posting or otherwise publishing "fictional" information about situations that parallel an actual situation involving employees is prohibited. You are also prohibited from using such data in a manner that could cause harm or damage to the City or its reputation or that could bring it into dispute
- 2.7. Post, text, publish, or otherwise disclose any floor plans or blueprints of City buildings, any emergency response plans, or any other data that, if disclosed, could jeopardize the security or safety of the public or City employees.

### **Reasonable/Unreasonable Personal Use**



When accessing social media via the City of Red Wing's Internet, intranet, and extranet systems, you must do so in accordance with the City Internet and E-mail Usage Policy, which requires you to use these resources 'reasonably', in a manner that does not interfere with your work, and is not inappropriate or excessively accessed. An example of a reasonable use includes updating your Facebook status or posting messages during a lunch break.

City of Red Wing resources should not be used to access or post any material that violates any City Policy or is offensive, fraudulent, harassing, threatening, bullying, embarrassing, sexually explicit, profane, obscene, racist, sexist, intimidating, defamatory, or otherwise inappropriate or unlawful.

You should not use the City of Red Wing Internet and computer resources to provide comments to journalists, politicians, or lobby groups other than in the course of your official duties.

It is not acceptable to spend working hours using social media that is not related to your work.

### **Guidance for Navigating Legal Issues**

The following is offered as general guidance to assist you in complying with the obligations set out in this policy. When in doubt, seek further guidance from the Administrative Services Director or City Council Administrator.

### **Protected and Non-Protected Speech**

There may be times when personal use of social media, whether during or outside the work day, may spill over into the workplace and become the basis for employee discipline. Examples of situations where this might occur include:

- Friendships, dating, or romance between co-workers;
- Cyber-bullying, stalking, or harassment;
- Release of confidential or private data;
- Unlawful activities;
- Misuse of city-owned social media;
- Inappropriate use of the city's name, logo, or the employee's position or title; or
- Using city-owned equipment or city-time for extensive personal social media use.

As a general matter, public employees have a First Amendment right to use social media to express their views on matters of public concern. However, this right is not absolute. For example, when public employees make statements pursuant to their official job duties, they are not speaking as citizens for First Amendment purposes and, therefore, their speech is not constitutionally protected. When public employees are speaking pursuant to their official job duties, they must follow their supervisor's directives and any policies of the public employer. Employees may be disciplined for

speech that is not protected under the Constitution or federal or state law.

Even when speech touches on a matter of public concern and is not pursuant to an employee's job duties, an employee's free speech rights must be balanced against the City's right to maintain efficient operations and an environment that is conducive to working. When balancing these rights, the courts have held that a public employee's speech is not protected if it would create disharmony in the workplace, impede the employee's ability to perform his or her job duties, significantly impair the working relationship with other employees who work closely with the speaker, or significantly harm the employer's image. Accordingly, employees may be disciplined for speech that creates disharmony in the workplace, impedes the employee's ability to perform his or her job duties, significantly impairs the working relationship with other employees who work closely with the speaker, or significantly harms the City's image.

### **Privacy, Confidentiality, and Information Security**

You should **not** publish or report on conversations or information that is deemed confidential or classified or deals with matters that are internal in nature.

### **Copyright**

You should respect copyright laws and fair use of copyrighted material and attribute work to the original author and/or source wherever possible.

### **Harassment and Bullying**

The City of Red Wing's Respectful Workplace Policy also applies online and in the physical workplace.

Workplace bullying and harassment includes any bullying or harassing comments employees make online during or outside work hours. This includes, but is not limited to, bullying or harassing comments posted by employees outside of work hours on personal or private social media accounts using personal devices outside the workplace.

Abusive, harassing, threatening, or defaming postings are in breach of the City of Red Wing Respectful Workplace *Policy*, and may result in disciplinary action being taken.

All employees are expected to treat their colleagues with respect and dignity and must ensure their behavior does not constitute bullying and/or harassment.

### **Defamation**

You should refrain from publishing material or comments in your capacity as an employee that are false, misleading, or may cause injury to another person, organization, association, or company's reputation, and should seek further guidance from a supervisor or Administrative Services if publication of such material is thought to be necessary for any reason.

## **Offensive or Obscene Material**

Material may be offensive or obscene and may infringe relevant online classification laws if it is pornographic, sexually suggestive, harassing, hateful, racist, sexist, abusive, or discriminatory. You must not open, post, send, or share such material while on duty or acting in your official capacity as an employee unless authorized and necessary in the course of your official duties.

## **Data Ownership**

All social media communications or messages composed, sent, or received on City equipment in an official capacity are the property of the City and will be subject to the Minnesota Government Data Practices Act. This law classifies certain information as available to the public upon request. The City also maintains the sole property rights to any image, video, or audio captured while a City employee is representing the City in any capacity.

The City retains the right to monitor employee's social media use on City equipment and will exercise its right as necessary. Users should have no expectation of privacy. Social media is not a secure means of communication.

## **Consequences for Violations of Policy**

Employees who violate this policy may be subject to discipline, up to and including discharge. The level of discipline will depend on the nature and severity of the offense. Any information that employees create, transmit, download, exchange, or discuss through public social media or any public online forum may be accessed by the City at any time without prior notice. Employees should expect that any such information will exist in some electronic form forever, whether on the original site or copied to some other site or memory storage. To the greatest extent permitted under the law, the City will cooperate with local, state, and federal authorities involved in investigating employee activity through social media.

Employees who engage in personal use of social media must recognize that the public may have difficulty discerning between private (personal) activity and public (professional) activity. Employees must also recognize the risk of harm to the City and their own reputation and the embarrassment that can occur from engaging in inappropriate or questionable use of social media. Such harm can be longstanding, because information published on social media can be widely distributed and easily accessible for a long period of time.

Employees are expected to exercise good judgment when using social media. Employees are also expected to be thoughtful about how they present themselves through social media and the impact that using offensive, obscene, profane, or vulgar language may have on their effectiveness as an employee of the City of Red Wing.