



**TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE AGENDA
SEPTEMBER 27, 2022
TELECONFERENCE
5:00 PM**

*Mary Badame, Council Member
Marico Sayoc, Council Member*

IMPORTANT NOTICE

This meeting is being conducted utilizing teleconferencing and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.). Consistent with AB 361 and Town of Los Gatos Resolution 2021-044, this meeting will not be physically open to the public and the Council will be teleconferencing from remote locations. Members of the public can only participate in the meeting by joining the Zoom webinar (log in information provided below).

PARTICIPATION

To provide oral comments in real-time during the meeting:

- **Zoom webinar.** Join from a PC, Mac, iPad, iPhone or Android device: Please click this URL to join. <https://losgatosca.gov.zoom.us/j/81677932405?pwd=N1NvRDVMM0JmdFNhWkQwaEhLSGZPd09> Passcode: 201843. You can also type in 816 7793 2405 in the “Join a Meeting” page on the Zoom website at <https://zoom.us/join>.
- **Join by telephone.** Dial: USA 877 336 1839 US Toll-free or 636 651 0008 US Toll. Conference code: 686100

When the Chair announces the item for which you wish to speak, click the “raise hand” feature in Zoom. If you are participating by phone on the Zoom app, press *9 on your telephone keypad to raise your hand. If you are participating by calling in, press #2 on your telephone keypad to raise your hand.

When called to speak, you will be asked to provide your full name and your town/city of residence. This identifying information is optional and not a requirement for participation. Please limit your comments to three (3) minutes, or such other time as the Chair may decide, consistent with the time limit for speakers at a Council Policy Committee meeting. If you wish to speak to an item or items on the Consent Calendar, please state which item number(s) you are commenting on at the beginning of your time.

If you are unable to participate in real-time, you may email to PublicComment@losgatosca.gov the subject line “Public Comment Item #__” (insert the item number relevant to your comment) or “Verbal Communications – Non-Agenda Item.” Comments received by 11:00 a.m. the day of the meeting will be reviewed and distributed before the meeting. All comments received will become part of the record.

REMOTE LOCATION PARTICIPANTS

The following Committee Members are listed to permit them to appear electronically or telephonically at the Policy Committee meeting: CHAIR MARY BADAME, VICE CHAIR MARICO SAYOC. All votes during the teleconferencing session will be conducted by roll call vote.

RULES OF DECORUM AND CIVILITY

To conduct the business of the community in an effective and efficient manner, please follow the meeting guidelines set forth in the Town Code and State law.

The Town does not tolerate disruptive conduct, which includes but is not limited to:

- addressing the town Council without first being recognized;
- interrupting speakers, Town Council, or Town staff;
- continuing to speak after the allotted time has expired;
- failing to relinquish the microphone when directed to do so;
- repetitiously addressing the same subject.

Town Policy does not allow speakers to cede their commenting time to another speaker. Disruption of the meeting may result in a violation of Penal Code 403.

MEETING CALL TO ORDER

ROLL CALL

CONSENT ITEMS *(Items appearing on the Consent Items are considered routine Town business and may be approved by one motion. Any member of the Committee may request to have an item removed from the Consent Items for comment and action. Members of the public may provide input on any or multiple Consent Item(s) when the Chair asks for public comments on the Consent Items. If you wish to comment, please follow the Participation Instructions contained on Page 2 of this agenda. If an item is removed, the Chair has the sole discretion to determine when the item will be heard.)*

1. Approve Draft Minutes of the August 23, 2022 Council Policy Committee Meeting.

VERBAL COMMUNICATIONS *(Members of the public are welcome to address the Committee on any matter that is not listed on the agenda. To ensure all agenda items are heard and unless additional time is authorized by the Chair, this portion of the agenda is limited to 30 minutes and no more than three (3) minutes per speaker. In the event additional speakers were not able to be heard during the initial Verbal Communications portion of the agenda, an additional Verbal Communications will be opened prior to adjournment.)*

OTHER BUSINESS *(Up to three minutes may be allotted to each speaker on any of the following items.)*

2. Discuss and Recommend Updates to the Social Media Policy to the Town Council.
3. Discuss and Provide Direction for Potential Modifications to the Town Council Code of Conduct, Town Council Policy 2-04.

ADJOURNMENT



**TOWN OF LOS GATOS
TOWN COUNCIL
POLICY COMMITTEE**

MEETING DATE: 09/27/2022

ITEM NO: 1

**DRAFT
Minutes of the Town Council Policy Committee Meeting
August 23, 2022**

The Town Council Policy Committee of the Town of Los Gatos conducted a regular meeting utilizing teleconference and electronic means consistent with Government Code Section 54953, as Amended by Assembly Bill 361, in response to the state of emergency relating to COVID-19 and enabling teleconferencing accommodations by suspending or waiving specified provisions in the Ralph M. Brown Act (Government Code § 54950 et seq.) and Town of Los Gatos Resolution 2021-044 on Tuesday, August 23, 2022, at 5:00 p.m.

MEETING CALLED TO ORDER AT 5:00 P.M.

ROLL CALL

Members Present: Mary Badame, Marico Sayoc.

Staff Present: Laurel Prevetti, Town Manager; Gabrielle Whelan, Town Attorney; Wendy Wood, Town Clerk; Joel Paulson, Community Development Department Director; Jennifer Armer, Planning Manager; Holly Young, Senior Management Analyst.

CONSENT ITEMS (TO BE ACTED UPON BY A SINGLE MOTION)

1. Approve Draft Minutes of the June 28, 2022 Council Policy Committee.

Approved.

VERBAL COMMUNICATIONS

None.

OTHER BUSINESS

2. Discussion and Direction for Potential Modifications to the Remote Participation Provisions Contained in Town Council Policy 2-01: Town Agenda Format and Rules.

Laurel Prevetti, Town Manager, presented the staff report.

Opened public comment.

PAGE 2 OF 2

SUBJECT: Draft Minutes of the Council Policy Committee Meeting of August 23, 2022

DATE: September 27, 2022

None.

Closed Public Comment.

After discussion, the Committee agreed to forward a recommendation to the Town Council to modify the Policy to allow parental leave to constitute an excused absence.

3. Consider Updates to the Town Core Goals and Guiding Principles to Align with the 2040 General Plan.

Holly Young, Senior Management Analyst, presented the staff report.

Opened public comment.

None.

Closed Public Comment.

After discussion, the Committee agreed to forward a recommendation to the Town Council to update the Town Core Goals and Guiding Principles to align with the 2040 General Plan with slight modifications to the proposed language.

ADJOURNMENT

The meeting adjourned at 5:31 p.m.

This is to certify that the foregoing is a true and correct copy of the minutes of the August 23, 2022 meeting as approved by the Town Council Policy Committee.

Holly Young, Senior Management Analyst



**TOWN OF LOS GATOS
COUNCIL POLICY
COMMITTEE REPORT**

MEETING DATE: 09/27/2022

ITEM NO: 2

DATE: September 14, 2022
TO: Town Council Policy Committee
FROM: Laurel Prevetti, Town Manager
SUBJECT: Discuss and Recommend Updates to the Social Media Policy to the Town Council

RECOMMENDATION:

Discuss and recommend updates to the Social Media Policy to the Town Council.

BACKGROUND:

At its January 25, 2022 meeting, the Council Policy Committee added an update to the Town's Social Media Policy, including guidelines for Elected/Appointed Officials, to its workplan for 2022.

The Town's current Social Media Policy went into effect on September 2, 2015 (see Attachment 1). In the past seven years since this Policy went into effect, much has changed regarding Social Media utilization and peer best practices. The Town's use of social media has increased substantially, social media platforms and government best practices have evolved, and Assembly Bill 992 (AB 992) was passed in 2020 amending the Brown Act to provide social media guidance for public officials.

The Social Media Policy is a public-facing document that is linked on Town social media accounts. It works in tandem with Town staff administrative procedures and especially the Town Communication Plan (Attachment 2).

DISCUSSION:

As part of the update process, staff examined the Town's current social media best practices, consulted with the Town Attorney and the inter-Departmental Town Communication Team,

PREPARED BY: Holly Young
Senior Management Analyst

Reviewed by: Town Manager, Assistant Town Manager, and Town Attorney

DISCUSSION (continued):

examined resources offered by staff membership in the Government Social Media Organization (a professional association for public sector social media professionals), and reached out to other communications professionals in municipalities throughout Santa Clara County. Attached to this report are sample policies from Cupertino (Attachment 3), Los Altos (Attachment 4), Monte Sereno (Attachment 5), Gilroy (Attachment 6), and Government Social Media Organization (Attachment 7).

The proposed 2022 Social Media Policy in Attachment 8 provides substantial updates to the existing policy based on current Town best practices and research into broader public sector social media best practices.

Some internal guidance in the 2015 Social Media Policy is now captured in the Town Communication Plan (e.g., staff procedures for opening a new Town social media account) and has been removed from the proposed 2022 Policy.

An overview of the major proposed additions to the Policy is as follows:

- Adds definitions for the key terms in the Policy.
- Provides clear guidelines for content that is acceptable for posting on Town social media accounts.
- Provides clear guidelines for content that shall not be permitted in connection with Town social media accounts and is subject to removal.
- Adds guidance for Elected/Appointed Town officials who choose to use social media. This includes important information regarding violations of the Brown Act consistent with the update provided by AB 992 pertaining to public officials' use of social media.

CONCLUSION:

Staff recommends that the Policy Committee discuss, provide any additional guidance, and forward a recommendation to the Town Council to approve the proposed updates to the Social Media Policy.

COORDINATION:

This report was coordinated with the Town Attorney, Town Manager's Office, and representatives across Town Departments through the inter-Departmental Communication Team.

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SUBJECT: Social Media Policy Updates

DATE: September 27, 2022

FISCAL IMPACT:

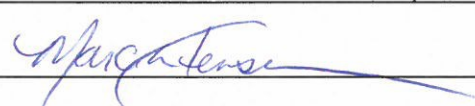
There is no associated fiscal impact.

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

Attachments:

1. Current Social Media Policy
2. Town Communication Plan
3. Cupertino Social Media Policy
4. Los Altos Social Media Policy
5. Monte Sereno Social Media Policy
6. Gilroy Social Media Policy
7. Government Social Media Organization Social Media Policy
8. Proposed 2022 Social Media Policy

Title: Social Media		Policy Number: 2-16
Effective Date: September 2, 2015		Pages: 6
Enabling Actions:	Revised Date:	
Approved: 		

PURPOSE

This policy establishes Town-wide guidelines regarding the appropriate use of social media sites that are created for Town purposes. Social media includes, but is not limited to, internet-based websites that allow two-way communication between the Town and the public, such as social networking and media-sharing websites (e.g., Facebook, Twitter, Instagram, YouTube) and wikis (e.g., Wikipedia). A social media site is created for Town purposes when an account is established on a social media website in accordance with this policy. The Town has an overriding interest and expectation in providing the public with accurate information and protecting the rights of the Town and its employees.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

SCOPE

This policy applies to all employees of the Town and temporary personnel, interns, volunteers, or other individuals performing work and/or engaged in external communications on the Town's behalf. This policy governs all "Electronic Communications" as defined in the Town's Electronic Communications and Information Technology Resources Policy and applies to the Internet and any and all forms of social media as defined in Section I (Purpose) above.

POLICY

The Town of Los Gatos encourages the use of electronic communications to share information in support of its mission of public service and enable it to conduct its business. Electronic communications must be used in compliance with applicable statutes, regulations, and Town policies, including those that require a work environment free from discrimination and harassment.

Attachment 1

Title: Social Media	Page: 2 of 6	Policy Number: 2-16
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A. All electronic communications should conform to the same standards of propriety and respect as any other verbal or written communication at the Town. Employees are expected to use common sense and judgment to avoid any communication which is disrespectful, offensive, or illegal. Employees engaged in the use of electronic communications on behalf of the Town are responsible for complying with all Town Administrative policies.

B. While engaging in electronic communications on behalf of the Town, all employees must identify themselves as Town employees. Unless specifically authorized to engage in electronic communications as part of an employee's official job duties, all other employees must obtain written authorization from his/her Department Director before engaging in electronic communications on behalf of the Town.

C. Employees should not post any information including the contents in any video, photograph, or other electronic media, including but not limited to audio recordings or digital information, which may compromise the safety of the Town, its employees, or work product.

D. All electronic media created while on the job is the property of the Town and subject to all federal and state law, as well as Town codes and policies regarding its confidentiality. Both on and off-duty, employees have the responsibility to protect confidential information by not posting such information on social networking sites.

POLICY IMPLEMENTATION

A. Town of Los Gatos social media sites may be used as a supplement to the Town of Los Gatos website for:

1. Marketing/promotional purposes
2. Community engagement purposes
3. Communicating important Town information quickly to a broad audience

B. The Town of Los Gatos website will remain the Town government's primary and predominant Internet presence.

C. Employees will follow the guidelines set forth in the Social Media Use Standards and Best Practices document.

PROCEDURES

A. Any Town of Los Gatos social media site shall be established and maintained in accordance with the following procedures:

1. The Town will approach the use of social media sites as consistently as possible, Town-wide.
2. Each Town of Los Gatos account established on a social media website must be approved by the Town Manager or his/her designee.
3. For each Town of Los Gatos social media account, the following information will be provided to the Town Manager or his/her designee within one business day of opening and/or closing the account and shall be updated within one day of making any changes to the account or account management responsibilities:
 - a. *Account name and login information;*
 - b. *Date established;*
 - c. *Purpose of account;*
 - d. *Employee primarily responsible for site management and maintenance; and*
 - e. *Date account closed (if applicable)*
4. Each department will have only one account on any social networking or media-sharing site, unless otherwise approved by the Town Manager or designee. Account information, including usernames and passwords, shall be provided to the Town Manager or his/her designee in compliance with this policy.
5. For each social media account, a boilerplate section should contain a department/program description and the following language or a link to the following language:
 - a. “[Insert department] is a department (or an office) of the Town of Los Gatos, www.losgatosca.gov. This page and/or account is intended to serve as a means for communication between the public and department/office. Any comment submitted to this page and/or account and its list of fans, followers, and/or likes may be considered a public record that is subject to disclosure pursuant to the California Public Records Act.”
6. Department Directors shall provide direction to department employees regarding the amount of time spent reviewing and/or participating in the Town’s

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social media sites.

7. Each Town of Los Gatos social media site shall be regularly monitored by the employee designated as the site manager for management and maintenance to ensure comments and postings on the Town's social media sites are in compliance with this policy.

9. In the event that a site receives a posting or other information of relevance to another Town department, the employee primarily responsible for the site will promptly notify the other department of the fact.

10. The Town of Los Gatos social media sites shall be periodically reviewed by the Town Manager or his/her designee for compliance with this policy. Town of Los Gatos social media posts shall be topic specific.

12. The following Comment Policy disclaimer must be included on the site or from a link on the site whenever comments are enabled:

- a. "This page and/or account is intended to serve as a means of communication between the public and the Town of Los Gatos. Comments posted to this page and/or account will be monitored during regular Town business hours only. The Town reserves the right to remove comments that include any of the following: language that is profane, discriminatory or sexual in nature, or threatens or defames any person or organization, or violates the legal ownership rights of another party, or supports or opposes political candidates or ballot measures, or encourages or promotes illegal activity, or solicits or promotes commercial services or products, or contains comments that are not topically related to the particular post being commented upon, or compromises the safety or security of the public, public systems, or Town employees. Any content posted to the page and/or account is subject to public disclosure."

13. Whenever possible, information posted on Town of Los Gatos social media sites shall also be available on the Town's website.

14. Whenever possible, postings on Town of Los Gatos social media sites shall contain links to the Town website to provide the public with access to more in-depth information, forms, documents, or online services.

15. Postings must only contain information that is freely available to the public and not be confidential as defined by any Town policy or state or federal law.

16. Postings may not contain any personal information, except for the names

of the employees whose job duties include being available for contact by the public.

17. When posting a video, the department must secure permission from the author or owner for the right to use all of, or part of a video if the video was not produced by the department or any other Town department.

18. All Town of Los Gatos social media sites shall have Town of Los Gatos contact information, the Town logo and a link to site use policies prominently displayed.

19. The Town may cancel or otherwise terminate any Town of Los Gatos social media site at any time, provided, however, those records of the site shall be maintained in accordance with the Records Retention Program following cancellation or termination.

20. All content on the Town of Los Gatos social media sites is subject to the Town's Records Retention Policy.

21. Records must be maintained for at least two years or a longer retention period, as indicated in the Town's Records Retention Policy, in a format that preserves the integrity of the record and is readily accessible.

22. All content posted to the Town of Los Gatos social media sites shall comply with the Town's website policy. All content on the Town of Los Gatos social media sites is subject to the California Public Records Act and subject to public disclosure.

23. Use of the Town of Los Gatos social media sites by members of the Town Council, Town Commissions, and other official Town committees is subject to the Ralph M. Brown Act (California's open meeting law).

24. All content on the Town of Los Gatos social media sites should comply with the Town of Los Gatos Electronic Communication and Information Technology Resources policy.

25. Town employees and officials who are using the Town social media sites are expected to represent themselves and the Town in a way that is consistent with this policy.

26. Town of Los Gatos social media sites shall not be used to endorse, support, oppose or comment on any political campaign, ballot measures, social issues, causes, religion, product, service, company, or other commercial entity unless expressly authorized.

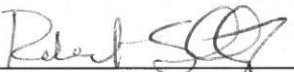
27. The use of Town of Los Gatos social media pages and/or accounts for fundraising activities is prohibited in accordance with the Town's Solicitation and Donation Policy.

Title: Social Media	Page: 6 of 6	Policy Number: 2-16
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28. Any employee authorized to post items on any of the Town's social media sites shall not express his or her own personal views or concerns through such postings. Instead, postings on any of the Town's social media sites by an authorized Town employee shall only reflect the views of the Town.

29. In the event of an emergency, the Town Manager may suspend, modify or restrict provisions of this policy. In those instances, the policy adjustments are temporary until such time as the Town Manager deems that the emergency is addressed. After the emergency, the temporary policy adjustments will cease and the regular provisions outlined in this document prevail.

APPROVED AS TO FORM:


 Robert Schultz, Town Attorney



TOWN OF LOS GATOS

Communication Administrative Plan

Communication Administrative Plan Table of Contents

1. Introduction
2. Communication Mission, Goals, and Objectives
3. Target Audiences
4. Communications Team
5. Current Communication Tools - External
 - A. Branding and Use of Town Seal
 - B. General Content Guidelines
 - C. Website
 - D. Social Media
 - E. Staff Reports
 - F. Media Inquiries
6. Current Communication Tools – Internal
7. Justice, Equity, Diversity, and Inclusion in Communications
8. Emergency and Crisis Communications
9. Appendix
 - A. Formatting and Branding specifics
 - B. Visual Brand Guidelines (colors and new logo)
 - C. Writing Guide (from General Plan)
 - D. Social Media Policy
 - E. Accessibility Best Practices
 - F. Social Media Request Form
 - G. Photo Release Form
 - H. Staff Report Sample Template
 - I. Electronic Communications and Internet Technology Resources Procedure
 - J. Communications Team Members Who Participated in the Preparation of this Plan

1. Introduction

Effective communication, both internal and external, is vital in any organizational environment as a means of promoting the organization's mission, vision, and values. Due to the rapid growth of alternative communication platforms, such as social media channels, and their use by our residents, it is essential to create a strategic Communications Administrative Plan to assist the many employees and Departments that communicate with the public. Since involving and informing the community is a priority in the Los Gatos Town Council's decision-making process, the ability to reach residents for their input is extremely important.

The goal of the plan is to improve both external communications with the community and internal communication among departments and employees.

The Town is committed to utilizing a variety of tools to communicate effectively with the media and the public. The benefits include:

- Informing the public of the services the Town provides;
- Promoting the Town's achievements, activities, and events of significance;
- Expanding the general visibility of the Town;
- Expanding the community's involvement in decision-making processes;
- Ensuring that accurate information is conveyed to the public in emergencies and with issues of a controversial and/or sensitive nature; and
- Creating and maintaining credibility and ensuring public trust.

In addition to procedural recommendations, this plan formalizes the role of the interdepartmental Communications Team as an integral part of organizational communications by having each member serve as a communications resource in their respective Departments and by meeting on a regular basis to discuss ongoing and emerging communications issues. Appendix J identifies the Communications Team members who contributed to the preparation of this Plan.

2. Communication Mission, Goals, and Objectives:

Town of Los Gatos Communication Mission:

- Provide timely, proactive, accurate, coordinated, and relevant public information using a variety of channels to reach as many community members as possible and promotes the Town's values, demonstrates Town staff expertise, and results in high quality communication.
- Enhance communication with the residents and businesses in Town and the region by proactively identifying emerging issues, improving long-range communication strategies, and communicating key issues, policy decisions, and actions taken by the Town Council.
- Foster communication to enhance transparency and credibility with all stakeholders.
- Promote equal treatment, equitable distribution of and access to resources, and engagement in issues affecting the lives of Los Gatos residents, workers, and visitors.

Goal, Objectives, and Principles:

The **Goal** of the Town Communication Administrative Plan is to provide guidance on the Town's expectations, practices, and outcomes for internal communications to Town employees and external communications to the community, agencies, vendors, and other stakeholders interacting with the Town of Los Gatos.

The Communication Administrative Plan strives to accomplish the following **Objectives**:

1. Support the Town Council's Vision and Strategic Goals, especially by reporting to specific target audiences on the components, activities, and programs that are advancing the Council's objectives;
2. Facilitate two-way dialogue between Town government and Los Gatos community members so they have the opportunity to be actively engaged in decision-making and are aware of Town services and activities;
3. Enhance communications at and among all levels of Town government, with the concept that all elected and appointed officials and Town employees are communicators and ambassadors for the organization on a day-to-day basis;
4. Ensure that all communications/marketing materials are coordinated and consistent in design and content, thereby presenting a united and professional image of the Town; and
5. Position Los Gatos as a unique community and destination with a dynamic population and quality of life, along with a local government that is responsive to its residents, while also encouraging their participation.

Effective communications with the media and the public shall be accomplished both responsively and proactively utilizing the following **Principles**:

Commitment to Collaboration

- Tell our story.
- Be proactive.
- Increase participation.
- Enhance accessibility to local government and the services the Town offers.
- Provide balance: Information provided to the public will be objective, balanced, accurate, informative, and timely.

Commitment to Serving the Community

- Provide clear, relevant, and timely information about the Town and its services, projects, achievements, and emerging issues.
- Foster public confidence through transparency of decision-making and outcomes.
- Increase transparency in all communication: The Town promotes openness and accessibility in all communications, whilst complying with the law and maintaining confidentiality when appropriate.

Commitment to Creativity

- Promote creative ways to tell our story to our audience.
- Stay abreast of emerging communication tools and techniques.

Commitment to Character

- Use consistent communications both internally and externally.
- Ensure communication is both accurate and timely.
- Provide the community an accurate idea of the Town's responsibilities, current issues, and opportunities.
- Protect and grow positive relations with all stakeholders.
- Promote honesty by being open and honest and never knowingly mislead the public, media, or staff on an issue or news story.

3. Target Audiences

The process of identifying and prioritizing the Town's target audiences is a key component of this Communication Plan. Understanding the audience enables the Town to better relate to its social environment and the unique needs of different groups.

- Residents/Businesses/Visitors of Los Gatos - The Los Gatos community is the highest priority audience. Strengthening the relationship between Town government and residents, property owners, businesses, and people who come to work, dine, shop, worship, or recreate in Town is the foundation of this Communication Administrative Plan. The audience includes but is not limited to: local businesses, residents, community-based organization (CBOs), faith-based organizations (FBOs), schools, and all people who come to Los Gatos to dine, work, worship, shop, and recreate.
- Members of Town Council, Boards, Commissions, and Committees - While these individuals are also residents of Los Gatos, it is important to recognize the work they do on behalf of the Town, and that they communicate on behalf of the Town.
- Town Employees - People employed by the Town of Los Gatos are both part of the target audience and are an integral part of the success of the Communication Plan. All employees reflect the values of the Town in their daily work.
- News Media - The media outlets are important because their coverage of the Town has significant influence on the public's view of government. "Media outlets" include a variety of print, web, and broadcast mediums.

4. Communications Team

Coordinated by the Town Manager's Office, the Communication Team is an interdepartmental team comprised of staff from all Departments and all levels of the Town organization who have responsibility for public information. The Communications Team strives to ensure greater coordination for consistency of messaging, sharing of resources and knowledge, and more effectively plan for, produce, and distribute Town information.

The Communications Team is responsible for the development, implementation, and maintenance of this plan. The Communications Team coordinates and enables the decentralization of communication among Town Departments. The use of this decentralized organization for the implementation of the Communication Administrative Plan compliments the principal of open communication. With decentralization there must be a commitment by Team members to presenting a consistent, focused message to the community.

The Communications Team is comprised of Town employees who are already producing and distributing communications materials within their Departments. Each Department will be responsible for identifying at least one representative for the Team. It will be the responsibility of the Department representative(s) to ensure that the Communication Administrative Plan is promulgated and adhered to within their Departments. The Team members are required to be abreast of best practices by affiliation with media, communication organizations, and participation in relevant training. Team members should track social media metrics to better understand what types of messaging is resonating with the recipients.

The team will meet monthly and implement this plan utilizing a phased approach.



5. Communication Tools – External

A. Branding and Use of Town Seal

i. The Town seal should be used on all formal, official Town documents and communications.

Examples of appropriate use of the Town seal include:

1. Profile photo for Town main social media accounts
2. Letterhead
3. Forms and applications
4. Slideshows and presentations
5. Town apparel worn by staff while on official Town business
6. Email signature blocks

ii. Specific guidelines for use of the Town seal, creating email signature blocks, and other formatting specifics may be found in the “Formatting and Branding” Appendix.

iii. The new Town branding introduced in 2019 may be used for more informal marketing and branding purposes. The design is simple, printer-friendly, and easily identified as associated with the Town of Los Gatos on marketing and promotional materials. Examples of appropriate use of the new branding include:

1. Social media graphics
2. Flyers, banners, and posters
3. Postcards and mailings
4. Promotional materials such as mugs or cups
5. Town apparel worn by staff either while on Town business or outside of work
6. Annual Report

iv. Specific guidelines for use of the new Town branding, including official fonts and Town colors can be found in the “Los Gatos Visual Brand Guidelines” Appendix.

B. General Content Guidelines:

When creating or editing content on the official Town website and social media accounts, authorized users shall:

- Be respectful, professional, ethical, and comply with all Town policies, local, State, and Federal laws.
- Use plain language and proper grammar. Avoid technical terms or abbreviations unless there is a common understanding of its meaning.
- Ensure the information communicated is accurate and complete. If a mistake is made, it should be disclosed and promptly corrected.
- Be transparent, truthful, careful, and considerate. Keep in mind that once content is posted online, it will remain in perpetuity.
- Stay current and be consistent with the goals of the Town.

When using official accounts, authorized users shall not:

- Post personal information, except for the names of Town employees whose job duties include being available for contact by the public.
- Post something that makes them feel uncomfortable. Users should trust their instincts and contact a supervisor with any concerns.
- Express personal views or concerns through postings.
- Reveal any confidential information as defined by any Town policy, or local, State, or Federal law.
- Post anything that would infringe upon another's property rights, such as copyrighted material.
- Post anything that would injure another person's or entity's professional or personal reputation.
- Post any content that engages in political or religious advocacy.
- Post any content that is prohibited (as listed below).

The following content is prohibited on all official Town accounts:

- Content unrelated to the Town or specified post topic.
- Violent and/or pornographic content.
- Content promoting discrimination on the basis of race, creed, color, age, religion, sexual orientation, gender, disability, veteran status, national origin, or any other legally protected class.
- Profane language or content.
- Solicitations of commerce, including but not limited to advertising of any business or product for sale.
- Violations of any law, threats, and/or promotion of violence or illegal activity.
- Content compromising public safety or security.
- Content supporting or opposing any political candidate or campaign, including ballot measures.
- Content that violates a legal ownership interest of any other party.
- Apparent spam, content posted by automatic software programs (i.e., "bots"), or comments containing links to malware and/or malicious content that affects the normal functioning of a computer system, servers, or browser.
- Duplicate comments posted repeatedly within a short period of time.
- Personal attacks or comments containing actual defamation against a person, either as determined by a court or comments that are patently defamatory by easily discovered facts.
- Private or personal information posted without consent.

C. Website:

The Town website represents the Town as a whole and serves as a primary means for the public to obtain accurate information, complete business, find resources, and participate in Town government. The website demonstrates the Town's commitment to transparency and accessibility to local government. The purpose of the Town website is to provide pertinent information to the public, conduct business with the Town, and promote Town goals as guided by the Town Council. The Town's website provides useful and practical information available to residents, businesses, and visitors.

i. WEBSITE USER DEFINITIONS

1. Website Administrator: Has the ability to edit the Town website in its entirety, manage users, and grant permissions in consultation with the Department Director.
2. Website Back-End User: Has the ability to edit Department pages with direction from the Department Director or Website Administrator.
3. Narrow Access User: Has the ability to edit only specific pages (i.e., Department interns may be granted narrow access to specified Department pages)

ii. WEBSITE BEST PRACTICES

1. All requests for new Website Administrator and Website Back-End Users must first be approved by the Department Director.
2. Each Department has the responsibility of maintaining and editing their own webpages. Questions regarding user permissions or content should be directed to the Town Manager's Office.
3. Whenever possible, link to the source of information instead of creating a separate document that would require oversight and updates.
4. Limit content to relevant Town-related material.
5. Department landing pages should have a brief introduction to the Department with relevant links and a consistent appearance.
6. Reviews and updates to Department webpages should be done as needed and at least annually.
7. Content added to the website should be designed to be as accessible as possible to people with disabilities (see Appendix F).
8. Information should be accessible with the fewest "clicks" possible.

iii. EXTERNAL LINKS

1. Information and links from external sources posted on the Town website should specifically address information regarding Town services, Departments, officials, programs, safety and disaster preparedness, emergency alerts, meetings, recognition, recruitment, history, community, and/or offerings specifically related to or originating from the Town.

The Town may post Town-affiliated or Town-sponsored information from Town Departments, Town government agency partners, relevant media outlets (local, regional, State), and/or organizations that have co-sponsored an event with the Town.

The Town may post information from non-profits providing housing or philanthropical services in Los Gatos that the Town has partnered with or sponsored an event with.

Events from non-profits providing housing or philanthropical services in Los Gatos that the Town has not partnered with or sponsored the event with should not be posted on the Town website.

The Town may post information from the official sites or accounts of local, State, and Federal government or quasi-government agencies.

The Town reserves the right to deny requests to post external links or information that do not fall into any of these categories.

2. The following links are prohibited on the Town's official website:
 - a. Links to personal websites;
 - b. Links to commercial or religious websites (except as allowed by the above criteria);
 - c. Links to sites associated with, sponsored by, or serving a candidate for elected office, any political party, or organization supporting of seeking to defeat any candidate from elected office or ballot proposal;
 - d. Links to websites with obscene or objectionable images or text; and/or
 - e. Links which point to content on the Town's intranet or other servers inside the Town's firewall.

D. Social Media:

Social media refers to websites and applications that enable users to create and share content. Examples of current social media channels the Town utilizes are Facebook, Instagram, Twitter, LinkedIn, and Nextdoor. Many people engage with the Town via social media. These channels are important tools for the community to learn of events, obtain news, and receive emergency notifications. The Town recognizes the importance social media to improve communication and interaction with the public while reaching new and broader audiences in addition to traditional media sources. The Town endorses the use of these tools, realizing the positive effect they can have on employees, the community, and the business of the Town. It is critical that the information going out on these social media channels is both engaging and accurate.

i. New Social Media Accounts:

1. Before opening new accounts, Town Departments and Town Boards, Commissions, and Committees should check with the Town Communications Team for review and for submittal to the Town Manager for approval.
2. Departmental accounts will be managed and maintained by the Department.
3. Town Board, Commission, or Committee accounts will be managed and maintained by the Committee's Town staff liaison. Committee members may be granted editing rights to certain social media pages, and the liaison will maintain page administrative rights.
4. Use of social media accounts by Town Boards, Committees, and Commissions is subject to the Ralph M. Brown Act (California's open meeting law).

ii. Authorized Social Media Users:

1. Only authorized staff may post on official social media accounts as authorized social media users. Social media users are authorized by the Department Director and Town Manager.
2. Authorized social media users will regularly review and comply with the Town's policies on use of official accounts including the Social Media Policy.
3. Authorized social media users should monitor, use, and interact on official accounts only during regular work hours. This restriction does not apply to employees that are classified as FLSA "Exempt." In the event of an emergency incident, social media users may be asked to monitor, use, and interact on official accounts outside of regular work hours.
4. Social media requests for posting content on pages managed by the Town Manager's Office should be submitted by staff, in writing using the Social Media Request form, to their Department Director. Once approved by the Department Director, social media requests are routed through the Town Manager's Office for posting. Please see the "Social Media Request Form" Appendix and this form is available on the Town's Shared Drive.
5. Authorized Department staff may post on official social media accounts using the Tier System outlined below as a guide:

Tier 1 (Post freely as needed)

- b. Safety – Road closure, inclement weather, public health and safety concerns, upcoming construction, etc.
- c. Town Information/Meetings/Programming/Events – Special events, Town programs and services, upcoming meetings, recognition, recruitment, etc.
- d. Community – Parks and trails, Los Gatos history, available Town services, etc.
- e. How to – Contact a specific Department, apply for a permit, view a Council meeting, etc.

Tier 2 (Requires Supervisor/Director/Potentially Town Manager Approval)

- f. Information that requires research and interpretation or is highly controversial or politically charged.

Tier 3 (Requires Town Manager Approval)

- g. Critical Incident
- h. Press Release

iii. Interacting with Other Social Media Accounts

1. As a general rule, the Town social media accounts only follow social media accounts associated with Town business. The Town should not endorse individuals or specific businesses. However, interacting with other social media accounts can be a useful tool in informing residents about Town activities, policies, and issues. Authorized

social media users should use sound judgment when interacting with other social media accounts because those interactions may be easily misinterpreted. Interacting or sharing, as used in this document, includes, but is not limited to: “likes,” “tweets,” “posts,” or “following” on social media platforms.

- a. The Town should not like or follow the accounts of individual community members or campaign accounts.
 - b. It is acceptable for the Town to follow social media accounts of other public municipalities, public agency partners (i.e., County Fire Department), local non-profit groups or organizations providing housing or philanthropic services in Los Gatos, or local businesses.
2. When considering interacting with non-Town social media accounts consider the following:
 - a. Read all information in the original and any other relevant post, tweet, or link thoroughly before interacting with it to ensure that it accurately enhances community knowledge about Town activities, issues, policies, and priorities. If the content does not specifically address the Town, it should be of relevant regional interest to the particular official account’s audience.
 - b. Provide information that is consistent with the Town’s goals.
 - c. Clearly identify the external source of the information (post, tweet, link, etc.)
3. Authorized social media users are encouraged to interact with other social media accounts operated by the Town, other government agencies, or businesses that are promoting the Town’s projects or goals. The following are some examples of appropriate accounts for comments, likes, or post sharing:
 - a. Other governments or quasi-government agencies relevant to the subject matter.
 - b. Individual pages of Town Departments (i.e., Police Department, Library), Town government agency partners, and/or organizations that are under contract with the Town for programming (e.g., Music in the Park, Los Gatos-Saratoga Recreation, etc.
 - c. Non-profit organizations providing housing or philanthropic services in Los Gatos (The Town may post information from non-profits providing housing or philanthropic services in Los Gatos with whom the Town has a contractual partnership. Information from non-profits providing housing or philanthropic services in Los Gatos that are not in a contractual partnership with the Town may be “shared” on the Town’s social media accounts, but not posted directly to the Town’s social media accounts.).
 - d. Relevant media outlets (local, regional, state).

- e. Utility, energy, water, recycling, waste management and/or other Los Gatos service providers. Examples include: PG&E, Silicon Valley Clean Energy, West Valley Collection & Recycling, etc.

iv. Managing Public Comments:

1. The goal of utilizing social media accounts is to keep the community engaged, and to position the Town as a reputable and reliable source of timely and accurate information. Therefore, questions, comments, and direct messages via the Town's social media channels should be responded to as promptly as possible. When comments appear rude in nature, one polite response should be provided; do not engage in a back and forth with the user.
2. Public comments are allowed on official accounts. To the extent possible, an appropriate legal disclaimer should be posted to the account. An example of the legal disclaimer is as follows:

"This page and/or account is intended to serve as a means of communication between the public and the Town of Los Gatos. Comments posted to this page and/or account will be monitored during regular Town business hours only. The Town reserves the right to remove comments that include any of the following: language that is profane, discriminatory or sexual in nature, or threatens or defames any person or organization, or violates the legal ownership rights of another party, or supports or opposes political candidates or ballot measures, or encourages or promotes illegal activity, or solicits or promotes commercial services or products, or contains comments that are not typically related to the particular post being commented upon, or compromises the safety or security of the public, public systems, or Town employees. Any content posted to the page and/or account is subject to public disclosure. Town of Los Gatos Facebook page is a department (or an office) of the Town of Los Gatos, www.losgatosca.gov. This page and/or account is intended to serve as a means for communication between the public and department/office. Any comment submitted to this page and/or account and its list of fans, followers, and/or likes may be considered a public record that is subject to disclosure pursuant to the California Public Records Act."

3. Individuals shall not be blocked and content on official accounts shall not be deleted simply because they are critical of the Town, its officials, or employees, or because the agency or authorized user otherwise dislikes what the content says or represents. Content may be deleted only when it violates the Town Social Media Policy. Any content removed from an official account must be approved by the Town Manager in conjunction with the Town Attorney and retained in accordance with the California Public Records Act.
4. Freedom of speech should be protected on all posts. In general, comments should not be deleted unless absolutely necessary. Threats should not be deleted and should instead be forwarded to law enforcement. Comments should generally be allowed on all posts. Keywords should not be blocked. Hiding comments decreases

public transparency and should not be done. Keep in mind that the public is able to recognize internet “trolls.”

5. Content that violates the social media platform’s guidelines may be reported directly to the platform.
6. Any content published on an official account may be considered a public record for purposes of the California Public Records Act and subject to the Town’s Records Retention Policy.

v. Use of Images:

1. Any photos of the public posted to Town social media accounts must be taken in a plainly visible public space without a reasonable expectation of privacy, unless consent for the photo to be used on social media has been given. People may be asked for permission to use their photos on Town social media when possible. A Photo Release Form may also be signed when appropriate. Please see “Photo Release Form” Appendix.
2. No images should be posted that infringe on property rights, such as those protected by copyright.
3. Town events, activities, and programs should have the following information posted so that photographs may be used on social media:

“By entering event premises you consent to photography, video, and audio recording and their release to be used for print, website, advertising and/or social media for promotional purposes by the Town of Los Gatos staff or representatives. Images and video may be used to publicly highlight events or promote similar future events for the Town of Los Gatos. By entering the event premises you waive all rights you may have to any claims in connection with use, publication, print distribution, and/or digital distribution, of these images or recordings for promotional purposes. You release the Los Gatos Library and the Town of Los Gatos, its officers and employees, and all persons involved from any liability connected with the taking of images, the recording of audio and video, and their publication. You have been informed of your consent, waiver of liability, and release before entering the event.”

vi. Emojis, Hashtags and Other Trends Unique to Social Media:

The Town is walking a delicate line between professionalism and engagement, using the clearest method available to convey the message. Some trends (i.e., hashtags) are beneficial for users and staff to search for content or to share content with an appropriate audience, so it’s acceptable to use them when appropriate.

vii. Best Practices:

1. The Town’s social media communications should drive people to the Town’s website for more in-depth information.

2. If a question or comment is common knowledge or within the social media user's area of expertise, they should answer the question or respond to the comment.
3. If a question would be better answered by another staff member, refer the question to that person. If a timely response is received, provide both the response and contact information for the appropriate Department in the reply. If a timely response is not received, provide the appropriate Department's contact information and alert them to the question.
4. In the case of a controversial comment, highly-charged political comment, or a comment that requires a response from a Director level or above, forward the comment to the Director and copy the Town Manager.
5. Give credit where credit is due - if citing other site's content, indicate where the content came from.
6. Social media passwords should be changed at least once per year for security.
7. All social media accounts should include a link to the Social Media Policy.
8. The Town should adhere to all rules/guidelines of the social media platforms used for Town social media accounts. For example, Facebook does not allow "dummy" accounts to be used to manage official Government pages. If the platform's guidelines are not followed, the Town risks losing access to its Town social media accounts.

viii. Personal Use of Social Media:

While the Town does not monitor employees' personal social media accounts, the following are suggested guidelines to follow when referring to the Town in order to ensure a distinction between sharing personal and agency views/information.

1. While employees may voluntarily choose to engage with the Town on its official social media accounts, the Town does not require any employee to follow or "like" official social media accounts.
2. The Town does not condone the personal use by employees of social media during the working hours by any means, including by using Town-owned equipment. Employees have no right or expectation of privacy when using Town-owned devices or systems. The Town reserves the right to monitor, search, or disclose employee use of Town resources.
3. When an employee uses social media in a personal capacity, they are doing so for themselves and they are not speaking nor communicating on behalf of the Town. Employees should make certain that it does not appear that they are speaking or posting for the Town unless authorized to do so.
4. The personal use of social media by an employee in a manner that violates any Town policy or procedure will not be tolerated and may be grounds for disciplinary action. Employees are expected to comply with the same ethical and performance standards

online as in the workplace. Using social media in a way that adversely impacts a job, co-workers, the Town, or the public is prohibited. Employees may not use their official Town email address to create or maintain any personal social media accounts or sites.

5. Employees may not post any content on the internet or social media that constitutes or contains Town confidential, proprietary, privileged, private, personal, or other non-public information.

6. Employees are prohibited from using the Town logo or seal, representing the Town, or representing that they speak on behalf of the Town within their personal social media accounts or sites. Employees must also make clear in any online activity that the views and opinions they express about work-related matters are their own, have not been reviewed by the Town, and do not necessarily represent the views and opinions of the Town.

E. Staff Reports:

Staff reports should demonstrate skills in strategic and creative thinking, analysis, and communication. They should tell the Town's story and serve as a legacy. Available online, staff Reports are read by Town Council, Board/Committee/Commission members, Town staff, and the general public. Staff reports should also serve as the primary way for employees to communicate with the Town Council. Any email communications with Council Members should go through the Town Manager with copy to the appropriate Department Director.

Before beginning to write a staff report, employees should consider the topic, the audience, and the required action. Examples of required actions could be for the Council to receive information, approve or deny a request, adopt resolutions or ordinances, or act on other Town business.

Staff reports should be written using the staff report template with subheadings. A question and answer format may be best for complex items. All relevant topics should be referenced, including analysis, alternatives, recommendations, coordination with other Departments, environmental review, and community input. The overall goal of the staff report should be to "tell the story" and help the Town Council make the informed decisions for the community. For a sample template, please refer to the Clerk Department.

F. Media Inquiries:

Per the Town Council Code of Conduct Policy, the Mayor is acknowledged as the official Town spokesperson. When media inquiries are received, they should be forwarded to the Town Manager who in turn will reach out to the Mayor. Depending on the nature of media inquiry, the Mayor may opt to delegate a response to the Town Manager who in turn may delegate a response to subject matter experts within the Town.

6. Current Communication Tools – Internal

Internal communications form a foundation that impacts the total performance of an organization. An open culture that encourages dialog, trust, and camaraderie at all levels fosters enhanced staff effectiveness, improved morale, and increased engagement with external stakeholders.

i. Organizational Values:

The Town's organizational values form a basis for internal and external communications. These are:

Mission

The Mission of the Town of Los Gatos is to enhance the quality of life in Los Gatos by providing the highest quality leadership and most efficient services and facilities. The Town strives to provide a working environment which promotes excellence; fosters cooperation; values volunteerism; and seeks to meet the needs of the community and the Town Council, employees, Commissions, Committees and Boards.

Customer Service Commitment

All Town employees consistently go the extra step to deliver highly competent and professional services in a respectful, effective, and transparent manner. We engage in open communication, relationship building, and problem solving to provide the best service possible.

Organizational Values

We are committed to serving the COMMUNITY of Los Gatos

- Small Town service – responsive, timely, courteous
- Cost-effective, quality services
- Seamless service delivery
- Public service orientation

We are committed to working together in COLLABORATION

- Open and constructive communication
- Collective goals and shared purpose

We are committed to valuing and pursuing CREATIVITY

- Innovation and creative problem solving
- Future orientation and proactive efforts
- Organizational learning and continuous improvement
- Positive and enjoyable work environment

We are committed to approaching our work and each other with impeccable CHARACTER

- Ethics and integrity
- Honesty
- Trust and respect for one another
- Pride in work

ii. Objectives:

The key objectives of Town internal communications are:

- a. Trust: Create a culture of trust, transparency, and shared vision to enhance service performance.
- b. Culture: Develop communications that foster an atmosphere conducive to open, honest, and respectful communication among all employees.
- c. Resources: Provide employees with tools to support them as contributors to the Town organization and empower them to deliver service excellence to the community.
- d. Engagement: Build employee awareness and engagement through communication of the Town's vision and priorities, service and accomplishments, as well as legacy and history.

iii. Information Flow:

Information flow should be prioritized at all levels of the Town. The Town Manager should keep the entire organization and Town Council abreast of issues and policies which impact the Town organization.

Directors and managers should regularly communicate policy and big picture decisions that affect the Department to staff in a way that reflects the values and objectives mentioned above. Directors should ensure their staff is equipped with the information, training, knowledge, and tools they need to perform their duties as expected. Departments and Directors should meet on a regular schedule (at least monthly) to share information and work collaboratively.

Interdepartmental communication and collaboration is also an essential function of the Town. Departments should leverage technology as a productive internal communication tool (i.e., Microsoft Teams groups, chats, teleconference calls, email, etc.). Each Department should have at least one staff member present at regular Town Communication Team meetings to serve as a communication liaison for that Department.

iv. Training:

Department Directors should foster the career development of their employees through relevant training, support tools, and other resources. Staff members who regularly interact with the public should be supported with training to strengthen customer service, resolving difficult situations, and other key communication skills. Inter-Department mentoring and job shadowing is another option to promote growth. As circumstances permit, employees may consider regional training programs, such as the Santa Clara County Leadership Program and the Leadership Los Gatos Program. The Human Resources Department periodically offers Town-wide training and each Department is encouraged to find relevant training for its staff.

7. Justice, Equity, Diversity, and Inclusion in Communications

The Town of Los Gatos is committed to inclusivity and all Town Departments shall use a lens of justice, equity, diversity, and inclusion in their work. This commitment to inclusivity should be reflected in all internal and external communications.

a. Gender Neutrality.

Gender-neutral language should be used to avoid word choices which may be interpreted as biased, discriminatory, or demeaning by implying that one sex or gender is the norm. References to binary male and female groupings can be alienating for those who don't fall neatly into one of those categories. Even for people who do identify as male or female, constant reminders of gender may have an impact and may change the perception of men and women as more different than they really are. Some examples of gender-neutral language are as follows:

1. Use the pronoun "they" for a single person instead of "he" or "she." Using "he" or "she" requires us to assign a gender to an individual and you cannot always guess someone's preferred pronoun by their appearance or name.
2. Refrain from using "Mr," "Ms," "Mrs," or "Miss." "Mx" provides an alternative to being identified by gender.
3. When referencing family members, use gender-neutral terms like "partner," "sibling," and "child."
4. Use gender-neutral form of occupations such as flagger, server, mail carrier, police officer, fire fighter, Council Member, or flight attendant.

b. Freedom of Speech and Hate Speech.

The Town welcomes differences of opinion and will work to ensure everyone's rights to free speech. However, hate speech in any form will not be tolerated. Hate speech is understood as any kind of communication in speech, writing, or behavior that attacks or uses pejorative or discriminatory language with reference to a person or group on the basis of their religion, ethnicity, nationality, race, descent, gender, disability, or other identity factor. This is often rooted in and generates intolerance and hatred and can be demeaning and divisive.

Hate speech is a menace to social stability and peace. As a matter of principle, the Town must confront hate speech at every turn. Addressing hate speech does not mean limiting or prohibiting freedom of speech; instead, it is critical to keep hate speech from escalating into something more dangerous, particularly incitement of discrimination, hostility, and violence.

Any observed hate speech should be immediately reported to the Town Manager and Town Attorney.

c. Graphic Design.

Graphic design should represent the audience it is speaking to and be broad, diverse, and inclusive. Graphics that are used on the Town website, social media platforms, and elsewhere should represent people of different races, ethnicities, nationalities, cultures, disabilities, gender, sexualities, ages, economic status, and religions.

d. Diverse Outreach.

Any public outreach should be directed at all community members, regardless of income, religious or political affiliation, race, color, gender, disability, religion, or national origin. Diversity and inclusion efforts must be bolstered by a strong culture of civic engagement in the Town's decision-making processes. When applicable, communications should engage all members of the public, including individuals and groups who have not typically been involved in Town decision-making and civic life. Town staff should consider collaborating with local organizations and partners to share information and strengthen historically marginalized communities' capacity to participate in local planning, governmental affairs, and policy decision-making. Public outreach should convey that Los Gatos is a place where all should feel welcome and where the dignity, health, rights, and privacy of all residents, businesses, and visitors are respected. Public communications should promote equal treatment, equitable distribution of and access to resources, and engagement in issues affecting the lives of residents, workers, and visitors.

e. Accessibility.

Every effort should be made to ensure communications are as accessible as possible. The Town shall ensure that it complies with all applicable provisions of the Americans with Disabilities Act (ADA). Accessible communications benefit all audiences by making information clear, direct, and as easy to understand as possible. People have different communication needs, and by developing Town materials accordingly, the Town can reach a broader audience and give more people the opportunity to communicate with the Town. All Town communications should be as effective for individuals with disabilities so that they derive the same result, benefit, or level of achievement in Town programs, activities, and services as provided to persons without disabilities.

1. Face-to-Face Situations. When you meet a person who may have a disability that affects their communication, treat them with respect and make eye contact. Speak naturally and clearly. Always politely tell the person if you do not understand their message.
 - a. If the person is hearing impaired, make sure they can see your mouth and that you are in a well-lit environment.
 - b. If the person has a communication assistant, speak directly to the individual and not just the assistant.
 - c. If the person uses a communication device, be patient and wait for them to construct their message. Do not rush them.
 - d. If the person has difficulty understanding you, try writing the words down or using pictures or diagrams.

- e. You may ask what you can do to make communication go smoothly if it is not clear.
- 2. Written Communications. Use plain language when producing written information. Plain language is a style of writing that uses everyday language at approximately a fifth-grade reading level. It uses short, simple words and sentences that are no longer than about 15 words. Some people may need reading materials in alternate formats such as large print or electronic copy. Some people may need human assistance to support them to read and understand a document.
- 3. Public Meetings. The need for translation services at Town events and meetings can be provided if notified in advance, including the types of services and requested languages.
- 4. Town Website. Website content must be robust enough that it can be interpreted reliably by a wide variety of user agents (browsers, software, etc.), including assistive technologies. For best practices regarding how to design the Town website content to be as accessible as possible, please see the Appendix “Website Accessibility Best Practices.”

8. Emergency and Crisis Communications:

Declared Emergencies and Emergency Operation Center Activation

1. In non-Police Department related emergencies and disasters, the Public Information Officers (PIOs) from the Management Section of the Town's Emergency Operations Center (EOC) will assume management for communications. In these circumstances, emergency communications will be coordinated in alignment with Section 6 of the Town of Los Gatos Emergency Operations Plan (EOP).
2. In addition, the Town makes emergency preparedness information available to the Town of Los Gatos community through social media and the Town website. Further, the Town Manager's Office will provide special emphasis on specific hazards throughout the calendar year, aiding in the disaster preparation and education of the communities within the Town.
3. In emergencies that require mass notification the Los Gatos-Monte Sereno Police Department (LGMSPD) will utilize Nixle, AlertSCC, and Twitter following their internal protocols for mass notification.
4. In addition to the mass notification capabilities of the LGMSPD, in the event of emergencies the Town may request mass notification form the Santa Clara County Office of Emergency Management and Santa Clara County Fire Department.

9. Appendix:

- A. Formatting and Branding specifics
- B. Visual Brand Guidelines (colors and new logo)
- C. Writing Guide (from General Plan)
- D. Social Media Policy
- E. Accessibility Best Practices
- F. Social Media Request Form
- G. Photo Release Form
- H. Staff Report Sample Template
- I. Electronic Communications and Internet Technology Resources Procedure
- J. Communications Team Members Who Participated in the Preparation of this Plan

 City of Cupertino Social Media Policy	
Effective Date: 5/12/2020	Attachments:
Related Policies & Notes: Prior versions: 2012	Responsible Department: City Manager's Office

1. Purpose

This Social Media Policy establishes guidelines for the creation and operation of Social Media Accounts by the City of Cupertino ("City") to ensure that the public has access to timely, useful, and important information. The intended purpose of these City Social Media Accounts is to disseminate information regarding the City's mission, meetings, current issues, programs, projects, services, and events.

2. Definitions

"City Social Media Account" means an account on Social Media authorized by the City as described in this policy.

"Elected/Appointed City Officials" means City Councilmembers and people appointed by the Council to serve on an advisory body (e.g., commission, committee, task force).

"Post" means the addition of information of any kind (e.g., text, links, photos, videos) to Social Media.

"Public Comment" means a Post made in connection with a City Social Media Account by anyone other than an authorized member of City Staff.

"Social Media" means publicly accessible technologies used to publish and/or share information using the Internet. Examples of Social Media include: Facebook, blogs, OpenGov, YouTube, Twitter, LinkedIn, Instagram, and Nextdoor.

"Staff" means the City Manager and all subordinate employees of the City under his or her jurisdiction, whether directly or through department directors.

3. Staff Authority

City Staff shall operate City Social Media Accounts and Post items on behalf of the City to Social Media only as authorized by the City Manager or his/her designee(s), including the

Communications Officer. The City Manager or his/her designee(s) will maintain a list of all authorized City Social Media Accounts, including the log-in information and the staff/department(s) authorized to Post to those accounts.

4. Elected/Appointed City Officials

Elected/Appointed City officials will not Post items on behalf of the City to Social Media. If Elected/Appointed City officials have their own Social Media accounts, the City recognizes that they may elect, in their individual capacity, to Post items relevant to City business. In such situations, the City's existing rules and practices provide that Elected/Appointed City Officials shall make clear that they are speaking for themselves, not for the City or for their elected/appointed body. Elected/Appointed City Officials shall individually ensure they comply with all applicable laws (e.g., free speech laws, the Brown Act, public records laws, Municipal Code, etc.). For example, Elected/Appointed City Officials should be careful not to use Social Media (e.g., "post" "like" "share" "retweet") in a manner that could constitute an improper serial meeting or otherwise violate the Brown Act.

5. General Guidelines

City Staff shall follow these general guidelines when Posting items to Social Media and/or operating the City's Social Media Accounts:

- 5.1 The City's official website (cupertino.org) will remain the City's primary means of digital communication. Whenever possible, Posts on City Social Media Accounts should 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.
- 5.2 Limit Posts to dissemination of information about the City (e.g., City-sponsored or City-endorsed programs, services, and events). Content may include information, photographs, videos, and hyperlinks.
- 5.3 Make clear when a Social Media Account is operated by the City. City Social Media Accounts should include the name of the City and/or its official logo.
- 5.4 Ensure this Social Media Policy is displayed on all City Social Media Accounts or made available by hyperlink.
- 5.5 Posts will supplement, not replace, legally required notices and standard methods of communication.
- 5.6 Posts must contain information that is freely available to the public and cannot be confidential as defined by any City policy or state or federal law.
- 5.7 Posts may not contain any personal information, except for the names of employees whose job duties include being available for contact by the public.
- 5.8 Posts must be professional, respectful, and factual.
- 5.9 Ensure all necessary permissions have been obtained for Post (e.g., photos).
- 5.10 Ensure Posts reflect the views of the City. All content is subject to oversight by the City's Communications Office.
- 5.11 Regularly visit and maintain all authorized City Social Media Accounts.
- 5.12 Promptly close any City Social Media Accounts that are no longer needed/active.
- 5.13 Comply with usage rules and regulations required by third party providers of City Social

Media Accounts, including privacy policies.

- 5.14 Post during normal business hours. After-hours or weekend Posts shall only be made with approval of the City's Communications Officer or his/her designee.
- 5.15 Comply with all applicable City policies pertaining to communications and the use of the internet by employees, including email content.

6. Content Guidelines for Public Comments

The City's Social Media Accounts are considered limited public forums moderated by City Staff. Public Comments containing any of the following inappropriate forms of content shall not be permitted in connection with a City Social Media Account and are subject to removal and/or restriction by the City:

- 6.1 Content unrelated to the City
- 6.2 Violent and/or pornographic content
- 6.3 Content promoting discrimination on the basis of race, creed, color, age, religion, sexual orientation, gender, or national origin
- 6.4 Profane language or content
- 6.5 Solicitations of commerce, including but not limited to advertising of any business or product for sale
- 6.6 Violations of any law and/or promotion of illegal activity
- 6.7 Content compromising public safety or security
- 6.8 Content supporting or opposing any political candidate or campaign, including ballot measures
- 6.9 Content that violates a legal ownership interest of any other party.

City Staff shall obtain authorization from the City's Communications Officer, who will consult with the City Manager and City Attorney as appropriate, before removing and/or restricting Public Comment based on these guidelines. Any Public Comment removed based on these guidelines shall be retained in a manner consistent with the City's document retention policy.

Any Public Comment posted to a City Social Media Account is the opinion of the commenter. The presence of that content in connection with a City Social Media Account shall in no way imply City endorsement of, or agreement with, the content.

7. No Liability/Guarantee

The City operates its Social Media Accounts as a public service to provide information about the City. The City assumes no liability for any inaccuracies its Social Media Accounts may contain and does not guarantee its Social Media Accounts will be uninterrupted, permanent, or error-free. All users of Social Media should review and understand all applicable privacy and other policies, including those established by third parties. City Social Media Accounts 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 Accounts by anyone other than the City.

8. Records

City Social Media Accounts are subject to the California Public Records Act. Any content maintained on a City Social Media Account that is related to City business, including Posts, Public Comment, and information about subscribers/followers, may be considered a public record and subject to public disclosure.

9. Policy Revisions & Reserved Rights

This policy may be revised by the City Manager at any time. The City reserves the right to terminate any City Social Media Account at any time without notice. The City also reserves the right to implement or remove any functionality of its City Social Media Accounts.

City Manager's signature: _____



Date: 5/12/2020



CITY OF LOS ALTOS SOCIAL MEDIA POLICY

PURPOSE

The purpose of the City's social media communication is to provide expeditious and consistent information to the Los Altos community about City government, services and activities. By participating in social media, the City can enhance its engagement with the community.

PUBLIC RECORDS ACT COMPLIANCE

There is no expectation of privacy on any of the City's social media sites. All information posted or displayed on any City of Los Altos social media site is subject to the California Public Records Act (CA Government Code §6250 through 6276.48) and Article 1, Section 3 of the California Constitution. Any content held on an official City of Los Altos profile or post related to City business, including subscriber lists and posted information, is deemed a public record. City of Los Altos social media profiles are on public sites and are subject to public disclosure upon request.

CONTENT AND COMMENT GUIDELINES

1. Content posted to City social media sites, including comments, shall not include the following:
 - a. Comments not related to the original topic, including random, unintelligible, or false comments;
 - b. 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 or sexual orientation;
 - c. Profane language or content;
 - d. Comments in support of, or in opposition to, any political campaigns, candidates, or ballot measures;
 - e. Threats to any person or organization;
 - f. Sexual content or links to sexual content;
 - g. Solicitation of commerce;
 - h. Engagement in, or encouragement of, illegal activity;
 - i. Information that may compromise the safety or security of the public or public systems; or
 - j. Content that violates a legal ownership interest of any other party.
2. The City disclaims any and all responsibility and liability for any materials that the City deems inappropriate for posting, which is not removed in a swift and otherwise timely manner. The City shall not remove any comment or posting by a member of the public that is critical of the City, elected officials, appointed officials and/or staff unless comment or post contains any content prohibited by this policy.
3. A comment posted by a member of the public on any City 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 Los Altos, nor do such comments necessarily reflect the opinions or politics of the City of Los Altos.

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, its 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.

Social Media Use Policy



City of Gilroy

Adopted on February 28, 2022

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1 Definitions

For purposes of this policy, the following definitions apply:

Administrator

The single person who oversees and, ultimately, controls all official Social Media Sites for the City. The Administrator will be the City Administrator or their designee.

Authorized Users

City employees, staff liaisons for governing bodies, attorneys, and any consultants, providers, and contractors that are using Social Media in an official capacity for City business. The Administrator will determine, in their sole discretion, who is an Authorized User.

City Officials

Any elected or appointed official sitting on a Legislative Body of the City. These may include, but are not limited to, City Councilmembers, commissioners, board members and committee members.

Comment

Any reply on a post on an official Social Media Site. Comments may appear organized as threads, depending on the Social Media Site. A public user may add a comment, and an Authorized User may reply to that comment with another comment, depending on the situation.

Legislative Body

The City Council and any City Boards, Commissions and/or Committees.

Message

Any direct, private written communication from the public to an Official Social Media Site.

Official Social Media Site

Any Social Media Site controlled by an Authorized User that is used to promote, discuss, carry out, or reference City-related business and/or activities. These sites will clearly communicate they are representative of the City as a whole or of a specific Department or Division as applicable.

Post

Any content an Authorized User initially publishes on an official Social Media Site. The medium of a post can range from plain text, to hyperlinks, to images, to videos, etc. This definition also applies to more ephemeral content such as Facebook/Instagram "Stories."

Social Media

Online sources that allow people to communicate, share information, share photos, share videos, share audio, and exchange text and other multimedia files with others via some form of online or cellular network platform. These online sources may include, but are not limited to, channels, networks, and technology, such as Facebook, LinkedIn, Twitter, Instagram, Nextdoor, YouTube, and similar platforms or kinds of electronic networking services (collectively, "Social Media Networks").

Tag or Mention

Using a Social Media Site's built-in feature to notify another user of a post or comment. The tag or mention usually begins with "@" followed by the username of the referenced user's Social Media Site.

2 Purpose and Scope

Social media networks offer substantial opportunities to communicate to a significant segment of the population. If used properly, they may provide a benefit to the City of Gilroy by providing an additional avenue of public outreach and dissemination of information. To address the fast-changing landscape of the Internet and the way residents communicate and obtain information online, the City encourages the use of social media (where appropriate) to further the goals of the Gilroy City Council and City leadership.

However, as with other interactive uses of the internet, posting information on social media is not without risks. Use of such networks for official City purposes raises legal issues that are unique to the City and generally do not affect private persons or entities. This includes, for example, the applicability of the Brown Act and the California Public Records Act. The City has an overriding interest and expectation in protecting the integrity of the information posted on its Official Social Media Sites in the name of and on behalf of the City, and the content that is attributed to the City and its officials.

This Social Media Use Policy establishes guidelines for the City participation in and Authorized Users' use of Social Media for City business. The City intends for its use of any Official Social Media Site to relate solely to matters of City business and does not, in any way, intend to--nor actually create--general public forums. While this policy acknowledges that Social Media is one way to engage with others, this policy is not intended to require the City nor any Authorized User acting in an official agency capacity to actually use social media.

All Authorized Users shall comply with this policy in all respects. This policy is subject to revision at any time. This policy may be changed without prior notice when deemed necessary to fully protect the City's interests and/or the public's interests. If it is necessary to change this policy without providing prior notice to employees, the City shall notify the employees of the change at the earliest possible time. All Authorized Users who have been authorized for social media access shall sign an acknowledgement of receipt of this policy indicating that they have read and understand all of its provisions and agree to be bound by the same. Before posting on Official Social Media Sites, the Authorized Users must check the most current policy to ensure compliance.

When posting on Official Social Media Sites on behalf of the City, Authorized Users are, in effect, serving as the voice of the City. The City has an overriding interest and expectation in deciding what is "announced" or "spoken" on behalf of the City on social media. Therefore, all participation on social media must be in accordance with the provisions set forth herein.

This policy establishes standards for:

- Authorized Users who have permission to post information on Official Social Media Sites on behalf of the City, during working hours, non-working hours (subject to limitations determined by managers), and/or at the workplace;
- City Officials who are authorized to use social media in an official capacity;
- Public users who view and/or engage with content from the City's Official Social Media Sites, or who Message the City through the City's Official Social Media Sites; and
- Employees' personal use of Social Media as it relates to the City.

3 Official Social Media Sites

3.1 Creation of Social Media Sites

The Administrator may, in their sole discretion, establish a new Official Social Media Site.

Creation of any such Official Social Media Site must be proposed, in writing, by the Department Director to the Administrator. The Administrator may, in their sole discretion, approve, deny, or modify the creation of such sites. No one may create an Official Social Media Site without the prior written authorization of the Administrator. Consideration shall be given to the overall purpose of the requested site, the perceived ability of Authorized Users to maintain a new site, and its suitability for use for City purposes.

All Official Social Media Sites, except for Facebook, shall use official City contact information for account set-up, monitoring, and access. The use of personal email accounts or phone numbers by any City employee is not allowed for the purpose of setting up, monitoring, or updating an Official Social Media Site other than Facebook. Facebook's policies require users to manage Facebook Pages from a real, personal Facebook Profile. If a user creates a fake and/or duplicate Facebook Profile to manage a Facebook Page, the Facebook Page may be flagged and restricted, causing the City to lose access to the Page.

Authorized Users and their managers are responsible for the creation, administration, posting and deactivation of Official Social Media Sites.

The Administrator shall have ultimate authority over all City participation on Official Social Media Sites and may order the deactivation of all or part of an Official Social Media Site if the Administrator, in their sole discretion, determines that the content or site is not in the best interests of the City. If there is an existing Official Social Media Site without any new Posts for two (2) months or longer, with the exception of sites such as YouTube and Nextdoor, it should be deleted or merged with another Official Social Media Site, consistent with current City Records Retention policies. The Authorized User in charge of the site in question must provide written confirmation to the Administrator if they intend to delete or not use an Official Social Media Site before deactivation.

3.2 Governance of Official Social Media Sites

Only Authorized Users acting in an official capacity who utilize social media on behalf of the City, authorized in writing by the Administrator, are permitted to maintain, administer, and/or post on an Official Social Media Site on behalf of the City of Gilroy.

In approving an Official Social Media Site, the Administrator shall designate at least one Authorized User who will be responsible for the regular monitoring and maintenance of that particular Official Social Media Site.

Authorized Users who use Official Social Media Sites on behalf of the City must adhere to the following rules:

- Any and all information posted on behalf of the City by Authorized Users on Official Social Media Sites should directly pertain to the City and be of citywide interest, address issues within the scope of their specific authorization, and contain factual information that is freely available to the public and that is not made confidential by any policy of the City, or by local, state, or federal laws.
- Authorized Users should conduct themselves at all times as a representative of the City and in accordance with all City policies.
- Authorized Users should review, become familiar with, and comply with the designated social media network policies and terms and conditions.
- Official Social Media Sites shall use account names or usernames that are clearly identifiable as representing the City. Examples include but are not limited to: @CityofGilroy @GilroyPolice @GilroyParksandRec.
- Profiles or account information for Official Social Media Sites must contain a valid City username, address, website, and phone number.
- Authorized Social Media Sites must clearly indicate the Department or Legislative Body they represent on their home page or Bio or About section.
- Authorized Users may not use or include personal email addresses or any other personal information in the user profiles and/or posted content for Official Social Media Sites. Instead, Authorized Users may use their name, title, and a city email address. If an Authorized User wishes, they may request a “common” email address from the IT department (i.e. "ParksRec@CityOfGilroy.org").
- The City logo (with or without the department name) or a City Department or Division logo shall be used as the account Profile Picture and/or included in a Cover Photo (AKA "banner image"). If a Department or Division wishes to use an alternate image as the Profile Picture or Cover Photo, they must obtain approval from the

Administrator before changing the existing photo and assure any photo used is not subject to federal copyright protection.

- Photographs, videos, or images of anyone who can be readily identified by the naked eye should not be posted to Official Social Media Sites without first obtaining the depicted person's written consent. If the person depicted in the photograph, video, or image is a minor or someone incapable of providing consent, the City must obtain the consent of the depicted person's parent or legal guardian before posting the photograph, video, or image to an Official Social Media Site. Consent is implied within public spaces or at City-sponsored events, unless otherwise stated. Authorized Users may consult the Administrator for guidance on using media from/for special projects or campaigns.
- Language that is sexually explicit, or that is lewd or obscene, racial, promotes religious beliefs, political, or illegal, or that expresses a personal opinion, except as provided in section 3.3 "Responding to Posts, Comments and Messages" is prohibited.
- Solicitation; engaging in or endorsing any commercial, products or activities is prohibited. This provision is not intended to limit the City's ability to support business in Gilroy generally, but to refrain from supporting one particular business or a particular commercial enterprise or sole business.
- Comments in support of or in opposition to elected and appointed City Officials, political candidates, political campaigns, ballot measures, and matters that may reasonably be agendaized for consideration by the City Council, and/or any other Legislative Body are prohibited.
- Authorized Users should avoid posting about the following items, unless approved in advance by the City Administrator or City Attorney:
 - Actual or perceived threats to public health, safety or property;
 - Actual or potential legal claims, lawsuits or other legal issues;
 - Personnel or medical matters;
 - Criminal investigations and content regarding crime scenes;

While Official Social Media Sites are to be used for City business and for the purposes stated herein, they are not intended to replace nor serve as the primary means of the City's

communication with anyone. The City has an official website. This website shall remain the primary means of online communication with the public and should be the primary link used on accounts and in posts as much as possible.

Except as expressly provided in this policy, Authorized Users accessing any Official Social Media Site shall comply with all applicable policies of the City, including, but not limited to those policies that pertain to use of the internet by Authorized Users acting in an official capacity.

3.3 Responding to Posts, Comments, and Messages

Authorized Users should be aware that it is not always possible or recommended on social media networks to disable the feature that allows or permits responsive posts by members of the public. By permitting use of this feature, the City does not intend to create a general public forum, and all Comments and Posts must comply with this Social Media Policy. In addition, most social media networks have their own terms of use and standards of conduct. All content posted on an Official Social Media Site must comply with this Social Media Policy and any host site user guidelines. The City reserves the right to remove any Post or ban any posters from the site at its sole discretion for violation of this Policy or applicable guidelines.

Some social media networks provide the ability to hide or delete posts from the public. If the Authorized Users wish to hide or delete a Post or Comment, they need to coordinate with the Administrator and possibly the City Attorney. If the Post is to be deleted, there is a documentation process for public records that needs to be followed first. Standard practice for social media is that once a Post is published, it should not be deleted. It can be edited as long as it does not change the original intent of the Post.

No Post, Comment, or other content shall be removed solely simply because it is critical of the City, City Officials, employees, or programs, or because city staff disagrees with the viewpoint of the Comment, content or submittal. On social media networks where the feature is available, a "strong" profanity filter should be enabled to automatically prohibit Comments and Posts with profanity.

3.4 Public Terms of Use

Every Official Social Media Site that allows Comments or Posts from the public must include the disclaimer/terms of use (see Appendix A) located in a readily accessible part of

each Social Media Site, such as the privacy policy, the “about us” section, or a "pinned" post.

3.5 Public Records Retention

All content posted on an Official Social Media Site should be assumed to be subject to the California Public Records Act, California’s civil discovery statutes, and other applicable laws requiring the disclosure of public records. All content must be managed, stored, and retrieved to comply with these laws, including any photographs or images. In addition, all content subject to the City’s records retention policy must be maintained consistent with that policy. Any content on Official Social Media Sites shall be maintained in a format that preserves the integrity of the original record and must be easily accessible using the approved City platform and tools. Any content submitted for posting that is deemed unsuitable because it is not topically related or is inappropriate under this policy must also be retained pursuant to the applicable record retention schedule.

4 Council, Commission, Committee, and Board Use of Social Media

4.1 Creation of Social Media Sites

Any established Legislative Body within the City may request from the Administrator to create an Official Social Media Site on behalf of the City.

Creation of any such site must be proposed, in writing, by the Legislative Body staff liaison, to the Administrator. The Administrator may, in their sole discretion, approve, deny, or modify the creation of such sites. A Body may not create an Official Social Media Site without the prior written authorization of the Administrator. Consideration shall be given to the overall purpose of the requested site, the perceived ability of Authorized Users to maintain a new site, and its suitability for use for City purposes.

4.2 City Officials' Use of Social Media

The City does not create or provide support for individual social media accounts for City Officials. City Officials who maintain personal social and other digital media accounts should be aware that--similar to City email or any other written or recorded communication related to the official conduct of city business--digital communications, Social Media Posts and Messages by City Officials regarding matters that are before the City for action or within City jurisdiction can be "official city business" subject to laws and policies regarding freedom of speech, records retention and production, and public transparency. Those laws and policies include, but are not necessarily limited to: the California and United States Constitution, the California Public Records Act, the Ralph M. Brown Act, and the City's records retention regulations.

City Officials participating in digital or social media communications shall maintain and clearly delineate between separate accounts for official and personal/campaign statements, taking precaution not to convey personal/campaign communications in a manner that suggests such communications represent the position of the City or their Legislative Body as a whole.

City Officials are prohibited from using the City logo or seal or any variation of the City logo or seal, representing the City, or representing that they speak on behalf of the City within their official or personal social media account(s) or site(s).

To avoid ambiguity, all statements, headings, profile pictures, or biographies on personal or campaign accounts shall:

- Not be made in the name of the position to which the City Official was elected or appointed;
- Clearly reflect that content on such accounts does not represent the official positions of the City or the governing body;
- Not display the City logo or any other official City mark or title.

Digital records relating to public business are required to be handled in a manner capable of maintaining the record for the applicable retention period, including through the use of highlights, bins, or archives for temporary and disappearing stories, reels, posts, or otherwise. Likewise, City Officials should avoid deleting Comments or blocking individuals on official pages or sites they maintain. Social media content should be treated the same as any written document and retained in accordance with the City retention schedules.

To avoid any violations of the Brown Act, consistent with the update provided by AB 992, City Officials are permitted to use a social media site to engage in conversations or communications on matters within the subject matter jurisdiction of their governing body:

- To answer questions;
- To provide information to the public; and
- To solicit information from the public.

However, a majority of City Officials may not use social media to "discuss among themselves" official business. The Brown Act broadly defines the meaning of "discuss among themselves" to include any "communications made, posted, or shared on an internet-based social media network between members of a Legislative Body, including Comments or use of digital icons that express reactions to communications made by other members of the Legislative Body." The Brown Act prohibits a Board member from communicating directly with the social media of any other member on a subject within the jurisdiction of the board.

City Officials must refrain from using the City's Official Social Media Sites or any form of electronic communication 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 without complying with the Brown Act.

City Officials should be honest and accurate when posting information or news, especially when communicating during a crisis or emergency. Any mistakes, misstatements and/or factual errors must be corrected quickly upon discovery. When possible, news of citywide importance should first be announced by the City's Official Social Media Sites including the

City website. This information can then be shared by City Officials, linking back to the original Post or official City website, when possible. Unless the City Official has been designated to serve as a spokesperson, a City Official should never represent themselves as a spokesperson for the entire Legislative Body or the City. City Officials should be mindful of recognizing that accomplishments of the City or Legislative Body are achieved by collective action of the entire body or organization.

In summary,

City Officials may:

- Use social media in the Official's capacity to communicate with constituents to "answer questions, provide information to the public, or solicit information from the public."

City Officials may not:

- Discuss on social media with a majority of the legislative body business of a specific nature that is within the subject matter jurisdiction of the legislative body.
- Comment on a post of another member of the legislative body, including "liking," sharing, reposting, or use of emojis.
- Block any member of the public from participating in your social media account.

5 Personal Use of Social Media

While the City does not monitor employees' personal social media accounts, this section sets forth suggested guidelines to follow when referring to the City. Following these principles helps ensure a distinction between sharing personal and agency views/information.

5.1 Rules and Guidelines

The following rules and guidelines apply to all employees acting in an official capacity of the City of Gilroy:

- While employees may voluntarily choose to engage with the City on its Official Social Media Sites, the City does not encourage or require any employee to follow or “like” Official Social Media Sites.
- The City does not condone the personal use by employees of social media during the working hours by any means, including by using City-owned equipment. Employees have no right or expectation of privacy when using City-issued devices or systems. The City reserves the right to monitor, search, or disclose employee use of City resources.
- When an employee uses social media in a personal capacity, they are doing so for themselves and they are not speaking nor communicating on behalf of the City. Employees should make certain that it does not appear that they are speaking or posting for the City unless authorized to do so.
- Employees are reminded and cautioned that nothing posted on the internet is private. Content can easily be shared, forwarded, and distributed to broader audiences without your knowledge or permission.
- Information posted on social media may be used as evidence in disciplinary, administrative, or legal proceedings. The City will not require you to provide a password or other security information for your personal sites that are password-protected or otherwise non-public.
- The personal use of social media by an employee in a manner that violates any City policy or procedure will not be tolerated, and may be grounds for disciplinary action, up to and including termination. Employees are expected to comply with the same ethical and performance standards on-line as in the

workplace. Using social media in a way that adversely impacts a job, co-workers, the City, or the public is prohibited. Employees may not use their official City email addresses to create or maintain any personal social media account(s) or site(s).

- Employees may not post any content on the internet or social media that constitutes or contains City confidential, proprietary, privileged, private, personnel, or other non-public information.
- Employees are prohibited from using the City logo or seal or any variation of the City logo or seal, representing the City, or representing that they speak on behalf of the City within their personal social media account(s) or site(s). Employees must also make clear in any online activity that the views and opinions they express about work-related matters are their own, have not been reviewed by the City, and do not necessarily represent the views and opinions of the City.

6 Failure to Adhere to Policy

An Authorized User's failure to adhere to the provisions of this policy may result in disciplinary or adverse action being taken against the Authorized User up to and including termination.

Appendix A

Disclaimer/Terms of Use

THIS SITE IS NOT MONITORED IN REAL TIME. IF YOU HAVE AN EMERGENCY OR KNOW OF A CRIME IN PROGRESS, PLEASE CALL 911 IMMEDIATELY. THIS SOCIAL MEDIA SITE IS NOT A PUBLIC FORUM. BY ENGAGING WITH THIS SOCIAL MEDIA SITE, YOU AGREE TO ADHERE TO THE TERMS OF USE OUTLINED AT <https://www.cityofgilroy.org/socialmediapolicy>.

The City will publish the following information on its website at <https://www.cityofgilroy.org/socialmediapolicy>:

These Terms of Use apply to all Official Social Media Sites ("sites") of the City of Gilroy. This site is not a public forum and all Comments and Posts must comply with these Terms of Use. Official Social Media Sites are intended to serve as a mechanism for communication between the City and the public to help further our mission. Any Comment submitted to sites and their fans, followers, or subscribers may be considered a public record, which is subject to disclosure pursuant to the California Public Records Act. Public information requests must be directed to the City Clerk's office.

If any public Comments are allowed on these sites, we reserve the right to remove posts or comments at the City's sole discretion. The City reserves the right to report a user directly to the host social media network if a Post, Comment or other content by the user violates the network's own Terms of Use. Under the City of Gilroy Social Media Use Policy, the City reserves the right to remove inappropriate content on its sites, including, but not limited to, the following:

- a. Profane, obscene, violent, or pornographic content and/or language;
- b. Content that promotes, fosters, or perpetuates discrimination or harassment on the basis of race, color, national origin, religious creed, ancestry, physical or mental disability, medical condition, pregnancy, childbirth or related medical condition, age, sexual orientation, sex, gender identity, gender expression, genetic information, military or veteran status, marital status, or any other basis protected by applicable state or federal law;
- c. Threats to any person or organization or encouragement of illegal activity;
- d. Information that tends to compromise the safety or security of City employees, the public, public systems, or the City's technology resources;
- e. Content that violates any legal ownership interest, such as a copyright or trademark;

- f. Content containing personal information, such as home addresses, phone numbers, social security numbers, dates of birth or driver's license numbers;
- g. Solicitation of commerce, including any advertising or business services or products for sale;
- h. Content that violates any federal, state or local laws;

The City disclaims any and all responsibility and liability for any materials that the City deems inappropriate for posting, which cannot be removed in an expeditious and otherwise timely manner. The City reserves the right to remove any fans, followers, or subscribers for violation of this policy.

A Comment posted by a member of the public on any City of Gilroy Social Media Site is the opinion of the commentator or poster only, and the publication of a Comment does not imply endorsement of, or agreement by, the City of Gilroy, nor do such Comments necessarily reflect the opinions or policies of the City of Gilroy.

The City reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law. Notwithstanding the foregoing, the City of Gilroy is not obligated to take such actions, and disclaims any and all responsibility and liability for any materials posted by a member of the public.

By posting a Comment, users agree to indemnify the City of Gilroy, its officers and employees from and against all liabilities, judgments, damages, and costs (including attorney's fees) incurred by any of them which arise out of or are related to content posted by users. If a user does not agree to these terms, the individual should not use the City of Gilroy's Social Media Sites as a violation of these terms may lead to legal liability.

If you have any questions regarding these Terms of Use, please email us at Communications@CityOfGilroy.org.

The above disclaimer may not be altered without the prior approval of the City Administrator or City Attorney (or their respective designees). The Administrator will work with authorized staff to set up the site and disclaimers correctly.

Model Government Social Media Terms and Conditions for Users

PURPOSE. Because many of our citizens and other stakeholders utilize social media for news and communications, [Agency] has developed its own social media accounts, which help us inform the public about our work and mission.

[Agency] has an important interest in assuring the accuracy and consistency of information associated with our social media sites. We also respect the First Amendment to the U.S. Constitution and the constitutional right to freedom of speech. These terms and conditions establish guidelines for the public's use of social media that balances these values.

DEFINITIONS

1. "Social media" means digital content created by us and communicated on platforms that allow sharing, commenting, and engagement from the public. Examples of social media accounts we may use are Facebook, Twitter, Instagram, YouTube, and LinkedIn.
2. "Comments" include any digital content, information, links, images, videos, or any other form of communicative content posted in reply or response to a social media account operated by us.
3. "User" means a member of the public who views or interacts with one or more of our social media accounts.

GENERAL GUIDELINES

1. These terms and conditions apply to all our social media sites. Where possible, a link to these terms and conditions will be made available as a hyperlink or posted as text somewhere on our social media account(s).
2. Users should know that social media posts we make, comments and replies to those posts, and any direct or private messages sent to us may be public records subject to applicable public records release.

This form drafted by Communications Counsel Inc. in conjunction with Government Social Media LLC based on a review of relevant caselaw as of March 2022.¹
This is not legal advice. No attorney client relationship is formed. Consult your agency lawyer for legal advice in your state.

3. Our social media accounts are not monitored 24/7 and no one should utilize our social media accounts to seek emergency services. Anyone in need of emergency help should call 9-1-1.
4. We do not guarantee we will respond to comments or messages sent on our social media accounts.

EXPECTATIONS

1. The leaders of [Agency] believe that honest, civil, and productive discussions provide the best environment for citizens to understand the work of their government and participate in constructive engagement.
2. We ask users to consider that our social media feeds may be viewed by children and other impressionable people. Please avoid profanity, personal attacks, bullying, or use of incorrect information.

CONTENT MODERATION

1. **Limited Public Forum.** Our social media accounts are created and maintained as limited public forums under the caselaw pertaining to the First Amendment to the U.S Constitution. We invite members of the public to view and, where possible, provide comments or other engagement on our social media accounts. However, the law permits us to hide and/or delete comments that are not protected speech under the First Amendment and relevant caselaw. As a general rule, we will not hide and/or delete comments solely because such comments are critical of [Agency] or its officials.
2. **Prohibited Content.** Relevant First Amendment caselaw permits us to hide or delete certain comments on our social media accounts. The following will be hidden or deleted:
 - a. Comments directly advocating violence or illegal activity.
 - b. Comments containing obscenity, which is defined as sexually explicit and/or pornographic content that is patently offensive, appeals to prurient interest, and lacks serious literary, artistic, political, or scientific value;

This form drafted by Communications Counsel Inc. in conjunction with Government Social Media LLC based on a review of relevant caselaw as of March 2022²
This is not legal advice. No attorney client relationship is formed. Consult your agency lawyer for legal advice in your state.

- c. Comments that directly promote or advocate that we illegally discriminate based on race, age, religion, gender, national origin, disability, sexual orientation, veteran status, or any other legally protected class;
 - d. Comments containing links to malware and/or malicious content that affects the normal functioning of a computer system, server, or browser;
 - e. Duplicate comments posted repeatedly within a short period of time;
 - f. Comments containing actual defamation against a person, either as determined by a court or comments that are patently defamatory by easily discovered facts;
 - g. Comments that contain images or other content that violate the intellectual property or copyright rights of someone else, if the owner of that property notifies us that the property was posted in a comment on our social media account(s).
 - h. Comments that contain a hyperlink to any website other than those controlled by [Agency]. This will be done without regard to the viewpoint of the comment containing such a link or the content of the site to which the link redirects.
3. **Retention.** When a comment containing any of the above content is posted to our social media account(s), a copy or electronic record of that content may be retained or archived pursuant to our records retention policy, along with a brief description of the reason the specific content was deleted. Once documented, the content will be removed, where possible, from our social media account(s).
4. **Right of Appeal.** If our staff hides or deletes a user's comment pursuant to these terms and conditions, the user has the right to appeal that decision by sending an email or letter to [Agency legal contact] within five business days. This correspondence will provide the user with an explanation for the action taken.

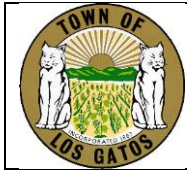
Upon receipt of an appeal, our attorney will determine whether the comment at issue contained content protected by the First Amendment. If the appeal is successful, the comment may (if possible) be restored for public view, or the user may be permitted to repost the comment. Upon a determination that the comment was not protected by the First Amendment, the user will be notified that the appeal was denied.

5. Blocking or Banning a User. When we determine that a user has violated these terms and conditions on three or more occasions within a twelve-month rolling period, we may block or ban the offending user from the social media account where the violations occurred.

If we block or ban a user, we will (a) reasonably attempt to notify the user; (b) describe the violation(s); and (c) explain the appeal process.

If the appeal is successful and the user has not violated this policy three times within a rolling 12-month period, we will unblock or unban the user from the social media account. If the appeal is not successful, our decision will stand.

###



TITLE: Social Media Policy

POLICY NUMBER: 2-16

EFFECTIVE DATE: September 2, 2015

PAGES: 1 of 7

ENABLING ACTIONS:

REVISED DATES:

APPROVED:

PURPOSE

The Social Media Policy governs the operation of social media accounts by the Town of Los Gatos ("Town"), its Departments, and Town Elected/Appointed Officials to ensure that the community has access to timely, useful, and important information. The intended purposes of these Town social media accounts are to disseminate information regarding the Town's mission, meetings, current issues, programs, projects, services, and events; strengthen relationships; foster communication; and engage the community.

The Town has an important interest in assuring the accuracy and consistency of information associated with its social media accounts. The Town also respects the First Amendment to the United States Constitution and the constitutional right to freedom of speech. This Policy also establishes guidelines for the public's use of social media that balances these values.

Social media users who submit content to any official Town social media account acknowledge they have read, understand, and agree to the Town's terms and conditions by virtue of such use.

This Policy is not meant to address one particular form of social media; rather social media in general as advances in technology will occur and new tools will emerge.

DEFINITIONS

Town Social Media Account – An official account or page on social media maintained by the Town of Los Gatos.

Elected/Appointed Town Officials – Town Mayor, Vice Mayor, Councilmembers, and people appointed by the Council to serve on a legislative body such as a Town Board, Commission, Committee.

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Post – The addition of information of any kind in the form of text, links, graphics, photos, videos, etc. to social media.

Social Media – Publicly accessible technologies used to publish and/or share information using the internet. Examples of social media include: Nextdoor, Facebook, Instagram, Twitter, LinkedIn, and YouTube.

SCOPE AND AUTHORITY

This Policy applies to all employees of the Town including temporary personnel, interns, volunteers, or other individuals performing work and/or engaged in external communications on the Town’s behalf and to Town Elected/Appointed Officials.

Town employees shall operate Town social media accounts and post items on behalf of the Town only as authorized and in conjunction with the Town Communication Team consistent with the administrative procedures outlined in the Town Communication Plan.

GENERAL POLICY

Town employees shall follow these general guidelines when posting items to social media and/or operating the Town’s social media accounts. Employees should also refer to and comply with the Town’s Communication Plan.

1. The Town’s official website (www.LosGatosCA.gov) will remain the Town’s primary means of digital communication. When possible, social media posts should contain a link directing viewers to the Town website for more information.
2. Posts should specifically address information regarding Town services, Departments, officials, programs, safety and disaster preparedness, emergency alerts, meetings, recognition, recruitment, history, community, and/or offerings specifically related to or originating from the Town.

The Town may post information from Town Departments, Town government agency partners, organizations that are under contract with the Town for programming (e.g., Music in the Park, Los Gatos-Saratoga Recreation, etc.), and/or relevant media outlets (local, regional, State).

The Town may post information from non-profits providing housing or philanthropic services in Los Gatos with whom the Town has a contractual partnership. Information from non-profits providing housing or philanthropic services in Los Gatos that are not in

TITLE: Social Media Policy	PAGE: 3 of 7	POLICY NUMBER:
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a contractual partnership with the Town may be “shared” on the Town’s social media accounts, but not posted directly to the Town’s social media accounts.

The Town may post information from the official sites or accounts of local, State, and Federal government or quasi-government agencies.

The Town may post information from utility, energy, water, recycling, waste management and/or other Los Gatos service providers. Examples include: PG&E, Silicon Valley Clean Energy, West Valley Collection & Recycling, etc.

External links or information that do not fall into any of these categories will not be posted.

3. Social media content may include information, graphics, photos, videos, and links.
4. Official Town accounts should clearly identify that they are operated by the Town and use an official Town or Department name and logo.
5. Where possible, this Social Media Policy should be linked on all Town social media accounts.
6. Social media posts will supplement and not replace legally required notices and standard methods of communication.
7. No confidential information may be posted.
8. Posts should not contain any personal information except for the names of employees whose job duties include being available for contact by the public.
9. Posts should be professional, respectful, timely, and factual.
10. All necessary permissions should be obtained prior to posting (e.g., permission to use photos if applicable).
11. All posts must comply with usage rules and regulations required by third party providers of Town social media accounts. The Town reserves the right to report any violation of those rules and regulations to the third party social media providers so that those third party social media providers can take appropriate and reasonable responsive action.
12. Posts must comply with all applicable Town Policies and Procedures pertaining to communications including the Town Communication Plan, employee electronic

TITLE: Social Media Policy	PAGE: 4 of 7	POLICY NUMBER:
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communications usage requirements, and any restrictions on the forum such as limitations to specified activities or topics.

CONTENT MODERATION

The Town's social media accounts are limited public forums moderated by Town staff. Members of the public are invited to view and, where possible, provide comments or other engagement on Town social media accounts in accordance with this Policy and any other restrictions specific to the forum such as limitations to specific activities or topics. Any public comment posted to a Town social media account is the opinion of the commenter. The presence of that content in connection with a Town social media account shall in no way imply Town endorsement of, or agreement with, the content.

The Town may hide and/or delete comments that are not related to the topic of the post or are not protected speech protected by the First Amendment. The Town shall not hide and/or delete comments solely because such comments are critical of the Town or its officials. It is understood that social media is a 24/7 medium and the Town may not see every inappropriate comment right away. The Town is trusting in the community to allow reasonable time for off-topic, inappropriate or harmful speech to be reviewed and/or removed.

The following types of content shall not be permitted in connection with Town social media accounts and will be removed:

1. Content unrelated to the Town or specified post topic.
2. Violent and/or pornographic content.
3. Content promoting discrimination on the basis of race, creed, color, age, religion, sexual orientation, gender, disability, veteran status, national origin, or any other legally protected class.
4. Profane language or content.
5. Solicitations of fundraising or commerce, including but not limited to advertising of any business or product for sale.
6. Violations of any law, threats, and/or promotion of violence or illegal activity.
7. Content compromising public safety or security.

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8. Content supporting or opposing any political candidate or campaign, including ballot measures.
9. Content that violates a legal ownership interest of any other party.
10. Apparent spam, content posted by automatic software programs (i.e., “bots”), or comments containing links to malware and/or malicious content that affects the normal functioning of a computer system, servers, or browser.
11. Duplicate comments posted repeatedly within a short period of time.
12. Personal attacks or comments containing actual defamation against a person, either as determined by a court or comments that are patently defamatory by easily discovered facts.
13. Private or personal information posted without consent.

Public comments that do not conform with these restrictions shall be removed following approval by the Town Manager or designee in consultation with the Town Attorney. Any public comment removed based on this Policy shall be retained in a manner consistent with the Town’s Records Retention Policy.

NO LIABILITY/GUARANTEE

The Town operates its social media accounts as a public service to provide information about the Town. The Town assumes no liability for any inaccuracies its social media accounts may contain and does not guarantee its social media accounts will be uninterrupted, permanent, or error-free.

All users of social media should review and understand all applicable privacy and other policies, including those established by the third-party social media providers. Town social media accounts may contain content, including but not limited to, advertisements or hyperlinks, over which the Town has no control. The Town does not endorse any hyperlink or advertisement placed on a Town social media account by anyone other than the Town.

Shares, likes, follows, etc. by any Town social media account are not endorsements.

Town social media accounts are not monitored 24 hours a day, seven days a week and no one should utilize Town social media accounts to seek emergency services. Anyone in need of emergency help should call 9-1-1.

TITLE: Social Media Policy	PAGE: 6 of 7	POLICY NUMBER:
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The Town does not guarantee it will respond to comments or messages on Town social media accounts. The Town will use its discretion in determining when to reply publicly, reply privately, or not reply at all.

ELECTED/APPOINTED OFFICIALS

If Elected/Appointed Town officials have their own social media accounts, the Town recognizes that they may choose, in their individual capacity, to post items relevant to Town business. In such situations, Elected/Appointed Town officials shall make it clear that they are speaking for themselves, not for the Town or for their legislative body. Elected/Appointed Officials shall individually ensure that they comply with all applicable laws, including, but not limited to, the United States Constitution and the First Amendment, the Ralph M. Brown Act, the California Public Records Act, and the Town's Records Retention Policy.

The Town does not create or provide support for individual social media accounts for Elected/Appointed officials and those who maintain personal social media accounts should be aware that (similar to Town email or any other written or recorded communication related to the official conduct of Town business), digital communications, social media posts, and messages by Elected/Appointed Town officials regarding matters that are related to Town business are subject to laws and policies regarding freedom of speech, records retention and production, and public transparency.

Elected/Appointed Officials are prohibited from using the Town logo or seal or any variation of the Town logo or seal, representing the Town, or representing that they speak on behalf of the Town within their official or personal social account(s).

To avoid violations of the Brown Act, consistent with the update provided by AB 992, Town officials are permitted to use social media to engage in conversations or communications on matters within the subject matter jurisdiction of their legislative body to answer questions, provide information to the public, and/or to solicit information from the public. However, the Brown Act prohibits Elected/Appointed Officials from communicating directly with the social media of any other member of the legislative body on a subject within the legislative body's jurisdiction. Elected/Appointed Officials should be careful not to post, respond, like, react, share, retweet, etc. any content from another member of their legislative body in a manner that could constitute an improper serial meeting or otherwise violate the Brown Act.

Elected/Appointed Officials may share or like official Town social media account postings. If there is any concern about whether an action or content falls within the Brown Act or other legal limitations, the Elected/Appointed Official should check with the Town Manager and Town Attorney prior to posting.

TITLE: Social Media Policy	PAGE: 7 of 7	POLICY NUMBER:
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When possible, news of Town-wide importance should first be announced by the Town’s official social media accounts including the Town website. This information can then be shared by Elected/Appointed Officials, linking back to the original post or Town website, when possible. Unless the Elected/Appointed Official has been designated to serve as a spokesperson, a Town Elected/Appointed Official should never represent themselves as a spokesperson for the entire legislative body or the Town. Elected/Appointed Officials should be mindful of recognizing that accomplishments of the Town or legislative body are achieved by collective action of the entire body or organization.

Digital records relating to public business are required to be handled in a manner capable of maintaining the record for the applicable retention period. Elected/Appointed Officials should avoid deleting comments or blocking individuals on any social media accounts they maintain that are related to Town business. Social media content should be treated the same as any written document retained in accordance with the Town records retention schedules.

When an Elected/Appointed Official engages in public social media discussion on matters related to Town business, it is strongly recommended that the Elected/Appointed Official capture relevant comment threads and forward such communications to the participant’s own Town of Los Gatos email address, the Town Manager, or staff liaison for the legislative body so that such communications are captured and preserved.

RECORDS

There is no expectation of privacy on any of the Town’s social media accounts. Town social media records are subject to the California Public Records Act. Any content maintained on a Town social media account that is related to Town business, including posts, public comments, replies, and information about subscribers/followers, is a public record and subject to public disclosure. In addition, content on private accounts maintained by elected or appointed officials and related to Town business is a public record.

APPROVED AS TO FORM:

Gabrielle Whelan, Town Attorney



TOWN OF LOS GATOS
COUNCIL POLICY COMMITTEE REPORT

MEETING DATE: 09/27/2022

ITEM NO: 3

DATE: September 22, 2022
TO: Council Policy Committee
FOR: Laurel Prevetti, Town Manager
SUBJECT: Discuss and Provide Direction for Potential Modifications to the Town Council Code of Conduct, Town Council Policy 2-04

RECOMMENDATION:

Discuss and provide direction for potential modifications to the Town Council Code of Conduct, Town Council Policy 2-04.

BACKGROUND:

At the Town Council Retreat meeting on September 17, 2022, the Council discussed among other things the roles and responsibilities of the Mayor and individual Councilmembers as it relates to external communications. At the conclusion of the retreat the Council requested that the Council Policy Committee examine potential modifications to the Town Council Code of Conduct.

DISCUSSION:

During discussions of roles and responsibilities for external communications, there was general agreement around two primary themes for potential policy modification.

The first was that, prior to the Council adopting a policy stance based on the outcome of a Council vote, individual Councilmembers should have the latitude to express their general opinions on issues during the policy development phase of the deliberative process.

The second was that once a majority vote has occurred resulting in the adoption of a policy directive, the Mayor would be the primary contact for communicating those policies. In addition, the Council discussed clarifying language around the ability for Councilmembers to

PREPARED BY: Arn Andrews
Assistant Town Manager

Reviewed by: Town Attorney and Town Clerk

PAGE 2 OF 2

SUBJECT: Potential Modifications to the Town Council Code of Conduct

DATE: September 22, 2022

DISCUSSION (continued):

explain individual votes whether in the affirmative or in dissent.

Attachment 1 contains draft (redlined) language for the Committees consideration.

CONCLUSION:

Staff looks forward to the Committee's discussion and direction. Based on the direction, staff will provide any potential Committee recommendations to the full Town Council.

COORDINATION:

The preparation of this report was coordinated with the Town Clerk and the Town Attorney.

FISCAL IMPACT:

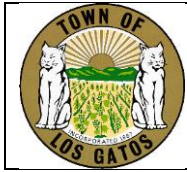
The Committee's discussion and direction will not result in negative fiscal impacts.

ENVIRONMENTAL ASSESSMENT:

The Committee's discussion and direction are not a project defined under CEQA, and no further action is required.

Attachments:

1. Draft Redline Town Council Code of Conduct



TITLE: Town Council Code of Conduct

POLICY NUMBER: 2-04

EFFECTIVE DATE: 5/3/2004

PAGES: 8

ENABLING ACTIONS: 2004-059; 2006-111; 2021-047

REVISED DATES: 12/17/2012; 3/3/2015; 12/17/2019; 11/2/2021

APPROVED:

I. Preamble

The legal responsibilities of the Los Gatos Town Council are set forth by applicable state and federal laws. In addition, the Town Council has adopted regulations, including this Code of Conduct Policy, that hold Council Members to standards of conduct above and beyond what is required by law. This Policy is written with the assumption that Council Members, through training, are aware of their legal and ethical responsibilities as elected officials. These expectations of conduct also apply to all members of the Town's Boards, Committees, and Commissions.

II. Form of Government

The Town of Los Gatos operates under a Council-Manager form of government as prescribed by Town Code, Section 2.30.305. Accordingly, members of the Council are elected at-large, provide legislative direction, set Town policy, and ultimately answer to the public. The Town Manager serves as the Town's chief administrative officer and is responsible for directing the day-to-day operations of the Town and implementing policy direction.

III. Town Council Roles and Responsibilities

The role of the Town Council is to act as a legislative and quasi-judicial body. Through its legislative and policy authority, the Council is responsible for assessing and achieving the community's desire for its present and future and for establishing policy direction to achieve its desired outcomes. All members of the Town Council, including those who serve as Mayor and Vice Mayor, have equal votes.

Members of the Town Council fulfill their role and responsibilities through the relationships they have with each other and the public. Town Council Members should approach their work, each other, and the public in a manner that reflects ethical behavior, honesty and integrity. The commitment of Town Council Members to their work is characterized by open constructive communication, innovation, and creative problem solving.

TITLE: Town Council Code of Conduct	PAGE: 2 of 9	POLICY NUMBER: 2-04
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IV. Mayoral and Vice Mayoral Selection Process

Per Town Municipal Code, Section 2.20.035, the selection of the Mayor and Vice Mayor occurs annually at a special meeting in December by majority vote of the Town Council. The Mayor and Vice Mayor serve at the pleasure of the Town Council and may be replaced by a majority vote of the Council.

V. Mayoral and Vice Mayoral Roles, Responsibilities, Relationships

The following outlines some of the key roles, responsibilities, and relationships as they relate to the positions of Mayor and Vice Mayor:

Mayor

- A. The Mayor is the presiding officer of the Town Council. In this capacity, the Mayor is responsible for developing Council agendas in cooperation with the Town Manager and leading Council meetings.
- B. The Mayor recommends various standing committee appointments to the Council for approval.¹ This will be done at a Council meeting in December of each year. When making committee recommendations, the Mayor should attempt to balance shared responsibilities and opportunities among Council Members. The Mayor may also appoint citizens to committees not established by Town ordinance or resolution as s/he deems appropriate.
- C. The title of Mayor carries with it the responsibility of communicating with the Town Council, Town Manager, ~~and~~ members of the public, and the media regarding decisions made by a majority of the Town Council. In this capacity, the The Mayor ~~serves as the Town "spokesperson" representing also represents~~ the Council ~~at~~ official and ceremonial occasions.
- D. ~~As the official Town spokesperson, t~~The Mayor performs special duties consistent with the Mayoral office, including, but not limited to: signing of documents on behalf of the Town, issuing proclamations, serving as the official voting delegate for various municipal advocacy groups, and delivering the State of the Town Address at his or her discretion.² The Town Council will determine any additional authority or duties that the Mayor shall perform.
- E. Special duties consistent with the Mayoral office may be delegated to the Vice Mayor or any other member of the Town Council.
- F. In the event that one or more members of a Town Board, Commission, or Committee acts in a manner contrary to approved Board/Commission policies and procedures, the Mayor may counsel those members about the rules set forth in the Town Commissioner Handbook.³

¹ Council Agenda Format and Rules Policy

² Council Commendation and Proclamation Policy

³ Resolution 1999-167

TITLE: Town Council Code of Conduct	PAGE: 3 of 9	POLICY NUMBER: 2-04
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Vice Mayor

- A. In the Mayor's absence, the Vice Mayor shall perform the formal duties of the Mayor.⁴
- B. When the Vice Mayor performs the duties of the Mayor in his/her absence, the Vice Mayor also carries the responsibility of communicating with the Town Manager, Town Council, and members of the public.

VI. Council Conduct in Public Meetings

To ensure the highest standards of respect and integrity during public meetings, Council Members should:

- A. *Use formal titles.* The Council should refer to one another formally during Council meetings such as Mayor, Vice Mayor or Council Member or Mr., Mrs., or Ms., followed by the individual's last name.
- B. *Practice civility and decorum in discussions and debate.* Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of free democracy in action. During public discussions, Council Members should be respectful of others and diverse opinions and allow for the debate of issues.
- C. *Honor the role of the presiding officer in maintaining order and equity.* Respect the Mayor/Chair's efforts to focus discussion on current agenda items.
- D. *Council decisions should be reserved until all applicable information has been presented.*
- E. *Conduct during public hearings.* During public testimony, Council Members should refrain from engaging the speaker in dialogue. Speakers at public meetings will be asked to provide their full name and to state whether they are a resident of the Town of Los Gatos. This information is optional but not required. For purposes of clarification, Council Members may ask the speaker questions. Council comment and discussion should commence upon the conclusion of all public testimony

VII. Maintaining Civility at Council Meetings

The public is welcome to participate at Town Council meetings and the Mayor should remind the public of the Town's expectations for civility in order for the business of the Town to be completed efficiently and effectively. These expectations include and are not limited to:

- A. For the benefit of the entire community, the Town of Los Gatos asks that all speakers follow the Town's meeting guidelines by treating everyone with respect and dignity. This is done by following meeting guidelines set forth in State law, in the Town Code, and on the cover sheet of the Council agenda.
- B. The Town embraces diversity and strongly condemns hate speech and offensive, hateful language or racial intolerance of any kind at Council Meetings.

⁴ Council Agenda Format and Rules Policy

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- C. Town Council and staff are well aware of the public's right to disagree with their professional opinion on various Town issues. However, anti-social behavior, slander, hatred, and bigotry statements are completely unacceptable and will not be tolerated in any way, shape or form at Town Council meetings.
- D. All public comments at the Town Council meeting must pertain to items within the subject matter jurisdiction of the Town and shall not contain slanderous statements, hatred, and bigotry against non-public officials.
- E. The Town will go through the following steps if a disturbance results from a member of the public not following these rules:
 - 1. If participating remotely, Town staff may mute the individual with an explanation for the record of why muting occurred consistent with this Policy.
 - 2. If participating in-person, the Mayor may call a recess for violation of this Policy, resulting in the immediate cessation of the audio and video recording and the Council exiting the Chamber. Staff will determine if the individual should be removed or if all members of the public should leave depending on the extent of the disturbance. In the event that all public members exit, only the press would be allowed back in the meeting. Once the individual(s) leave, the Council would return to the Chamber and the Mayor would resume the meeting.
 - 3. Persons disrupting a Council meeting may be cited for violation of the California Penal Code Section 403.

VIII. Legal Requirements

The Town Council operates under a series of laws that regulate its operations as well as the conduct of its members. The Town Attorney serves as the Town's legal officer and is available to advise the Council on these matters.

A. Training

Biannual training in the following areas shall be provided by staff to Council Members:

- 1. The Ralph M. Brown Act
- 2. Town / CA State Law on Conflict of Interest (AB 1234)
- 3. Government Section 1090
- 4. Incompatible Offices
- 5. The Fair Political Practices Commission Forms
- 6. Bias
- 7. Town / CA State Law on Harassment (SB 1343)

B. Procurement

Unless authorized by the Town Council, Council Members shall not become involved in administrative processes for acquiring goods and services.

C. Land Use Applications

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The merits of an application shall only be evaluated on information included in the public record. Council Members shall disclose ex parte communication and any information obtained outside of the public record that may influence his/her decision on a matter pending before the Town Council. Council disclosure shall occur after the Public Hearing section of the agenda, and before Council deliberations.

D. Code of Conduct Policy

Newly elected Council Members are strongly encouraged to sign a statement affirming they have read and understand the Town of Los Gatos Council Code of Conduct Policy.

E. Non-Profit Organizations

Council Members may not sit on boards of directors of non-profit organizations which receive funding or in-kind contributions from the Town, unless the role serves a legitimate Town purpose, such as the League of California Cities, and the participation is approved by the full Council.

IX. Council Participation in Boards, Commissions and Committees, and Reporting Requirements

There are several committees that Town Council Members have been appointed to or have an interest in, including but not limited to: Town Council standing and ad hoc committees, Town boards and commissions, regional boards and commissions, and community-generated committees.

Primary Council representatives should update the Council about board, commission, and committee activities. When serving as the primary Council representative on any board, commission, or committee, Council Members should periodically provide updated reports to the Council during the “Council Matters” opportunity on the Council meeting agenda.

Recommended actions by Council Committees should be reported to the Council. When serving on a Council Committee, whether standing or ad hoc, all work undertaken by the Committee must be directed by the Council, and all recommended actions of a Council Committee shall be reported to the Council.

X. Council Relationship with Town Staff

The Town Council has adopted a Council-Manager form of government. The Town Manager’s powers and duties are outlined in the Town Code, Section 2.30.295.

Council Conduct and Communication with Town Staff

To enhance its working relationship with staff, Council should be mindful of the support and resources needed to accomplish Council goals. When communicating and working with staff, Council should follow these guidelines:

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- A. *Council Members should treat staff as professionals.* Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. As with Council colleagues, practice civility and decorum in all interactions with Town staff.
- B. *Council Members should direct questions about policy, budget, or professional opinion to the Town Manager, Town Attorney or Department Directors.* Council Members can direct questions and inquiries to any staff for information that is readily available to the general public or easily retrievable by staff.
- C. *The Town Manager and staff are responsible for implementing Town policy and/or Council action.* The processing of Council policy and decisions takes place with the Town Manager and staff. Council should not direct policy/program administrative functions and implementation; rather it should provide policy guidance to the Town Manager.
- D. *Council Members should attempt to communicate questions, corrections, and/or clarifications about reports requiring official action to staff prior to Council meetings.* Early feedback will enable staff to address Council questions and incorporate minor corrections or changes to a Council report, resulting in a more efficient Council meeting discussion; however, this does not preclude Council Members from asking questions at Council Meetings.
- E. *Council Members should not direct the Town Manager to initiate any action, change a course of action, or prepare any report without the approval of Council.* The Town Manager's responsibility is to advise on resources available and required for a particular course of action as it relates to the direction of the majority of the Council.
- F. *Council Members should not attend department staff meetings unless requested by the Town Manager.*
- G. *All Council Members should have the same information with which to make decisions.* Information requested by one Council Member will be shared with all members of the Council.
- H. *Concerns related to the behavior or work of a Town employee should be directed to the Town Manager.* Council Members should not reprimand employees.
- I. *Per California Government Code, Sections 3201-3209, Council Members should not solicit financial contributions from Town staff or use promises or threats regarding future employment.* Although Town staff may, as private citizens with constitutional rights, support political candidates, such activities cannot take place during work hours, at the workplace, or in uniform.

XI. Council Communication with the Public and other Council Members

The Public has a reasonable expectation that it may engage its Council Members on matters of community concern. In response, Council Members may express a preliminary opinion on general issues or policies that are in the development phase or projects. Any such preliminary statement shall not ~~constitute a~~ indicate that a decision has been reached before the public hearing-prejudgment or create a presumption of bias on any ~~issue or a project quasi-~~ adjudicatory decision such as a land use approval. In addition, Council Members may from time to time express opinions regarding broad policy matters which may be in conflict with currently

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adopted Council policies or explain an individual vote. Such statements are permissible if clearly characterized as personal opinion or policy change objectives rather than the opinion of the full Town Council.

XII. Enforcement

A. Purpose

The Council Code of Conduct Policy establishes guiding principles for appropriate conduct and behavior and sets forth the expectations of Council Members. The purpose of the policy language is to establish a process and procedure that:

1. Allows the public, Town Council, and Town employees to report Code of Conduct policy violations or other misconduct.
2. Provides guidelines to evaluate Code of Conduct policy violations or other misconduct and implement appropriate disciplinary action when necessary.

B. Procedures

1. Reporting of Complaints

The following section outlines the process for reporting Council Member Code of Conduct Policy violations or other misconduct:

- a. Complaints made by members of the public, the Town Manager, and Town Attorney should be reported to the Mayor. If a complaint involves the Mayor, it should be reported to the Vice Mayor.
- b. Complaints made by Council Members should be reported to the Town Manager or Town Attorney to adhere to Brown Act requirements.
- c. Complaints made by Town employees should be reported to the Town Manager, who will direct them to the Mayor or Vice Mayor.

2. Evaluation of Complaints Alleging Violations

Upon report of a written complaint, the Town Manager and Town Attorney will join the Mayor or Vice Mayor as an evaluation committee to determine the validity of the complaint and, if appropriate, an initial course of action as discussed below. If the Town Manager or Town Attorney is the complainant, the longest serving uninvolved Council Member will replace the Town Manager or Town Attorney on the evaluation committee.

Within seventy-two (72) hours of receipt of the complaint by the Mayor or Vice Mayor, the Council Member in question shall be notified of the reported complaint by the Mayor or his/her designee. The notification shall include a copy of the written complaint and supporting documentation, if any, the identity of the complainant and nature of the complaint.

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3. Unsubstantiated or Minor Violations

If the majority of the Committee agrees that the reported violation is without substance, no further action will be taken. If the reported violation is deemed valid but minor in nature, the Mayor or Vice Mayor shall counsel and, if appropriate, admonish the Council Member privately to resolve the matter. Admonishment is considered to be a reproof or warning directed to a Council Member about a particular type of behavior that violates Town policy.

4. Allegations of Major Violations

If the reported violation is considered to be serious in nature, the matter shall be referred to outside legal counsel selected by the Committee for the purpose of conducting an initial interview with the subject Council Member. The outside counsel shall report his/her initial findings back to the Committee.

If the Committee then determines that an investigation is warranted, the Committee shall direct the outside legal counsel to conduct an investigation. The investigation process would include, but is not limited to, the ascertainment of facts relevant to the complaint through interviews and the examination of any documented materials.

5. Report of Findings

At the conclusion of the investigation, outside legal counsel shall report back to the Committee in writing. The report shall either (1) recommend that the Council Member be exonerated based on a finding that the investigation did not reveal evidence of a serious violation of the Code of Conduct, or (2) recommend disciplinary proceedings based on findings that one or more provisions of the Code of Conduct or other Town policies have been violated. In the latter event, the report shall specify the provisions violated along with the facts and evidence supporting each finding.

The Committee shall review the report and its recommendations. If the consensus of the Committee is to accept the report and recommendations, the Committee shall implement the recommendations. Where the recommendation is exoneration, no further action shall be taken. Where the recommendation is to initiate disciplinary proceedings, the matter shall be referred to the Council. Where there is no consensus of the Committee regarding the recommendations, the matter shall be referred to the Council.

The subject Council Member shall be notified in writing of the Committee's decision within 72 hours. Where the decision is to refer the matter to the Council, a copy of the full report, including documents relied on by the investigator shall be provided with the notification, and a copy of both shall be provided to the whole Council.

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6. Proceedings

Investigative findings and recommended proceedings and disciplinary action that are brought forward to Council as a result of a significant policy violation shall be considered at a public hearing. The public hearing should be set far enough in advance to allow the Council Member in question reasonably sufficient time to prepare a response.

Investigative findings shall be presented to the Town Council at a public hearing. The rules of evidence do not apply to the public hearing. It shall not be conducted as an adversarial proceeding.

C. Disciplinary Action

1. Considerations in Determining Disciplinary Action

Disciplinary action may be imposed by Council upon Council Members who have violated the Council Code of Conduct Policy. Disciplinary action or sanctions are considered when a serious violation of Town policy has occurred by a Council Member. In determining the type of sanction imposed, the following factors may be considered:

- a. Nature of the violation
- b. Prior violations by the same individual
- c. Other factors which bear upon the seriousness of the violation

2. Types of Sanctions

At the discretion of the Council, sanctions may be imposed for violating the Code of Conduct or engaging in other misconduct. These actions may be applied individually or in combination. They include, but are not limited to:

- a. *Public Admonishment* – A reproof or warning directed to a Council Member about a particular type of behavior that violates Town policy.
- b. *Revocation of Special Privileges* – A revocation of a Council Member’s Council Committee assignments, including standing and ad hoc committees, regional boards and commissions, and community-generated board/committee appointments. Other revocations may include temporary suspension of official travel, conference participation, and ceremonial titles.
- c. *Censure* – A formal statement or resolution by the Council officially reprimanding a Council Member.

APPROVED AS TO FORM:

Gabrielle Whelan, Town Attorney