

**ORDINANCE NO. 2015-05**

Town of Rising Sun

Cecil County, Maryland

AN ORDINANCE OF THE TOWN OF RISING SUN, ("TOWN") CECIL COUNTY, MARYLAND, AMENDING AND ADDING LANGUAGE TO CHAPTER 2, TITLED ADMINISTRATION & GOVERNMENT OF THE CODE OF ORDINANCES OF THE TOWN OF RISING SUN, IN ORDER TO CREATE A NEW ARTICLE 12 TITLED SOCIAL MEDIA & INFORMATION TECHNOLOGY POLICY; FOR THE PURPOSE OF ESTABLISHING THE TOWN'S POSITION ON THE USE AND MANAGEMENT OF SOCIAL MEDIA AND TO PROVIDE GUIDELINES ON THE MANAGEMENT, ADMINISTRATION AND OVERSIGHT OF SOCIAL MEDIA, SOCIAL NETWORKING INTERNET, BLOGS AND OTHER SIMILAR MEDIA; AND TO REPEAL RESOLUTION 2012-08; AND TO REPEAL ANY AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

**WHEREAS**, the Town, located in Cecil County, Maryland is a municipality organized under and governed by Article 23A of the Annotated Code of Maryland; and

**WHEREAS**, the Town is proclaimed as a perpetual entity with the right to pass laws; and

**WHEREAS**, the Code of Ordinances of the Town, contains Chapter 2, titled ADMINISTRATION & GOVERNMENT, which establishes the general guidelines associated with the proper administration of affairs and business for the Town of Rising Sun, Maryland, in accordance with the Town Charter and other applicable Federal and State Laws; and

**WHEREAS**, the town has made many efforts to communicate with the Town residents, businesses, stake holders and interested parties of the Town regarding current events, community activities, functions and other issues facing the Town on a daily basis; and

**WHEREAS**, the Town has expanded upon the use of print media as the primary way to communicate with the public and has developed and fostered a presence on the internet by way of a comprehensive Town website and "real time" presence through various social media and social network engines such as Facebook, Twitter, Instagram & YouTube and has the ability to expand and link to other such medium for the benefit of exposure to a greater audience; and

**WHEREAS**, The Town of Rising Sun endorses the secure use of social media to enhance communications and information exchange; streamline processes; and foster a sense of community with the residents. However all forms of media and community relations present a delicate balance of "open communication and transparency in government" in order to insure accurate and timely dissemination of information, versus the release of

inaccurate, conflicting, confidential, inappropriate, sensitive or unauthorized information that subjects the Town to potential liability, legal exposure and direct financial impact to the residents of the Town; and

**WHEREAS**, the Town has experienced these and other types of unauthorized release and dissemination of such information using other medium that has led directly to the types of liability and exposure detailed above and to the extent that the Town's legal counsel and insurance company have strongly advised that these breaches are counterproductive to the efficient management and organization of the Town and steps should be taken to mitigate these exposures going forward.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Town Commissioners of the Town of Rising Sun, Cecil County, Maryland, and it is hereby enacted and ordained by its authority that Chapter 2 of the Town Code shall be modified as follows:

## SECTION 1

A new Article 12 to be titled SOCIAL MEDIA AND INFORMATION TECHNOLOGY POLICY shall be created and shall read as follows:

### ARTICLE 12. SOCIAL MEDIA AND INFORMATION TECHNOLOGY POLICY

#### **Section 2-1201 Background.**

Social media provides a valuable means of assisting the Town and its personnel in providing community education, community information and other related organizational and community objectives. This policy identifies possible uses that the Town may evaluate and utilize as it deems necessary in order to achieve exposure to a greater audience. Social media facilitates further discussion of Town issues, operations and services by providing members of the public the opportunity to participate in many ways using the Internet. While municipalities are increasingly embracing social media technologies as a way of improving Elected Official, Staff and Departmental interactions with the community, the potential for unauthorized, inappropriate abuse or misuse is ever present.

#### **Section 2-1202 Purpose.**

The purpose of this document is to outline procedures and provide guidelines for the use of social media and other internet based medium for Town elected officials, employees, appointees, boards, alliance, commissions, contractors and other individuals performing work for the Town of Rising Sun, and to address the fast-changing landscape of the Internet and the way residents communicate and obtain information online. This policy provides guidance of a precautionary nature as well as restrictions and prohibitions on the use of social media and the internet by persons regulated by this policy in both their personal and professional lives. This policy is not meant to address one particular form of social media but to apply to all forms of social media, including emerging technologies.

## **Section 2-1203 Definitions.**

Unless otherwise expressly stated, the following terms shall, for the purposes of this policy, have the meanings shown in this section.

- A. **Blog.** A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments.
- B. **Official Town Accounts.** An official account is an account that clearly identifies itself as being associated with the Town, an elected official, board, alliance or commission. The primary purpose of this account is for official Town business.
- C. **Personal Accounts.** A personal account is a personal social media account that has a primary purpose of personal use with rare official use. Any posting of Town business must comply with section 4.6.
- D. **Post.** Content an individual shares on a social media site or the act of publishing content on a site.
- E. **Profile.** Information that a user provides about himself or herself on a social networking site.
- F. **Social Media:** A category of Internet-based resources that enable the user to generate content and encourage other user participation. This includes, but is not limited to, social networking sites: Facebook, Twitter, YouTube, Wikipedia, blogs, and other sites.

(There are thousands of these types of sites and this is only a short list.)

- G. **Social Media Managers:** An individual(s) assigned to a social media account, as outlined in section 2-1206 A.1 below, that has been granted rights to serve as an editor, contributor and moderator on any Town accounts.
- H. **Social Networks:** Platforms where users can create profiles, share information, and socialize with others using a range of technologies.
- I. **Speech:** Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.

## **Section 2-1204 Policy Statement.**

The Town encourages the use of social media to further the goals of the Town and the missions of its Town elected officials, employees, appointees, boards, alliance, commissions, contractors and other individuals performing work for the Town of Rising Sun. The Town has an overriding interest and expectation in deciding who may "speak" and what is "spoken" on behalf of the Town on social media sites, the Town's website, the internet and televised add channels. This policy includes guidelines for the use of such platforms.

### **Section 2-1205 Policy Scope & Applicability.**

This policy will cover any Town elected officials, employees, appointees, boards, alliance, commissions, contractors and other individuals performing work for the Town of Rising Sun, and will govern the following:

- A. The creation and use of the Town's official website
- B. The creation and use of any official Town social networks or Internet based blogs or websites.
- C. The use and operation of any personal social media sites, social networks or Internet based blogs or websites.

### **Section 2-1206 Policy, Rules and Guidelines.**

A. Administrative Oversight & Account Moderator. The Town Administrator shall be responsible for moderating compliance with these policies and shall oversee all official Town social media accounts, Town's official website and cable television access channels; and will hold administrative rights to all such accounts, while monitoring those accounts for compliance with this policy. This is to include, but is not limited to accounts used for the Town, elected officials, departments, boards, alliance and commissions. In addition the following parameters for this management oversight shall be established:

1. Recognized Town Website and Social Media Accounts. The Town shall only have one Town Website to be used for all Town activities, affairs and community outreach. Official Town of Rising Sun social media accounts will be limited to:
  - a. Town of Rising Sun main page or account
  - b. Elected Officials specific pages and accounts (If they want to participate)
  - c. The Rising Sun Police Department
  - d. Town Administrator
  - e. Police Chief
  - f. Rising Sun Historical Commission
  - g. Rising Sun Arts Alliance
2. Creation and Hosting of Social Media Accounts. Depending upon the social media platform used, all official Town social media accounts as listed above shall be hosted under one account for the platform being used; and under the administrative oversight and monitoring of the Town Administrator. As new pages are needed the Town Administrator will create needed pages and when they are no longer needed the Town Administrator will delete them.

3. Editors, Contributors and Monitors of Social Media Accounts. In addition to the Town Administrator holding administrative rights to all social media accounts listed in item 1 above, social media managers will be assigned as needed to each site as follows:

- a. Town of Rising Sun primary page/account. All elected officials shall be provided with the ability to post, comment, edit, delete, contribute, moderate and respond to post/comments.
- b. Elected Officials specific pages and accounts. Any elected official wishing to have their own specific page or account will be provided with the ability to post, comment, edit, delete, contribute, moderate and respond to post/comments;
- c. The Rising Sun Police Department. The Police Chief shall be provided with the ability to post, comment, edit, delete, contribute, moderate and respond to post/comments; and shall further be permitted to have other designees within the department provided with the same or less access and permissions.
- d. Town Administrator. The Town Administrator shall be permitted to have other designees within the Town staff to serve as social media managers on this page and shall provide them with the same or less access and permissions.
- e. Rising Sun Historical Commission. The Rising Sun Historical Commission shall be provided with the ability to post, comment, edit, delete, contribute, moderate and respond to post/comments; and shall further be permitted to have designees within the commission provided with the same or less access and permissions.
- f. Rising Sun Arts Alliance. The Alliance Chairperson shall be provided with the ability to post, comment, edit, delete, contribute, moderate and respond to post/comments; and shall further be permitted to have other designees within the department provided with the same or less access and permissions.

4. Development and access to other social media platforms. As directed by the Board of Commissioners, the Town Administrator or his designee shall approve what social media outlets may be suitable for use by the Town elected officials, employees, appointees, boards, alliance, commissions, contractors and other individuals performing work for the Town of Rising Sun and will provide education and assistance on how to best use various social media outlets to achieve their goals.

5. Information Management of the Website and Social Media Accounts. The Town Administrator shall oversee the specific management, updating and posting of information on the Town's website and any Official Town Social

Media accounts such as Facebook, but not limited thereto, that are not specific to a Town elected official, board, alliance, commissions, contractors and other individuals performing work for the Town of Rising Sun.

B. Proper Conduct, Statements, Comments and Posts. Social Media Managers participating on a social media account or Blog shall:

1. Not speak on behalf of the Town, or speak to the technical details of a subject unless you are an authoritative on the subject and have been authorized to speak on behalf of the Town by the Board of Commissioners.
2. Not share information that is confidential, of legal nature or personnel related. Only publically available information or information which you have been authorized by the Board of Commissioners may be shared. Social Media Managers are encouraged to confer with the Town Administrator or Community Public Affairs officer prior to posting.
3. Be transparent. Clearly identify yourself and explain your association with the Town
4. Be professional. This includes being honest, respectful and factual at all times.
5. Do not refer to products or services of vendors, clients, or partners without obtaining their consent.

C. Types of Post, Comments or Uploads to Town Social Media Sites. As defined previously in this policy, social media provides a valuable means of assisting the Town and its personnel in providing community education, community information and other related organizational and community objectives and helps facilitates further discussion of Town issues, operations and services by providing members of the public the opportunity to participate in many ways using the Internet. However, social media managers may be tempted at times to use the sites for other purposes, although intended for good reasons, is not consistent with the purposes of these sites which is for the benefit of Town residents, constituents and stake holders. The following types of post or uploads to social media platforms are to be avoided:

1. Information regarding non-Town programs, or concepts not listed above should not be published unless:
  - there is significant investment of Town resources;
  - the Town is a sponsor or co-sponsor of the program or event; or
  - the information is intended to inform residents of policies and programs of other governmental agencies having jurisdiction in the Town.

Exceptions

Town social media may be used to inform residents of cultural or academic activities or events, whether held in the Town or not, so long as the program or activity is sponsored by a not-for-profit agency or organization and complies with the spirit of this policy.

2. Town social media are not to be used for any personal postings not related to an actual Town sanctioned event, programs, activities or task of which you are formally representing the Town.
3. Town social media are not to be used for advocating support for a particular issue or individual unless as identified as a focus, issue or concern of the Town.
4. Town social media will not be used for any commercial advertising message;
5. or any purpose that constitutes libel, slander, invasion of privacy, violation of trademark or copyright;
6. or that might violate any local, state, or federal law including FCC regulations.

D. Dealing with Inappropriate Post or Comments from the public. Once posted, the Town Administrator and social media managers reserve the right to delete submissions from the public that contain:

- Vulgar language
- Personal attacks of any kind
- Offensive comments that target or disparage any ethnic, racial or religious group
- Privileged Town information regarding negotiations, legal positions, employee information, etc.
- Spam
- Clearly off topic
- Advocate illegal activities

E. Dealing with Critical Review, Comments and Opinions. It is important that social media managers refrain from deleting posts or comments unless there is a specific violation of the posted comments policy as outlined in Section 2-1206 D above. If a negative comment is posted, it opens the conversation and more times than not, your followers will respond in a defensive manner or address your concerns for you. Taking down antagonistic comments may open your program up to backlash from your followers and you may lose credibility.

F. Maintaining Public Views and Access. All Town social media sites shall remain public and viewable by anyone over the age of 18. The blocking, limited access or prohibiting the view of any elected officials, employees, appointees, contractors



and other individual performing work for the Town is strictly prohibited.

G. **Blocking or Prohibiting Public View.** After a posted warning to any individual found to be in violation of item D above, such individual can be blocked from public viewing access of any Town social media for no more than 30 days; and for 60 days for each subsequent offence thereafter. Any individual blocked shall be documented in writing to the Town Administrator.

H. **Personal use of Social Media and Social Networks.** The Town recognizes that social networking is increasingly becoming a standard component of work and personal life, however, Town elected officials, employees, appointees, boards, alliance, commissions, contractors and other individuals performing work for the Town of Rising Sun, must be aware that their use of social media even in their personal lives can have an effect on the performance of their duties and negatively impact the Town. Although the Town takes no position on your decision to start or maintain a blog or participate in other social networking activities on your own time and with your own computer, it is the right and duty of the Town to protect its residents from misuse during working hours; or the dissemination or posting of inaccurate, conflicting, confidential, inappropriate, sensitive or unauthorized information that subjects the Town to potential liability, legal exposure and direct financial impact to the residents of the Town due to such inappropriate use and non-compliance with these policies.

The following rules shall apply to the use of personal accounts.

1. These personal accounts must not be associated with official personas of the Town or include any titles or pictures that could confuse someone or suggest that your page represents in any way the Town of Rising Sun.
2. Any discussion or references to the Town of Rising Sun are to be kept to a minimum.
3. If you are discussing Town business, then you must identify your position and make it clear that your views are yours and do not represent the views of Town.
4. You must not speak disparagingly about the Town, its employees, elected body, services, volunteers, and vendors.
5. When on the job, access to social media must be confined to limited and sporadic personal use.

I. **Personal Account Conversion.** Any accounts in existence that are noncompliant with this policy must be brought into compliance within two weeks of the approval of this document by the Board of Commissioners

J. **Enforcement.** The Town Administrator, on behalf of the Board of Commissioners is charged with monitoring all Town social media sites for any violations of these policies and shall be authorized to take whatever steps necessary to bring any sites into immediate compliance. The Town Administrator is expected to notify the



**Board of Commissioners** of any repeat violators or persons who fail to comply with the policies after written request to do so.

- K. **Violations.** The above policy provisions found in this Article are considered to be enforceable policies of the Town's Employee Personnel Manual and the Elected Officials code of conduct as found in Article 3 of his Chapter. Enforcement actions shall be in accordance to those respective documents.

### SECTION 3.

All ordinances or parts thereof inconsistent herewith are repealed, rescinded, canceled and annulled.

### SECTION 4.

Should any provision, section, paragraph or subparagraph of this Ordinance, including any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable for a court having jurisdiction, the same shall not affect the validity, legality, or enforceability of any other provision, section, paragraph or subparagraph hereof, including any code text adopted hereby. The Town of Rising Sun hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable. Each such provision, section, paragraph or subparagraph is expressly declared to be and is deemed severable.

### SECTION 5.

That nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

### SECTION 6.

That the Rising Sun Town Clerk is hereby ordered and directed to cause this ordinance to be published in a newspaper in general circulation.

### SECTION 7.

**NOW THEREFORE BE IT FURTHER RESOLVED** that this ordinance was introduced on this 9<sup>th</sup> day of December, 2015.

SECTION 8.

**NOW THEREFORE BE IT FURTHER RESOLVED** that the Mayor and Commissioners of the Town of Rising Sun passed, approved and adopted this ordinance on this 22<sup>th</sup> day of December, 2015

AYES:

NAYES:

ATTEST:

ON BEHALF OF  
THE MAYOR AND COMMISSIONERS  
OF THE TOWN OF RISING SUN

BY: \_\_\_\_\_  
Marsha Spencer  
Town Clerk

BY: \_\_\_\_\_  
Travis Marion - Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

THIS \_\_\_\_\_ DAY OF DECEMBER, 2015

BY: \_\_\_\_\_  
Jack A. Gullo, Jr., - Town Attorney