

RESOLUTION NO. 4503

A RESOLUTION ADOPTING AMENDED "MODEL GOVERNMENT SOCIAL MEDIA TERMS AND CONDITIONS FOR USERS" PERTAINING TO CITY OF MILES CITY SOCIAL MEDIA ACCOUNTS.

WHEREAS, the City of Miles City maintains various social media accounts, and finds it in the best interest of the City to adopt the Model Governmental Social Media Terms and Conditions pertaining to the use of said social media accounts, and the handling of comments and citizen social media users who interact with and post/comment on the same;

AND WHEREAS, the City has previously adopted a policy on this subject, and desires to amend the same to add provisions related to the archiving of City social media content;

NOW THEREFORE, IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA AS FOLLOWS:

1. The "Model Government Social Media Terms and Conditions for Users," attached hereto as Exhibit "A" and incorporated by this reference, are hereby adopted.

SAID RESOLUTION FINALLY PASSED AND ADOPTED BY A DULY CONSTITUTED QUORUM OF THE CITY COUNCIL OF THE CITY OF MILES CITY, MONTANA, THIS 28TH DAY OF FEBRUARY, 2023.



John Hollowell, Mayor

ATTEST:



Mary Rowe, City Clerk

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, The City of Miles City has developed its own social media accounts, which help us inform the public about our work and mission.

The City of Miles City 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.

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 The City of Miles City 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 The City of Miles City 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;

- 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 The City of Miles City. 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 The City of Miles City's Attorney 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.

CONTENT ARCHIVING

1. It shall be the policy of the City of Miles City to archive the content of all social media pages run by City departments, using a service or software such as Archive Social, or similar social media archiving software or service. Said service or software subscription shall be obtained by and approved through the City Council, or by a member of the City staff at the direction of the City Council. The cost of said software or service shall be paid by each department within the City utilizing social media, to be divided and paid equally by each such participating department.