

**Snohomish City Council Workshop Minutes
February 20, 2018**

1. **CALL TO ORDER:** Mayor Kartak called the Snohomish City Council Workshop to order at 5:00 p.m., Tuesday, February 20, 2018, in the Snohomish School District Resource Service Center, George Gilbertson Boardroom, 1601 Avenue D, Snohomish, Washington.

MAYOR/COUNCILMEMBERS PRESENT

Larry Countryman
Steve Dana
Karen Guzak
John Kartak, Mayor
Tom Merrill
Linda Redmon (*late arrival 5:18 p.m.*)
Jason Sanders
Lynn Schilaty

STAFF PRESENT

Pat Adams, HR Manager/City Clerk
Debbie Burton, Finance Director
Emily Guildner, City Attorney
Glen Pickus, Planning Director
Steve Schuller, City Administrator
Grant Weed, City Attorney

2. **PRESENTATION: Social Media Best Practices**

City Attorney Grant Weed introduced Emily Guildner as staff lead for the workshop presentation. Mr. Weed explained he expects there will be a lot of follow up questions after the presentation, and requested that Councilmembers note their questions and he will follow up individually on those questions after the meeting.

City Attorney Emily Guildner explained there are three types of policies to be discussed and eventually adopted:

- 1) City Staff – Internal Procedures;
- 2) Elected Official Best Practice Guidelines; and
- 3) Visitor Terms and Conditions

Her presentation will focus on elected officials’ best practice and guidelines for social media.

Ms. Guildner reviewed the types of speech on social media as follows:

- Private Citizen - Retains First Amendment rights and no City business is discussed.
- Public Official - Does not have full First Amendment rights, and is speaking from a public official stand point (Kennedy v. Bremerton School District, 9th CIR, 2017)

Types of Forums included:

- Traditional or “open public forum” – Sidewalk/ park
- Limited – City Council Meetings
- Closed – City Hall lobby

Ms. Guildner discussed the best practice considerations for the following:

Public Records Act

- Public Content
 - Whether posted by you or a visitor; subscriber/follower information lists are also public.

- Disclaimer
 - Need a disclaimer on profile/page that posts/threads are public record.
- Retention/Archiving
 - Contact Debbie Burton for assistance
- Deleted Comments
 - Need date, content of the post, poster, and reason for deletion in accordance with guidelines

Open Public Meetings Act (OPMA)/Appearance of Fairness

- Quorum
 - It is recommended that Councilmembers not friend, like or follow other Councilmembers. Beware of threads. OPMA penalties could extend to social media use (voiding action etc.)
- Pre-approved posts
 - Option for moderation policy

First Amendment

- Open Public Forum
 - Allows for broad protections of commentators, and the site can turn into an open forum, if not limited
- Designation of Limited Public Forums
 - Create the page as a limited forum. Follow the policy best practice to avoid opening it up, and allow for limiting comments to on-topic
- Non-Discrimination
 - In limited forum, you can prevent certain content, but once content has been opened, you can't viewpoint discriminate
- Equal Access
 - Avoid use of limited sites in official capacity, such as subscription services like Nextdoor, etc.

Summary

- Keep your personal and official pages separate.
- Follow moderation recommendations.
- Remember Public Records Act and OPMA issues apply (akin to email).
- Contact City staff with specific issues or scenarios if Councilmembers need more information.

City Attorney Weed noted the social media policies which have been drafted are a combination of Ms. Guildner's research of cases that have been recently decided, a review of other cities adopted policies and the rest is knowledge of how social media works and common sense. As such, the City Council will receive three written policies for

consideration for adoption at an upcoming meeting. If the Council doesn't have guidelines, there can be personal consequences as elected officials, and to the City in terms of exposure to risk and liabilities.

Mr. Schuller explained there are costs to having elected officials' Facebook pages. The City will need to contract with a firm to back up and archive all the pages and staff will need to monitor disclaimer language, etc.

Councilmember Sanders stated he has a Facebook campaign page and asked if the City Attorney's Office should review it for compliance with best practices.

Mr. Weed responded his office and City staff can provide guidance on keeping personal Facebook pages separate from an elected official's page.

Attorney Guildner stated campaign pages, especially re-election pages are different. Councilmembers can have a campaign page, but should be cautious when campaigning as a seated elected official. Elected officials can have up to three separate pages, and it's very important to keep these following three pages completely separate:

- 1) Personal;
- 2) Campaign; and
- 3) Elected Official

Councilmember Schilaty thinks there are countless ways to connect with her constituents, including email, and having a Facebook page as an Elected Official appears to increase their exposure to liability. She supports a campaign page, but isn't clear on the benefits of having an Elected Official page.

Councilmember Sanders commented young people look to social media for all of their information. He agreed the Council needs to be cognizant of best practice guidelines.

Councilmember Merrill stated he could envision using his Elected Official page to conduct a semi town hall meeting to address an issue like homelessness or addiction to put his position out there, and to see what his constituents think. He could collect information from the community.

Ms. Burton stated that type of activity would be acceptable on his Elected Official page.

Councilmember Guzak commented she has all three pages, and explained her Elected Official page has links to the City's Quarterly Magazine, and upcoming City issues and agenda items. She uses it as an informational tool.

Councilmember Redmon stated she converted her Campaign page into an Elected Official page. She has received positive input from citizens indicating they are well informed as a result on her putting City information on her Elected Official page.

Councilmember Schilaty asked about "friending" other Councilmembers on Facebook. She heard this could be problematic.

Attorney Guildner explained Councilmembers need to be careful about how they interact and that they not discuss City business on their personal pages. It needs to be kept completely separate.

In summary, Mr. Schuller stated there should be no Councilmember Facebook pages that the City isn't aware of. He asked that Councilmembers with Elected Official pages, please contact Debbie Burton to ensure the Information Services Department backs up and archives those pages.

3. **ADJOURN** at 5:55 p.m.

APPROVED this 6th day of March 2018

CITY OF SNOHOMISH

ATTEST:

John Kartak, Mayor

Pat Adams, City Clerk