

**RESOLUTION 22-47**

**A RESOLUTION OF THE SOUTH WEBER CITY COUNCIL  
AMENDING POLICIES AND PROCEDURES SECTION 7.090  
ELECTRONIC COMMUNICATIONS**

**WHEREAS**, electronic communication is becoming more prevalent in the workforce; and

**WHEREAS**, the record's officer reviewed South Weber's policy and found some areas that could use improvement; and

**WHEREAS**, all employees were asked to review the changes; and

**WHEREAS**, the Administration/Finance Committee recommends the draft be accepted; and

**WHEREAS**, the Council studied the proposed changes and agrees to the updates;


**NOW THEREFORE BE IT RESOLVED**, by the Council of South Weber City, Davis County, State of Utah as follows:

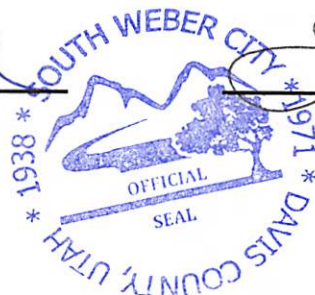
**Section 1. Amendment:** The South Weber City Policies and Procedures Section 7.090 Electronic Communications shall be amended as contained in Exhibit 1.

**Section 2: Repealer Clause:** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

**PASSED AND ADOPTED** by the City Council of South Weber, Davis County, on the 15<sup>th</sup> day of November 2022.

Roll call vote is as follows:		
Council Member Halverson	<input checked="" type="radio"/> FOR	AGAINST
Council Member Petty	<input checked="" type="radio"/> FOR	AGAINST
Council Member Soderquist	<input checked="" type="radio"/> FOR	AGAINST
Council Member Alberts	<input checked="" type="radio"/> FOR	AGAINST
Council Member Dills	<input checked="" type="radio"/> FOR	AGAINST

  
Rod Westbroek, Mayor



  
Attest: Lisa Smith, Recorder

**EXHIBIT 1**  
**POLICIES AND PROCEDURES**  
**7.090 ELECTRONIC COMMUNICATIONS**

## 7.090 Electronic Communications

It is the policy of South Weber City to establish basic guidelines concerning the appropriate use of email, voice mail, text messaging, internet technology, the City's Wi-Fi network connection, and other electronic communication systems owned and provided by the City. All communications over and activities conducted on these systems are the property of the City. The City has provided these systems to its employees and public officials (both elected and appointed) for the purpose of performing professional responsibilities and duties. Because email is a primary way the City communicates important information; employees and public officials are encouraged to check for new email messages at least once a week and reply promptly.

Email related to City business is recognized as official correspondence. Whether printed or not, it is subject to the same policies, rules, and procedures, and must be treated in the same manner as any City correspondence sent or received in printed format. This policy applies to all business correspondence whether on company owned and personal devices.

Employees and public officials shall file any and all emails containing substantive information related to City business. Deletion of emails containing substantive information without first filing said emails shall be prohibited. Employees found deleting such records may be subject to disciplinary action in accordance with Chapter 11 of this Policy.

Public Officials are discouraged from using a personal email account from an outside email provider to conduct City business as it can be difficult to maintain appropriate records. However, if the public official chooses to use a personal email account to conduct City business, then it is subject to the policy and procedures outlined herein and examination for matters related to personnel matters, litigation disclosures, forensic analysis, and information requests under the Government Records Access Management Act (GRAMA)

### **A. Purpose**

To encourage the proper use of voice mail, email, internet, Wi-Fi, or other communication systems provided by the City.

### **B. Guidelines for Email, Voice Mail, Internet, Wi-Fi, and other Electronic Communications**

- 1) The City encourages the appropriate use of all methods of communicating both internally and externally in conducting the affairs of the City. This includes the use of email, text messaging, voice mail, internet, Wi-Fi, and other electronic communication systems for both City related and personal purposes. Employees and public officials have no expectation of privacy when using any equipment or system provided by the City, are required to follow specific rules and procedures when utilizing these technologies for City business, and/or when using City resources. The City reserves the right to inspect the contents of any computer,

telephone, cell phone, or any other equipment that is owned by the City. The City also reserves the right to inspect any web page history, email, voice mail, text message, instant message, downloaded image, or other electronic file residing on the City server as a result of use of any of the above-described items or as a result of the use of the City's internet with personally owned devices (Personal Digital Assistant (PDA), Tablets, Cell Phones). Any such inspection may occur at any time and for any reason. Personnel in Supervisory positions should be particularly aware of situations that may warrant monitoring such as:

- a) Suspicion of a crime or violation of policy
- b) To monitor productivity

The use of passwords is to prevent unauthorized access by other employees, public officials, and the public and should not be construed as creating an expectation of privacy by the employee or elected official who uses the password.

- 2) The City encourages work-related and personal use of City email, voice mail, internet, and Wi-Fi systems for the following purposes:
  - a) To facilitate performance of job functions;
  - b) To facilitate the communication of information, both internally and externally, in a timely manner;
  - c) To coordinate meetings of individuals, locations, and City resources.
  - d) To share ideas and information;
  - e) For personal use during an employee's time off (provided the provision in section 3 (related to prohibited uses) and section 4 (relating to personal use) are followed); and
  - f) To encourage employee's and elected official's innovation.
- 3) Prohibited uses of City email, voice mail, internet, Wi-Fi, and any other electronic communication systems include, but are not limited to the following:
  - a) Sending, viewing, downloading, or storing pornographic or obscene images or information on City computers, cell phones, or other City equipment. It is also a violation of the City policy to send, view, or download pornographic or obscene images or information using the City's internet or Wi-Fi systems using any personally owned electronic device (Personal Digital Assistant (PDA), Tablets, Cell Phones) **at any time**. Unsolicited pornography or obscene images are to be reported to the City Manager or the Information Technology Personnel.
  - b) Sending, viewing, or downloading any other offensive, discriminatory, disparaging, or harassing graphical images or information.
  - c) Using any form of electronic communication in a manner that violates the City's sexual harassment policy
  - d) Sending obscene or suggestive images.
  - e) Political endorsements.
  - f) Commercial or business activities not related to the City.
  - g) Personal use of the internet other than brief incidental use.

- h) Internet usage during official meetings, unless searching for information directly related to the current discussion.
- i) Threats of harassment.
- j) Slander or defamation.
- k) Other illegal activities or activities prohibited by City policy.
  - i. Employees using City email, internet, Wi-Fi, or other related systems for personal use will be responsible for reimbursing the City for any direct expenses incurred from that use, such as the costs of printing or long-distance calls.
  - ii. Although commercial or business activities not related to the City are prohibited on City email, internet, Wi-Fi systems, South Weber City does allow employees to sell limited personal items using the internal e-mail system. Selling for non-City employees is prohibited.
  - iii. Employees and public officials are cautioned not to send e-mail to every employee listed in the e-mail system that is indicative of a person's personal beliefs or of a religious nature.
  - iv. Email, instant messaging, texts, voice mail, and other electronic communications can be requested through the Government Records Access Management Act (GRAMA) and used in court proceedings as evidence. Employees and public officials are to be professional in their use of electronic communications systems.
  - v. Violations of this Policy will be reviewed on a case-by-case basis and may result in disciplinary action up to and including termination.
  - vi. Violations of this Policy that may be construed to be of a harassing nature or that may create a hostile work environment will be treated as a violation of the City's harassment policies.

Employees and public officials shall keep personal email and other electronic correspondence utilizing city resources to a minimum.

The contracted Information Management Team is responsible and accountable for ensuring employees and public officials are able to communicate using the appropriate technologies in an effective, secure method by deploying the appropriate safeguards in the appropriate way.

**C. Government Records Access Management Act (GRAMA)**

**1) Examination:** The following devices and/or technology used to conduct City business may be subject to examination for matters related to personnel matters, litigation disclosures, forensic analysis, and information requests under the Government Records Access Management Act (GRAMA):

- a) Computers, tablets, cell phones, and Personal Digital Assistants (PDAs) owned by the City, or any personal devices used for government business;
- b) Servers and other networks and devices owned by a third party (i.e., email servers, web servers);

**2) Evaluation:** Any communication regarding city business should be evaluated

based on content and value and files accordingly. Note: Attachments may have a different retention and should be filed accordingly. Non-records are junk mail, commercial publications, drafts, or personal correspondence and should be deleted as soon as no longer needed

- a) Transitory records are communications which are of fleeting importance such as calendar updates, reminders, and invites and should be deleted as soon as resolved.
- b) Routine correspondence are routine emails related to work accomplished, transactions made, document actions taken...and should be destroyed after three years.
- c) Administrative correspondence provides unique information relating to the functions, policies, procedures, or programs and should be maintained for seven years before destruction.
- d) Emails may be subject to other retention based on content and should be evaluated for legal or historic value,

**3) Filing:**

- a) Metadata should be retained when downloading
- b) Meaningful subject lines help when searching
- c) Archiving in folders by year can save time later and free up inbox
- d) Trash folder should be deleted annually as soon as possible after January 1<sup>st</sup>.
  - i. Except for transitory emails, record deletions must be reported to the recorder for documentation.

**4) Separated Employees:**

- a) Chief Administrative Officer (City Manager or Mayor) records should be retained for seven years
- b) Executive Staff (Department Heads) records should be retained for five years
- c) Other employees' records should be retained for three years

**D. Standards of Conduct**

Employees and public officials are reminded of the requirement to conduct themselves appropriately in all City correspondences as outlined in this Policy. Employees and public officials are required to be respectful of individuals and groups in their communications related to City business. Use of profane, vulgar, inflammatory, disrespectful, or derogatory language is unprofessional and is not appropriate in any City correspondence.

**E. Records Retention Roles and Responsibilities**

All electronic communication, including instant messages and text messages, are governmental records and are subject to the same statutes, ordinances, policies, and procedures as their printed counterparts. Employees and public officials are required to appropriately manage the retention and disposition of electronic communications records for which they are responsible. Records deleted or altered which are required to be retained must

be restored.

Questions regarding record retention should be directed to the City Recorder.

#### **F. Role Definition of the:**

- 1) **Sender.** Employees and public officials that originate a message and send it to another person or persons are the senders of the communication. The sender has the primary responsibility for ensuring messages related to City business are consistent with the City's position on the specific topic, are appropriately managed, and comply with the applicable policies and procedures for the specific type of communication.
- 2) **Recipient.** Employees and public officials to whom a message is sent are the receivers regardless of whether he/she is the primary recipient of the message or were "cc'd or Bcc'd." The receiver has the responsibility to ensure messages related to City business not originating from a City system, such as from a member of the public, are appropriately managed and comply with the applicable policies and procedures for the specific type of message.
- 3) **Creator.** Employees or public officials generating new information or content related to City business for a web page or social media site are creators of content. Creators of content related to City business posted on a web page or other social media outlet are responsible to ensure that the information is consistent with the City's position on the specific topic and that content is appropriately managed.
- 4) **Participants.** Employees and public officials that enter information or comments related to City business in response to content or entries posted on social media outlets are participants. These employees and public officials are responsible for ensuring the information or comments related to City business are consistent with the City's position on the specific topic.
- 5) **Open Meeting Laws.** Public officials shall comply with all open meeting laws under UCA Title 52, Chapter 4 and shall refrain from creating situations that violate such law. This includes more than two Council Members communicating in a group text or email.

#### **G. Social Media.**

Social media refers to technologies and services designed by third parties to establish virtual communities of members with a common focus of interest. These are effective tools for communicating with the public where appropriate.

Employees and public elected officials have no expectation of privacy when using any equipment or system owned by the City, and are required to follow specific rules and procedures when utilizing these technologies for City business and/or when using City resources. The City reserves the right to inspect the contents of any computer, telephone, cell

phone, or any other equipment that it provides to an employee. The City also reserves the right to inspect any web page history, email, voice mail, text message, instant message, downloaded image, or other electronic file residing on the City server as a result of use of any of the above- described items or as a result of the use of the City's internet or Wi-Fi network connection systems with personally owned devices (Personal Digital Assistant (PDA), Tablets, Cell Phones). Any such inspection may occur at any time and for any reason. Personnel in Supervisory positions should be particularly aware of situations that may warrant monitoring such as:

- Suspicion of a crime or violation of policy
- To monitor productivity

Public officials shall not communicate with each other about public business through social media and should avoid online relationships that could create the appearance of a conflict of interest.

Social Media shall be used and viewed as a second outlet to provide information to the public and shall, whenever possible, route people back to the city's official website. Unless otherwise specified, social media shall be considered transitory in nature for retention purposes.

- 1) **Twitter.** The City shall actively use Twitter to alert residents of upcoming events, provide information, etc.
- 2) **City Website.** The City shall actively maintain a website to provide the public with information of upcoming events, forms, code information, etc. An official electronic version of the site shall be retained by the website host for 30 days. Comments received and responded to from the website (sent via separate email), shall follow the email policy and procedures outlined above.
- 3) **Facebook.** The City's Facebook page(s) shall be created in accordance with current Facebook policies. Whenever possible it shall be used to redirect the public to the city's official website for more information.
- 4) **Site Administrator(s).** The City Manager shall direct one person and one alternate person to act as the Facebook site administrator(s). This person will be responsible for posting content, responding to comments/requests (where applicable) and overall monitoring of the site.
- 5) **Disclaimer Statement.** The City Attorney has prepared the following disclaimer statement to be linked to any City Facebook page:

"Welcome to the official Facebook® fan page of South Weber City, where you will find recent news stories, information, and notices regarding happenings here in South Weber. All fans of our page must comply with both Facebook® Terms of Use as well as those policies and limitations set forth herein. South Weber City reserves the right to edit or remove content that violates Facebook® Terms of Use or is deemed inappropriate by South Weber City. While South Weber City



has the sole right to edit or remove content, it does not have the responsibility to do so. Content which violates Facebook® terms and/or which may be inappropriate for the site, includes but is not limited to one or more of the following: • graphic, obscene, explicit, or racial comments or submissions, including comments that are abusive, hateful, or intended to defame anyone or any organization. • Personal attacks on South Weber City employees or other users of this page. • Solicitations or advertisements, including promotion or endorsement of any financial, commercial, or non-governmental agency, as well as attempts to defame or defraud any financial, commercial, or nongovernmental agency. • Comments that suggest or encourage illegal activity. • The appearance of external links on this site does not constitute endorsement, either officially or unofficially, on behalf of South Weber City. By your participation, you agree that you are participating on this page at your own risk, and by participating you agree further that you are taking personal responsibility for your comments, your username, and any information provided, including posting of personally identifiable information (e.g., phone numbers, email addresses, etc.). In addition, you agree to indemnify and defend South Weber City and its officers and employees from any claims or damages resulting from your interaction with this site. You further agree to hold South Weber City harmless from any claims or damages you may suffer resulting from your participation and/or interaction with this site. We do not allow advertisements or the offering to sell any goods or services, or conduct or forward surveys, contests, or chain letters. We do not allow downloading of any file posted by another user of or from a forum that you know, or reasonably should know, cannot be legally distributed in such manner. You are not allowed to upload or attach files that you know or should know contain viruses, corrupted files, or any other similar software or programs that may damage the operation of another's computer. You are not allowed to delete any author contributions, legal notices, or proprietary designations or labels in any file that is uploaded. South Weber City strongly encourages parents and guardians to supervise their children's use of this page. User generated content, including video, photos, wall posts, and comments, does not reflect the opinion or policies of South Weber City, its officers, employees, contractors, or affiliates. South Weber City (a) does not represent or warrant the accuracy of any statement made herein, (b) is not responsible for any User Content on this site, and (c) does not endorse any opinions expressed on this fan page. Finally, please keep in mind that this site is run by people, just like you. We are doing our best to keep the site interesting and informative and always appreciate your constructive criticism, but please be respectful. “

- 6) **Prohibited Use.** Personal use of social media shall not be used during official meetings or during work hours. Personal social media accounts shall not be used as a forum for city business.
- 7) **Prohibited Content.** Prohibited content includes political activities, harassing or offensive language or images, endorsements of any product, service or

private organization, and commercial and fund-raising activities, except those sponsored or sanctioned by the City.

- 8) **Employee Personal Use of Social Media Accounts.** Because personal communications of employees may reflect on the City, personal social media accounts shall not be used as a forum for City business, especially if employees are commenting on City business, Supervisors, or City policies, and because information posted by employees on social media sites or the internet may be spread to large audiences without the employees' knowledge or permission, the City has an interest in regulating employees personal use of social media. Employees who are known as such may be seen by citizens as representatives of the City and such employees' activities on social media networks may reflect upon the City. Employees and elected and appointed officials are expected to maintain an online image that is consistent with the City's goals and objectives.

Nothing herein shall be construed to prevent an employee from speaking out on matters of public concern provided that the employee's interest in making the communication outweighs the City's interest as an employer in preventing the communication. Examples of situations where the City's interest in preventing an employee communication may outweigh the employee's interest in making the communication include, but are not limited to, situations where the speech could:

- a) Impair discipline by superiors or harmony among co-workers,
- b) Have a detrimental impact on close working relationships for which personal loyalty and confidence are necessary,
- c) Impede the performance of the speaker's duties,
- d) Interfere with the regular operation of City business, or
- e) Undermine public confidence in the City where public confidence is important to the successful accomplishment of the City's mission.

Therefore, with respect to the personal use of social media, all employees shall:

- a) Comply with privacy protection laws, e.g., GRAMA, HIPPA, and protect sensitive and confidential information.
- b) Not use the City logo or trademarks on the employee's social media networks unless approved to do so by the City Manager. Employees shall follow all copyright laws.
- c) Not make any disparaging comments about the workplace, City policies, Supervisors, co-workers, elected officials, citizens, customers, or other persons associated with the City.
- d) Not use personal social media channels for internal business communications or disagreements among fellow employees. It is fine for employees to disagree, but employees should not use external blogs or other online social media channels to air their differences publicly.
- e) Not discuss or comment on City business or information that has not yet

been made public such as unannounced strategies or projects, potential property acquisitions or divestitures, legal or regulatory matters affecting the City, and other similar subjects that could negatively affect the City. If an employee is uncertain about the sensitivity of a particular subject, the employee should seek advice from the employee's manager or the City's legal department before talking about it or simply refrain from the conversation.

- f) Refrain from sharing anything via social media channels that violates the right to privacy of an employee, customer, or other person with whom the City does business. Examples of social media disclosures that may compromise the right to privacy include, but are not limited to, pictures, video or audio recorded and shared through social media channels without the permission of any single person featured, or the public disclosure of private facts or the disclosure of information gained through unreasonable intrusion. A violation of the right to privacy under this section shall be enforced on a complaint basis. An employee who receives a complaint or a request to remove a picture, video or audio featuring another person, shall promptly remove such content. An employee shall not be subject to discipline under this section unless the employee fails to promptly remove such content or unless the employee acted maliciously in the posting of content featuring another person.
- g) Not post any information to any blog, social networking site, or other public internet site, which would discredit or disparage the City.

Any employee who identifies himself/herself as a City employee on a social media site either directly (by stating occupation or place of employment) or indirectly (by posting a photo of the employee in a City uniform or in clothing with a City logo), or whose affiliation with the City is known or can readily be inferred shall with regard to their activities on social media:

- a) Not use ethnic slurs, profanity, or statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, religion, or any protected class of individuals.
  - b) Not post any material or engage in any speech containing obscene or sexually explicit language, images, or acts.
- 9) **Emergency Use.** If social media is used during an emergency, it shall be considered a record and shall be maintained as such.

**(h) Text Messages / SMS.** Employees and public officials may use text messaging technologies where informal communication is appropriate in the conduct of City business. Text messaging shall be treated in the same manner as a phone conversation. No record of correspondence is retained once the text message has been deleted from the sending or receiving device.

Employees and public officials are responsible for capturing information contained in a text message where that message is pertinent to City business and where, in their best judgment,

the information should be retained. Text messages retained on the sending or receiving device may be reviewed as part of investigations into work related misconduct, including but not limited to personnel matters, litigation disclosure, and forensic analysis, whether or not legal action may be required to obtain those records not contained on City owned devices. Employees and public officials are encouraged to set phones to delete text messages on a regular basis of no more than monthly.