

RESOLUTION NO. 014, SERIES 2023

A RESOLUTION OF THE LOUISVILLE METRO COUNCIL AMENDING THE METRO COUNCIL EMPLOYEE HANDBOOK TO UPDATE THE METRO COUNCIL SOCIAL MEDIA POLICY (AS AMENDED).

SPONSORED BY: PRESIDENT MARKUS WINKLER

WHEREAS, the Louisville Metro Council (“Metro Council”) seeks to amend the section of its Employee Handbook governing its Social Media Policy; and

WHEREAS, the Metro Council’s current Social Media section does not contain a full policy on social media account usage by Metro Council Members, Caucus staff, and Metro Council staff; and

WHEREAS, the Metro Council wants to create a new policy to govern the use of social media accounts by Metro Council Members, Caucus staff, and Metro Council staff to ensure compliance with the Kentucky Open Records Act, applicable records retention schedules, and other applicable law.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (“METRO COUNCIL”) AS FOLLOWS:

SECTION I: The three sections in the Louisville Metro Council Personnel Policies Handbook’s Social Media provision, titled “SOCIAL MEDIA,” “BEST PRACTICES FOR USE OF SOCIAL MEDIA,” and “METRO COUNCIL SOCIAL MEDIA ACCOUNT USAGE,” as set forth at pages 40-41 in Attachment J to the Louisville Metro Council Policies and Procedures, ~~is~~ are hereby repealed and replaced with the following language:

LOUISVILLE METRO COUNCIL SOCIAL MEDIA POLICY

In order to address the fast-changing landscape of the Internet and the way employees communicate with citizens as well as other employees, the following

represents Louisville Metro Council's official Social Media Policy. This policy defines the appropriate guidelines required of a Louisville Metro Council employee that has been designated as a Social Networking Site Owner or Social Networking Site Contributor to Louisville Metro Council Social Networking sites.

DEFINITIONS

Social Networking Site — Internet accessible website such as Facebook, Instagram, Twitter, YouTube, etc., as well as blogging and forum sites.

Louisville Metro Council Social Networking Site (hereinafter referred to as "SNS") — These sites have the ability to publish articles, facilitate discussion of city issues, operations, and services by providing members of the public a manner in which to participate or keep up to date with numerous Louisville Metro Council activities. These sites are individually run by Louisville Metro Council Members, Caucus staff and Louisville Metro Council.

Social Networking Site Owner (hereinafter referred to as "Owner") — The employee who is the primary technical and content contact for the Louisville Metro Council Social Networking Site, responsible for setting the site up, establishing usernames and passwords for contributors and ensuring compliance to this policy. For District specific sites, the Owner is the Louisville Metro Council District member.

Social Networking Site Contributor (hereinafter referred to as "Contributor") — Employee(s) or designee who has username and password access to the site and contributes site content following the guidelines within this policy.

POLICY

a) All SNS require notification to their respective Louisville Metro Council personnel.

b) Louisville Metro Council Members or staff are responsible for establishing, publishing, and updating their pages on SNS to comply with this policy. Louisville Metro Council personnel reserves the right to monitor and update all SNS for adherence to this policy.

c) Louisville Metro's website (Louisvilleky.gov) is the city's primary and predominant Internet presence.

d) All SNS shall adhere to current Human Resources Metro Council Policies and Procedures, Personnel Policies, and Information Technology Policies, and departmental policies where applicable and not in direct conflict with this Social Media Policy.

e) All SNS that provide for comments or postings shall contain a link to the Social Media Public Comment Policy statement that Louisville Metro Council reserves the right to restrict or remove any content that is deemed non-compliant with Louisville Metro Council's Social Media Policy or any applicable law. Policy is located online: <https://louisvilleky.gov/government/metro-council/louisville-metro-council-social-media-public-comment-policy>.

f) All SNS will contain a link back to Louisville Metro Council's primary Louisvilleky.gov website when possible.

g) All SNS will contain verbiage stating the site is an official site of Louisville Metro Government.

h) All content, comments and replies posted on SNS are subject to the Kentucky Open Records Act. All sites shall clearly indicate that any article and any other content posted or submitted for posting are subject to public disclosure under the Kentucky Open Records Act. The site shall include a notification that public disclosure requests must be directed to the Metro Council Clerk's office as the official custodian of Louisville Metro Council records. All SNS sites are archived using Archive Social.

i) Kentucky state law and relevant Louisville Metro Council records retention schedules apply to formats and content on SNS, including list of subscribers/followers as well as all posts or discussions. All information and records shall be maintained pursuant to a relevant records retention schedule for the required retention period and in a format that preserves the integrity of the original record and is easily accessible.

j) Comments made by the public on SNS are reviewed and, while comments will not be edited by Louisville Metro Council personnel, a comment may be deleted/hidden if it violates any of the below conditions.

1) Any content that is in violation of federal, state, local laws or is otherwise unlawful.

2) Comments not topically related to the particular site or blog article being commented upon.

3) Profane language or content.

4) Content that promotes, fosters, or perpetuates discrimination on the basis of race, sex, creed, color, age, religion, gender identity, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation.

- 5) Sexual content or links to sexual content.
- 6) Conduct or encouragement of illegal activity.
- 7) Harassing language or threats of physical or bodily harm or to public safety.
- 8) Information that may tend to compromise the safety or security of the public or public systems.
- 9) Content that violates a legal ownership interest of any other party.
- 10) Content that attempts to solicit business or other commercial activity.
- 11) Defamatory, libelous, offensive, or demeaning material.
- 12) Engaging in combative exchanges.
- 13) Nonpublic information of any kind.
- 14) Personal, sensitive, or confidential material of any kind.
- 15) Items involved in litigation or potential litigation.
- 16) Malicious or harmful software.
- 17) Comments posted by automatic software programs (ie. bots).
- 18) Disruptively repetitive content.
- 19) Comments in support of or opposition to political campaigns * or ballot measures.

*Louisville Metro Council Code of Ordinances (“LMCO”) Section 21.09 (A) states: “No Metro Officer shall engage in any electioneering with the use of any government funds, equipment, supplies, vehicles or facilities.” The Louisville Metro Ethics Code prohibits the use of city funds for electioneering per LMCO 21.09.

k) All Louisville Metro Council employees responsible for maintaining SNS as an Owner or Contributor shall review this policy, including their responsibilities to review content submitted for posting to ensure compliance with this policy and with other applicable Louisville Metro policies. Users must also be familiar with maintaining pages and social media platform to ensure posts are created correctly and in compliance with this policy.

l) The SNS shall only be used to provide communication on Louisville Metro services and Louisville Metro Council businesses for public informational purposes.

m) All social media sites are archived by the Louisville Metro Council for open records purposes. Louisville Metro Council personnel must be notified of new social media accounts in order to add to the archiving system.

n) New social media accounts should be added to the city's website at Louisvilleky.gov. Website administrators can add the new social media on specific Louisville Metro Council homepages, and it will automatically appear in Louisville Metro's contact/social media page at <https://louisvilleky.gov/contact>.

SECTION II: This Resolution shall take effect upon its passage and approval.



Sonya Harward
Metro Council Clerk



Markus Winkler
President of the Council

March 2, 2023
Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney



BY: *Kendra Ferguson*

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