

**THE WORKSESSION  
OF THE MAYOR AND CITY COUNCIL OF BENSON, ARIZONA  
HELD OCTOBER 29, 2012, AT 6:00 P.M.  
AT CITY HALL, 120 W. 6TH STREET, BENSON, ARIZONA**

**CALL TO ORDER:**

Vice Mayor McGoffin called the meeting to order at 6:00 p.m. with the Pledge of Allegiance.

**ROLL CALL:**

Present were: Vice Mayor Lori McGoffin, Councilmembers Ron Brooks, David Lambert, Nick Maldonado and Al Sacco. Excused was: Mayor Toney D. King, Sr. Absent was: Councilmember Chris Moncada

**NEW BUSINESS:**

1. **Discussion and direction to Staff regarding Resolution 52-2012 of the Mayor and Council of the City of Benson, Arizona, adopting a Social Media Policy to regulate the use of Social Media by City of Benson employees and incorporating the Social Media Policy into the City's Human Resources Administrative Policy**

City Manager Glenn Nichols addressed Council stating Recreation Coordinator Laura Parkin is involved with the City's website and was tasked with seeing how social media could benefit the City. Mr. Nichols then stated Ms. Parkin attended some conferences and media presentations on social media and found entities using social media, whether private sector or government, have a social media policy in place. Mr. Nichols then stated the proposed social media policy was arrived at by looking at different policies from around the country and larger municipalities in the State of Arizona that already have a social media policy in place, adding once the proposed policy was completed, it was sent to the City Attorney for legal review. Mr. Nichols then stated the proposed policy is designed to make people accountable when using social media, adding there should be some responsibility for making comments or other behavior in the social media realm that could affect the City's liability.

Councilmember Brooks asked if the City had a policy on employees speaking to media outlets and if this policy should include that issue with City Attorney Mike Masee stating the proposed social media policy focuses on the particular electronic based social media. Mr. Masee then stated the City could possibly look at regulating official communication by City personnel and use authorized channels, but that issue would be separate from a social media policy, which focuses on social media where people have immediate access to share their views on a wide basis. Councilmember Brooks then stated he would like the City Manager to look into a policy for employees' communication with media outlets.

Councilmember Maldonado then stated he had spoken to Mr. Nichols about a question he had on the proposed policy with Mr. Nichols stating he would note the change when the policy was presented to Council for action.

Councilmember Lambert then asked if the policy would apply only to employees or extend to family members and how it would be regulated, adding if an employee's son got on to facebook and put down some information about the City, it can't fall back on the employee since the employee didn't have anything to do with it. Mr. Masee then stated the policy is an administrative policy focused on the good conduct, behavior and performance of employees, which as an employer, is the City's limit of regulation. Mr. Masee then stated to reach farther, as far as the conduct of others who don't have an employment relationship with the City, we would be talking about enacting an ordinance or code, which is not the goal of the proposed policy. Mr. Masee then stated the proposed policy is just trying to make sure City

employees have guidelines on acceptable and proper means and content in their social media communication, but noted if an employee shares confidential information with family members, then the family member does something with that information that brings disrepute to the City, the employee could potentially face discipline.

Councilmember Lambert asked who would be setting the guidelines, regulating the policy and imposing the punishment should an employee say something derogatory about the City, since comprehension from one person to another may be very different. Mr. Masee stated the initial discipline would occur at the department head level with Mr. Nichols stating if that should happen with an employee or a member of the employee's family, he feels he would have a responsibility to at least say something to the employee telling them he thinks it may cause a problem. Mr. Nichols then stated he is more concerned about liability, adding he would think most people would use common sense, but if we thought they were stepping out of bounds, he would talk to the employee and hopefully, that would take care of the issue. Mr. Nichols then stated the City doesn't have a straight discipline action for social media, but there is a discipline procedure in the Human Resource policy addressing appropriate conduct, adding that is where he would look if we needed to. Councilmember Lambert then questioned if the employee would be counseled rather than disciplined with Mr. Nichols stating if something happened, he would keep track of it, and should it keep happening, at some point he would have to take more action, but initially, it's not what he would do. Mr. Nichols then stated the proposed policy outlines some of the abuses that could happen, adding employee conduct is addressed in the Human Resource manual and if the situation got to the point of disciplinary action, that is what he would use. Mr. Nichols then stated the Human Resource manual also contains an appeal policy for the employee, should they choose to utilize it.

Councilmember Sacco asked if the employees would have a class to go over the new policy with Mr. Nichols stating the policy would be distributed to department heads and supervisors, who would have the responsibility of talking to their employees, adding if the employees have any questions, they would be addressed. Councilmember Lambert asked if the employees had seen the policy yet with Mr. Nichols stating they had not.

Councilmember Brooks then stated he wanted to clarify that Mr. Nichols was thinking of using Ms. Parkin to monitor the policy since she deals with the City's website and that the policy was addressing inter-communication within the City itself, not personal use on the outside. Vice Mayor McGoffin then stated the policy was addressing personal usage of social media sites, adding the policy states that the City may require the immediate removal of material or take disciplinary action regarding both private and personal use of social media. Vice Mayor McGoffin then stated the policy basically tells employees that the City will be watching them even after work. Mr. Nichols stated if he were to hear something against City policy or regulations, then he would look into it, adding the policy gives the City the ability to remove only the offending comments.

Councilmember Brooks then clarified that the City would have the ability to remove a comment from a City social media site, but would only be able to ask others to remove those type of comments from their own social media site with Vice Mayor McGoffin stating that is where she felt the City was stepping on the first amendment. Vice Mayor McGoffin then stated she has concerns with the policy addressing personal use of social media, adding she feels that would allow the government to overstep their bounds. Vice Mayor McGoffin then stated she didn't feel it was appropriate for the City Manager to berate her for her daughter's recent use of social media to let everyone know her father, a police officer, had been in a fight, but that he was ok and he was her hero. Vice Mayor McGoffin then stated she doesn't feel the City has a right to require immediate removal of information on a personal or private social media site as long as the person is ambiguous and is not specific in their comments. Vice Mayor McGoffin then asked about the City's social media sites for departments, such as the golf course, asking if they had to get the information they put on their site approved. Mr. Nichols stated it would depend on what the information was, adding some of the information moved along without a problem, but other information had been provided that he felt he should be made aware of since the golf course is a department of the City. Mr. Nichols then stated

social media for the golf course was free advertising and part of their marketing plan, adding he was more concerned with information that he had not been made aware of and in making sure the site didn't create any problems.

Vice Mayor McGoffin asked who would be deciding whether there was an issue or not since opinions could vary with Mr. Nichols stating he would be able to do that after the information was given to him by whoever saw it. Mr. Nichols then stated issues will be looked at on a case by case basis, adding if needed, the issue will be reviewed by the City Attorney, but the policy gives the City the ability to address issues that may not be appropriate. Mr. Nichols then stated speaking to the employee may be the end of the issue, but if the behavior continues, there may be additional problems, adding the conduct code in the Human Resource manual could cover this situation.

Councilmember Brooks then questioned if the employee could be held responsible for other family members with Mr. Nichols stating if there are issues with family members of employees, he has the ability to talk to the employee and it would be up to the employee from there. Discussion then focused on the ability to monitor social media sites with Mr. Nichols stating not everyone can view others' sites, but if someone sees something that may be an issue and reports it to him, the policy gives him the ability to talk to the employee, adding the policy basically puts employees on notice that they need to be responsible for their actions on social media sites.

Councilmember Lambert asked if the City had a facebook page with Ms. Parkin stating the City does have a twitter account, but she was waiting on establishing a facebook page until there was a policy in place because she didn't want the page to become a forum for people to say derogatory things about the City. Ms. Parkin then stated social media, in her opinion, needed to be used by the City as a form of marketing and good public relations. Ms. Parkin then stated Staff needs to be aware of guidelines and should stay within the guidelines should they choose to comment on a City-owned social media site, since it is a public format. Councilmember Lambert then stated some sites can be set up to prevent public comment, with Ms. Parkin stating she feels it is important to allow the public to participate in social media sites, adding it allows the City to see if the public is happy with what is being done with events and other things. Ms. Parkin then stated in other cities, everything is monitored through a marketing department or a Public Information Officer, noting she monitors the twitter account to see what is being said and to make sure no one is saying derogatory things about individual employees, adding she can delete those comments, if necessary. Vice Mayor McGoffin agreed with the policy for the City-owned sites, but stated she feels government would be overstepping their bounds in monitoring a personal social media site.

Councilmember Lambert asked if it would be better to have the Human Resource Coordinator monitor or regulate the sites with Mr. Nichols stating with Ms. Parkin involved in the City's website and social media sites, she would be monitoring the City-owned sites and if someone saw something that was a problem, they should bring it to his attention. Ms. Parkin then stated the intention of the policy was to give the employees guidelines on what is acceptable and what isn't acceptable for public comment on the City-owned sites. Vice Mayor McGoffin stated she felt more comfortable with that and would like to keep personal social media sites out of the policy. Ms. Parkin then stated the reason the policy included personal social media sites was due to a resident contacting her about a comment made about the resident by a City employee on a personal social media site. Ms. Parkin then stated she found the comment inappropriate and referred the issue to Mr. Nichols, adding it's important that employees are aware that it is inappropriate to say something really negative toward one of our residents, adding it puts ill will between the City and its residents. Ms. Parkin then stated she hoped as Council or Staff, we would be proud of where we worked and wouldn't want to say something negative.

Vice Mayor McGoffin then stated the issue of a social media policy would be presented at a regular Council meeting for action.

**ADJOURNMENT:**

Councilmember Brooks moved to adjourn at 6:32 p.m. Seconded by Councilmember Lambert. Motion passed 5-0.

ATTEST:

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Vicki L. Vivian, CMC, City Clerk

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Toney D. King, Sr., Mayor