



# City of Bandon


555 Hwy 101, PO Box 67  
Bandon, OR 97411  
(541) 347-2437



*Bandon by the Sea*

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## AGENDA REPORT

**TO:** Honorable Mayor and Members of the City Council

**FROM:** Torrey Contreras, City Manager 

**INITIATED BY:** June Hinojosa, City Recorder   
Denise Russell, Utility Manager 

**DATE:** February 5, 2024

**SUBJECT:** **ITEM NUMBER 4.3 PROFESSIONAL SERVICE CONTRACT BETWEEN THE CITY OF BANDON AND CIVIC PLUS FOR CAPTURING SOCIAL MEDIA CONTENT IN ACCORDANCE WITH OREGON STATE LAW**

### BACKGROUND

City staff is seeking City Council approval to enter into a professional services contract with Civic Plus for capturing social media content pursuant to public records retention law and the City's Social Media Policy (see Attachment: Social Media Policy - Resolution 20-04). Oregon State law requires local municipalities, such as the City of Bandon, to retain social media content as an official public record of the City.

### ANALYSIS OF THE ISSUES

In accordance with State guidelines and public records retention law, local municipalities are required to retain social media content and related posts for the public record. The use of social media by local municipalities requires platforms that are hosted and managed by private parties independent of the City. Because private sector businesses are not required to maintain public records, the City is proposing to contract with Civic Plus for this service.

### FISCAL IMPACT

The fiscal impact to the City over the next two years will be \$8,983 as follows:

- \$500 setup fee plus \$2,495 prorated over five months during FY 2023/24;
- \$5,988 in FY 2024/25; and
- Annual service fee increases of approximately 5% thereafter.

### RECOMMENDATION:

The following is recommended to the City Council:

1. Review and discuss the information provided;
2. Authorize the City Manager or designee to enter into a professional services contract with Civic Plus for capturing social media posts in accordance with Oregon State law.

Item No: XXXX Civic Plus Contract  
February 5, 2024  
Page 2

Attachments: Social Media Policy - Resolution No 20-04  
Civic Plus Contract

## CITY OF BANDON

**CITY COUNCIL AGENDA DOCUMENTATION**

**DATE: Feb. 3, 2020**

**SUBJECT: Resolution adopting social media policy**

**ITEM NO. 5.3.2**

### **BACKGROUND**

Residents and businesses increasingly rely on email and social media to communicate and receive information. A Pew Research study noted that 55% of Americans get at least some of their news from social media, and the percentage grows each year. A carefully crafted use of social media can provide a useful way to share information.

Staff recognizes that not all people use social media and that there is a divide based on age and income. Therefore, social media should be considered an additional tool to communicate and should not replace traditional forms of communication.

The attached Social Media Policy was modeled from a sample policy from the Oregon League of Cities and will provide appropriate guidance to staff going forward.


### **FISCAL IMPACT**

Staff intends that these policies will be implemented and administered from existing resources.

### **RECOMMENDATION**

Approve the attached Email and Social Media Policy.

**SUBMITTED BY:**

  
\_\_\_\_\_  
**Dan Chandler, City Manager**

RESOLUTION NO. 20-04

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BANDON,  
OREGON, ADOPTING SOCIAL MEDIA POLICY AND GUIDELINES

**Whereas**, the City of Bandon (“the City”) recognizes that residents, business and visitors increasingly rely on social media to obtain information and communicate; and

**Whereas**, it is important that the City have appropriate policies in place to govern the user of email and social media by City officials and employees; and

**Whereas**, it is important to have evolving guidelines for visitors and users of official City social media sites and accounts;

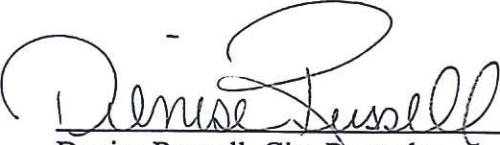
**Now, therefore, be it resolved** that the City of Bandon adopts attached **Social Media Policy and Guidelines**; and

**Be it further resolved** that the City Manager is authorized to amend the **Social Media User Guidelines** as needed.

ADOPTED by the City Council and APPROVED by the Mayor of the City of Bandon,  
this 3<sup>rd</sup> day of February 2020.

  
\_\_\_\_\_  
Mary Schamehorn, Mayor

ATTEST:

  
\_\_\_\_\_  
Denise Russell, City Recorder

## City of Bandon

### SOCIAL MEDIA POLICY

(Resolution 20-04, February 3, 2020)

#### Use

1. "Social media" includes blogs, Facebook, Twitter, YouTube and other similar accounts.
2. The city shall identify those employees authorized to use social media on behalf of the city. Only those employees who are authorized shall engage in social media activities on behalf of the city. The city manager shall maintain a list of authorized social media users.
3. All social media accounts shall be created using a city-issued email address, whenever possible. This will ensure that:
  - a. Personal and professional communications are separated;
  - b. The city can back up public conversations because the city owns and controls the email address;
  - c. The city can access the site when the employee is out on vacation or otherwise away from the office or leaves employment with the city; and
  - d. The city can determine that the site is legitimately the city's and not a rogue site generated from a private email address.
4. The city shall notify users and visitors to the social media site that the purpose of the site is to facilitate communication between the city and the public. Each site shall contain the following message:

This site is created by the City of Bandon. This site is intended to serve as a mechanism for communication between the public and the city of Bandon on all topics relevant to city business. The City of Bandon reserves the right to remove comments or postings that violate any applicable laws. A list of content that will be removed may be viewed in Appendix A. Postings to this site are public records of the City of Bandon and may be subject to disclosure under the Oregon Public Records Law.

The City of Bandon does not endorse nor sponsor any advertising posted by the social media host, that the social media is a private site, or the privacy terms of the site apply. The City of Bandon does not guarantee reliability and accuracy of any third-party links.

5. Where possible, all social media sites will display the city's logo for consistency and authenticity.
6. Social media posts are considered public records if posts are made on an official city account; *or* on a city staff member or official's private account which makes or receives comments on city matters.
7. The city and its employees and officials shall not discriminate against public speech based on content or viewpoint. The city, its staff and its officials may not engage in viewpoint discrimination. All persons who wish to "friend," "follow," "re-tweet," etc. must be allowed to do so.
8. The following content posted by the public may be removed:
  - a. Comments not topically related to the particular article being commented upon;
  - b. Comments in support of or opposition to political campaigns or ballot measures;
  - c. Profane language or content;
  - d. Content that promotes, fosters or perpetuates discrimination upon the basis on race, religion, gender, gender identity, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, source of income, or other protected status under applicable law;
  - e. Inappropriate sexual content or links to inappropriate sexual content;
  - f. Solicitations of commerce, *e.g.*, ads;
  - g. Conduct or encouragement of illegal activity;
  - h. Private and confidential information;
  - i. Information that may tend to compromise the safety or security of the public or public systems; or
  - j. Content that violates a legal ownership interest of any other party.

These guidelines shall be displayed to all users or made available by hyperlink. Any content removed must be retained, including the time, date and identity of the poster when available.

## Records Retention

1. The city must maintain and preserve social media records in compliance with the Oregon Public Records Law. The Public Records Law applies regardless of whether the social media site is hosted by the city or a third party.
2. Those engaged in social media activities must be familiar with the city's records retention schedule. Any posted original content that is not a copy of a preexisting city record must be captured and retained by saving a copy and providing it to the city's records custodian.
3. Social media content shall be retained by composing and retaining message in local software and noting the time and date posted, or by capturing screenshots of the post once it is on the page.<sup>1</sup>
4. Non-Original Social Media Content Maintained Elsewhere  
Any posted content that is a copy of a city record that exists in another location does not need to be separately preserved, provided that the original content is being retained in compliance with the appropriate city retention schedule and media preservation requirements. Employees should use social media applications exclusively as a mechanism for providing the public with links or references to content that is maintained as an official city record elsewhere. Links or references posted to social media accounts are considered convenience copies which need to be retained only "as needed" or "until superseded."
5. Original Social Media Content  
Any posted original content that constitutes a city record and that is not preserved and retained elsewhere in compliance with the appropriate city retention schedule, must be captured by the city and retained according to the appropriate schedule and preservation requirements. The person who posts the content is responsible for retaining and preserving the record.
  - a. Speeches/Statements/News Releases/Program Activity Records  
Content that contains written or photographed accounts of a city event, or summary of such events posted to social media are considered statements and reports for retention purposes and should be retained generally for two years from the time they are "published." If these posts contain policy or historically significant content, they must be retained permanently.
  - b. Correspondence  
Incoming messages from the public that arrive via the city's social media account should be treated as correspondence. Messages completely unrelated to the city's activities does not need to be retained. If the message relates to the city's activities or functions, it must be captured and retained per the retention category that most closely corresponds to the content of the message. Staff are advised to respond to

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<sup>1</sup> A city may also utilize third party software that can coordinate multiple social media accounts and capture social medial content automatically for a city.

correspondence via email or other “offline” messaging methods and if possible, communicate directly with the individual and maintain that correspondence.

c. Content Associated with a Specific Function or Activity

Information received from the public in response to social media posts used as a public entry point to solicit specific information—such as conducting a poll or to launch a process or placing an order—should be retained along with other records associated with that function or activity using the appropriate retention schedule.

**Any staff member in violation of this social media policy is subject to disciplinary action pursuant to the city’s personnel manual, including but not necessarily limited to termination.**



## Appendix A

### SOCIAL MEDIA USER GUIDELINES

The City of Bandon (“City”) encourages the public to share thoughts as they relate to the topics being discussed on the city’s social media sites. The views expressed in visitor comments reflect those of the comment’s author and do not necessarily reflect the official positions of the City. Public comments are considered public information and may be subject to monitoring, moderation and disclosure to third parties. Users shall refrain from posting and the City reserves the discretion to remove:

- a. Comments not topically related to the particular article being commented upon;
- b. Comments in support of or opposition to political campaigns or ballot measures;
- c. Profane language or content;
- d. Content that promotes, fosters, or perpetuates discrimination upon the basis on race, religion, gender, gender identity, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, source of income, or other protected status under applicable law;
- e. Inappropriate sexual content or links to inappropriate sexual content;
- f. Solicitations of commerce;
- g. Conduct or encouragement of illegal activity;
- h. Private and confidential information;
- i. Information that may tend to compromise the safety or security of the public or public systems; or
- j. Content that violates a legal ownership interest of any other party.

These user guidelines may be subject to modification at any time by the City Manager.



**CivicPlus**

302 South 4th St. Suite 500  
Manhattan, KS 66502  
US

**Order Form**

**Quote #:**

Q-61728-1

**Date:**

1/11/2024 2:08 PM

**Expires On:**

2/9/2024

**Client:**

City of Bandon, OR

**Bill To:**

BANDON, OREGON

SALESPERSON	Phone	EMAIL	DELIVERY METHOD	PAYMENT METHOD
John Tate		john.tate@civicplus.com		Net 30

QTY	PRODUCT NAME	DESCRIPTION	PRODUCT TYPE
1.00	ArchiveSocial - Standard	Social Media Archiving Subscription - Unlimited Accounts & Up To 3.5k Records Per Month - Includes Risk Management Analytics (RMA) and Web Snapshots	Renewable
1.00	ArchiveSocial Provisioning Fee Custom	ArchiveSocial Account Activation and Setup	One-time

List Price - Year 1 Total	USD 10,683.00
Total Investment - Initial Term	USD 8,983.00
Annual Recurring Services (Subject to Uplift)	USD 5,988.00

Initial Term Invoice Schedule	<p>Invoice prorated amount of \$2,995 at date of acceptance (2/1/2024 through 06/30/2024).            Invoice remaining value of \$5,988 on 7/1/2024.</p> <p>Renewal Term: July 1st of each calendar year.</p>
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This Order Form sets forth the commercially binding terms of the Client's (as defined above) usage of the ArchiveSocial services (the "Services"). By accepting this Order Form, which may be evidenced by your return of this completed Order Form, written acceptance (e-mail is sufficient), or Client's access and use of the Services, you, on behalf of the Client, are representing that you are authorized to bind the Client listed herein to the pricing and term stated in this Order Form

Please note that if you plan to issue a purchase order, we request you include the following language on the front of the PO:

*ArchiveSocial's maximum liability under this purchase order is limited to the total amount of fees received during the 12-month period preceding the event giving rise to the liability, except that such limitation of liability will not apply to ArchiveSocial's indemnification for intellectual property infringement or personal injury.*

Organization Legal Name:

\_\_\_\_\_

Billing Contact:

Title:

\_\_\_\_\_

Billing Phone Number:

\_\_\_\_\_

Billing Email:

\_\_\_\_\_

Billing Address:

\_\_\_\_\_

Mailing Address: (If different from above)

\_\_\_\_\_

PO Number: (Info needed on Invoice (PO or Job#) if required)

\_\_\_\_\_

## Oregon Public Records Law and Social Media Guidance

All government agencies must be able to communicate with the public. Today, the public expects agencies to have an online presence as well. Most government agencies maintain a website, and many now also have one or more social media accounts. However, the use of social media by an agency brings with it significant record keeping challenges and must be undertaken deliberately to ensure that all legal obligations are met.

Using social media means a government agency will be using a platform that is almost always controlled by a non-contracted third-party entity. These entities are not subject to regulations that cover government agencies have their own terms of service. They offer no guarantee that one will be able to retain control of or capture everything that has been posted. Government agencies must decide for themselves whether or not to use social media. For agencies that wish to use social media, the below guidance will highlight concerns that arise with its use. It also will suggest policies or procedures to ensure that an agency using social media complies with Oregon Public Records Law. If your agency needs help with best practices or with developing a social media plan, please see the DAS [Social Media Best Practices: Guidelines for Oregon state government](#).

### 1. Are social media posts considered public records?

Social media posts are considered public records ***if both conditions below are met:***

- Posts are made on an official public agency account, **or** on a private account that is being used to distribute information for that agency to the public. If a private account is used to conduct government business, then it becomes public and is subject to the Oregon Public Records Law.
- The content being posted is unique. Agencies do not need to preserve redundant content in all its forms. For example, if the same event announcement is put out via both a press release and a social media post only one copy must be kept. Agencies may find it simpler to retain the "traditional" version, but if the content of the two versions differs significantly in substance, they should be considered unique records, and both be retained.

### 2. What is the retention period for social media posts that are records?

The retention period for social media varies. It depends on the post (record) itself, as there is no "social media" category. Records retention is based upon function and content of the record, not its format. Since social media is most often used by agencies to disseminate information to the public it is generally considered to be the same category as press or news releases and is subject to the same retention requirements. If, however, social media is used to have two-way communication it

should be considered as correspondence and treated accordingly. Agencies are not required to retain all copies of duplicate postings. In that case agencies should designate a record copy and retain that for the appropriate period of time. Agencies should consult their Records Retention Schedule for appropriate retention periods.

### **3. What about comments from members of the public on an agency's page?**

Comments and posts put on an agency's account by members of the public or other outside entities are not automatically considered to be records unless those comments trigger some action by the agency. For example, if a resident comments on the City Public Works' page that a pothole needs fixing and the city then corresponds with the resident or takes action to fix the pothole, then that comment is a public record.

Agencies are permitted to moderate their social media pages but should be clear about criteria and publicly post the moderation policy on all accounts. Agencies are not required (for records management purposes) to maintain inappropriate comments or inflammatory language being posted by members of the public but may wish to capture such posts prior to deletion as having a log of the reasons behind the banning can help protect the agency. Agencies may also disable comments on their page or individual posts.

### **4. How does an agency capture record content from its social media accounts?**

Most social media outlets do not by default allow account holders to download their activity logs (Twitter being a notable exception), and so agencies must consider ahead of time how they will preserve their posts. This can be done by composing and retaining messages in local software and noting the time and date posted, or by capturing screenshots of the post once it is on the page. There is also third-party software that can coordinate multiple social media accounts and capture social media content automatically for an agency. The mechanism is less important than making sure that the critical record information is captured and maintained appropriately.

Private messages sent or received through a social media platform's messaging service represent another challenge, as there is often no convenient mechanism to move them to an agency's own systems. Agencies are strongly discouraged from using social media messaging services for correspondence and instead should route such communications through agency-managed email, telephone, or paper correspondence. This might mean responding to a comment or message from a member of the public via email (reiterating the original message content to ensure completeness) or requesting that they send their inquiry via email to ensure it is addressed properly. If agencies do communicate with outside parties via social media messaging, they must ensure that all communication is captured and transferred to an agency-controlled medium to ensure proper retention.



**CivicPlus**

302 South 4th St. Suite 500  
Manhattan, KS 66502  
US

**Order Form**

**Quote #:**

Q-61727-1

**Date:**

1/11/2024 2:06 PM

**Expires On:**

2/9/2024

**Client:**

City of Bandon, OR

**Bill To:**

BANDON, OREGON

SALESPERSON	Phone	EMAIL	DELIVERY METHOD	PAYMENT METHOD
John Tate		john.tate@civicplus.com		Net 30

QTY	PRODUCT NAME	DESCRIPTION	PRODUCT TYPE
1.00	ArchiveSocial - Economy	Social Media Archiving Subscription - Up to 12 Accounts & Up To 1.6k Records Per Month	Renewable
1.00	ArchiveSocial Provisioning Fee - Economy	ArchiveSocial Account Activation and Setup	One-time

Total Investment - Initial Term	USD 6,433.00
Annual Recurring Services (Subject to Uplift)	USD 4,188.00

Initial Term Invoice Schedule	<p>Invoice prorated amount of \$2245.00 at date of acceptance (2/1/2024 through 06/30/2024). Invoice remaining value of \$4188.00 on 7/1/2024.</p> <p>Renewal Term: July 1st of each calendar year.</p>
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