Quality Cities

Social Media and Florida's Cities

Are City Governments and Social Media a Good Match?

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State agencies, local governments elected officials and employees, like many individuals and businesses, are exploring the value of social media to capture and disseminate up-to-date information to the public. Social networking sites such as Facebook, Twitter, MySpace, Google+, YouTube, Flickr and LinkedIn are being embraced by many local governments, elected officials and state agencies as a new means of reaching a technologically savvy constituency. At the same time, others are avoiding or retreating from social media fearing that it will generate numerous and expensive lawsuits.

While most people are familiar with Facebook, Twitter and YouTube, these represent only a few of the hundreds of social media websites that exist with memberships from the tens to the hundreds of millions. Such sites range from public networks with very general criteria for membership to private sites catering to extremely limited interests. Not surprisingly, political and government discussion sites have become numerous and popular.

While government interest in social media is climbing, signs of a backlash are emerging. Several cities have chosen to shut down their Facebook and Twitter accounts, citing fear of legal chal-

lenges or violations of open meeting or public record laws. In addition, while some cities are launching new social media sites, others are enacting policies banning employee use of Facebook and Twitter during work hours because of a loss of employee productivity and problems with poor customer service.

Nevertheless, the positive benefits for cities to join the online social media community would seem to outweigh the risks, and the overwhelming trend is toward greater "e-government."

local news media cover only negative or salacious stories.

Further, given the current economy and the shutting down of many newspapers and local television affiliates, some local governments now find themselves with little or no regular news coverage. Therefore, social media sites may in some cases be the only cost-effective method to disseminate information. Finally, entry into the online world through social media may be a necessary initial step or platform

of the government and the unique needs of the community.

While every government will need to develop its own unique plan, a successful plan should address several issues, including use, content, access, account management, conduct, security and legal issues. Specifically, a successful social media plan will need to address a range of potential problems, including inadvertent downloading of viruses, wasted work time spent on Internet sites, and deliberate acts of Internet

Of particular concern to municipalities in Florida are legal issues concerning social media sites and Florida's Public Record Act and Sunshine Law, which are among the broadest open government laws in the nation. In Florida, any meeting of two or more government officials to discuss any matter that could foreseeably come before the board or commission to which the officials belong is required to occur in public.

Social media sites provide quick communication to constituents, as well as instant feedback. They also provide the opportunity to reach a new and broader audience, including a younger generation normally uninterested in local government.

Social media provides this communication in a relatively unfiltered format. Whereas traditional communication through television and newspaper coverage provides the opportunity for journalists or broadcasters to impose their own perspective on a local government activity or issue, social media allows the city to disseminate its message using its own words and images. This is particularly attractive to local government officials who perceive that

for a number of additional cybertools.

Detractors of government involvement in social media suggest that maintaining such accounts is too much work, exposes cities to too much legal liability, creates potential security issues, and provides an avenue for individuals to overwhelm cities with criticism. Most of the concerns over government use of social media can be addressed with proper planning and development of appropriate social media policies. Successful implementation of a social media strategy by a local government requires enrolling key personnel. The team should work to develop a social media implementation plan and formal social media policies that are tailored to the particular goals

venting, spying or bullying. (See page 15 for more information on developing a social media policy.)

Legal issues include privacy, intellectual property, defamation, self-incrimination and open government laws. Although these legal issues existed long before the Internet, they are pervasive in cyberspace. Despite the fact that Internet communications are far less private than other forms of communication, many people say and do things online that they would not do in any other public setting. Communications over the Internet are available to a worldwide audience and are persistent, if not permanent. For this reason, while many of the legal issues surrounding social media are

Facebook, a number of state and local governments have proceeded with the establishment of Facebook and Twitter accounts while seeking to comply with Florida's Public Records and Sunshine laws. But these sites create particular challenges with regard to preserving all information as public records. Twitter and Facebook postings made or received on a government account would be subject to Florida's Public Records Law, since all forms of records that are sent or received in connection with official business are a public record. The practical problem with these sites from an agency's perspective is whether an agency can really maintain all of the contents qualifying as a public record that is made and received on an agency's social networking site in order to comply with the Public Records Law.

Further, since Facebook and Twitter are Web-based, private companies, Florida's local governments cannot control the content that residents or other individuals post on their pages. Similarly, local governments cannot control whether a message posted by a third party is subsequently deleted from the social networking site by the website operator or the posting third party, as both the person posting the message and the social networking site have the ability to delete such postings.

A local government maintaining one of these social networking pages could lose public records because the posting is deleted by forces outside of the government's control. Consequently, the city could technically violate the Public Records Law and state retention and destruction policies by virtue of a third party's deletion of information. Additional risks to local governments' operating on these sites include inadequate record retention and data protection, and significant agency exposure under Florida's Public Records and Sunshine laws.

To address this potential liability, many local governments and state agencies are either purchasing software that saves these postings onto the government's server, by making "hard copies" of their postings, or are simply only posting information that that is duplicative of emails that are already saved on the government's servers. Local governments are also adopting institutional controls that include coordination between the city's records custodian, and policies within communication departments on who is permitted to "post" on social networking sites on behalf of the agency. The trickier issue is how the agency will maintain and store postings the city's social media accounts receive from third parties. Further, how will the city handle negative postings it receives, if and when a displeased constituent posts negative comments in connection with government business on the city's social media account?
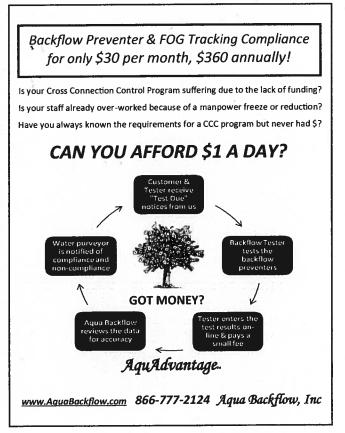
However, the most difficult and liability-filled issue will likely be how agencies will ensure that their individual employees and officials are complying with the Public Records Law when they make and receive postings or tweets on their own personal accounts in connection with official business. How will the agencies ensure the capture of all public records made and received relating to official business from each individual's sites? How will the individual provide all public records to the agency's records custodian?

While agencies operating social networking accounts have presumably consulted with their legal counsel prior to the establishment of these accounts, the agency staff maintaining them must be thoroughly trained on the Public Records and Sunshine laws and must establish some type of coordination with the agency's records custodian. Agencies operating these accounts should have adopted policies, in addition to email retention policies, that provide how social networking public records will be retained, maintained and produced in response to public records requests. Agencies should provide updated training to all officials, staff and representatives on the risks and coordination needed when operating personal accounts.

Naturally, any government that branches out into something new will experience a learning curve, but with a proper commitment to the success of this endeavor, a city can find a good match in social media.

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but very few posts are racist, hateful or use profanity. In Tallahassee, less than a handful of posts have been removed from the city's 12 Facebook pages and six Twitter accounts (*www.talgov.com/communications/socialmedia.cfm*).

The benefit of city-run social media pages is that your supporters and city government posters can provide factual information to address incorrect posts. Whether you're in the social media world or not, those same posts are being made but often without the benefit of the facts.

Most terms-of-use agreements and social media policies note that this tool is not for emergency communications and that it is not monitored 24 hours a day. Thus, an inappropriate post – or, more likely, spam or an advertisement – might remain on your site for several hours before a city employee is able to address it. However, that is becoming less of an issue because Facebook alerts the page manager to each new post, and most posters can simply check out and address any problems from their smartphones or tablets.

One final consideration is how social media affects city employees. Your social media policy should specifically address the responsibilities of city social-media posters, both on and off the job. Tallahassee's policy states: "All employees should understand the perception of your City of Tallahassee association in online social networks. If you identify yourself as a City of Tallahassee employee or have a public-facing position for which your city association is known to the general public, ensure your profile and related content (even if it is personal and not of an official nature) is consistent with how you wish to present yourself as a City of Tallahassee professional, appropriate with the public trust associated with your position and conforming to existing standards that already exist in City of Tallahassee policies."

Courts are likely to define how social media statements from government employees may be regulated in the future. In the meantime, according to Megan Crowley, CPPA, in an article for the University of Utah's Center for Public Policy and Administration, government employees do not forfeit their First Amendment rights by virtue of their employment. However, their speech may be restricted to protect legitimate government interests under certain circumstances.

Crowley cites a three-part balancing test applied by the courts to determine if the First Amendment protects an employee from being disciplined for his or her speech:

Part 1: Is the person speaking on a matter of public concern? If not, then free speech protections do not apply.

Part 2: Is the person speaking as a citizen or as a public employee? If speaking as a public employee, then free speech protections do not apply.

Part 3: Do the interests of the government in promoting efficient operations outweigh the interests of the employee in commenting on matters of public concern? If yes, then employees may be disciplined for speech.

The key is to ensure that your city's social media policy is clear about expectations of employee conduct in their private lives when their employment agency is discussed, posted or listed. Even discussing the topic makes it clear why involving your legal department in crafting the policy is a key to your success.

When discussing how employees conduct themselves online, your city should also address employee access to social media sites at government workplaces. Different approaches have been taken across the state and nation. In Tallahassee, the city limited access several years ago after an early-morning check by the computer division showed that nearly half of employees with desktop computers had Facebook open and running. Accordingly, only employees who require social media to do their city jobs are now allowed access at work. (This includes police investigators, social media posters, and human-resources employees who conduct background checks.)

Others argue that social media is just like any other office tool – i.e., phone, Web, even chatting with colleagues – and should be addressed like any other performance-related issue. Regardless of the approach, your city's policy on use of social media by employees should be a conscious decision that is shared with them.

Social media has developed faster than our state laws. If you have questions about what needs to be retained for public records, the best guidance is from the Florida Attorney General's Office, which has a video available online at *www.myflsunshine.com/sun.nsf/pages/LEO*. You can find other written opinions on that website as well.
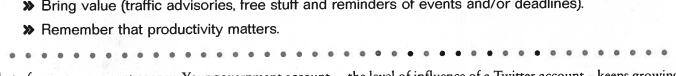
When it comes to developing your city's policy, don't reinvent the wheel. Contact other local governments to get sample copies of policies. Tallahassee's policy is posted at the bottom of its social media page, including a link to the form that must be signed by all employees conducting social media work on behalf of the city (*www.talgov.com/communications/socialmedia.cfm*).

Making the decision to build and improve relations between your city government and its residents via social media is an important one, particularly as younger generations make these tools their preferred method of communication. Just don't forget to also take the step to put in place a social media policy that will guide your actions, protect the government and employees, and help you avoid pitfalls.

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Social Media Policies/Procedures (Ten Must-Haves)

» Introduce the purpose – engaging your customer.

» Be responsible for what you write.

» Be authentic.

» Consider your audience.

» Exercise good judgment.

» Understand the concept of community.

» Respect copyrights and fair use.

» Remember to protect confidential and proprietary information.

» Bring value (traffic advisories, free stuff and reminders of events and/or deadlines).

» Remember that productivity matters.

that of your government agency. Your government account can promote your event pages and vice versa.

Use the "70-20-10" rule for engaging your followers. Social media should be 70 percent providing information, 20 percent promoting products or services, and 10 percent building relationships. You do not want to overdo the selling and post useless information just for the sake of posting. Sticking to this formula helps to develop trust, and over time the social media account will gain public recognition for its value. The person managing the account must be knowledgeable and provide valuable and accurate information on an ongoing basis.

The City of Miami Beach has opened several Facebook accounts that define a specific purpose. There is a general one for city government (City of Miami Beach) and others for Sleepless Night, a recurring event; economic development; police; and various other initiatives, including Google Miami Beach and the Festival of the Arts.

On Twitter, the city decided that MiamiBeachNews would speak with the voice of a news agency instead of an individual. However, MBinsomniac, Miami Beach's Twitter account for Sleepless Night, has more of an artsy, hip, individual personality, which is more appropriate for the trendy all-night festival.

During Sleepless Night this year, Miami Beach held a live "tweet-up" on MBinsomniac using smart phones. Attendees received immediate answers to their questions or comments from staff working various shifts. In 2009, one short tweet led thousands to a flash-mob dance that had not been promoted previously.

The MiamiBeachNews Twitter account is quite popular and is followed by local news media and other influencers in the community. Its Klout rating – a score used to measure the level of influence of a Twitter account – keeps growing. Using the Twitter account, Miami Beach posts breaking news (utility breaks, traffic incidents and severe weather, for example) as well as event and legislative news. It also promotes city services and provides other types of information.

Miami Beach also maintains file-sharing sites such as YouTube (videos), Flickr (photos) and Scribd (publications). These make it easier to share content with other social media sites and e-marketing efforts.

The commitment to social media can be time-consuming. The good news is that someone has already thought of a solution. There are website tools that can help manage all of your city's social media accounts. Hootsuite is one of them; with it, the City of Miami Beach is able to manage its Facebook, Twitter and FourSquare accounts via one portal. Messages can also be scheduled ahead of time. And there are analytical tools that are helpful in the management of the accounts.

All of the social media sites feature tools for measuring successes, but remember: It is not just about the numbers. The relationships that your city establishes are the most important product of your social media efforts.

Social media extends beyond the Web. You can share links that drive fans to your city's website or other social media sites. You can also add social media RSS feeds to your website, as well as other useful tools.

There are many new communication tools on the horizon. As technology continues to evolve, cities will have to continually rethink their strategies for informing and building relationships with their constituents.

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