

RESOLUTION NO. R-2023-00 4

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF BROCK, TEXAS APPROVING A TOWN OF BROCK SOCIAL MEDIA TERMS AND CONDITIONS FOR USERS, ATTACHED HERETO AND INCORPORATED HEREIN AS EXHIBIT A; PROVIDING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Brock ("Town") recognizes the need for use of social media to promote public awareness and boost participation of the Town's programs, policies and services; and

WHEREAS, the Town recognizes the inexpensive and effective method and popularity of the use of various social media platforms by and amongst Town elected and appointed officials and the public; and

WHEREAS, the Town has determined that adopting social media policy outlining the guidelines for the public's use of the Town's social media platforms will help balance the Town's need to ensure the accuracy and consistency of information being disseminated on the Town's social media sites with the public's First Amendment freedom of speech rights under the U.S. Constitution; and

WHEREAS, the Town Commission finds that Town of Brock Social Media Terms and Conditions for Users attached hereto and incorporated herein as Exhibit "A" is in the best interest of the Town and its inhabitants.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF BROCK, TEXAS:

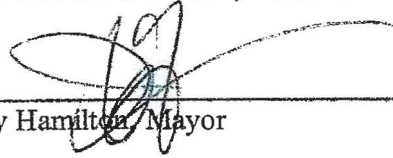
SECTION 1. That the Town of Brock Social Media Terms and Conditions for Users attached hereto and incorporated herein as Exhibit "A" is hereby approved and adopted.

SECTION 2. That all provisions of the resolutions of the Town of Brock, Texas, in conflict with the provisions of this Resolution be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this Resolution shall remain in full force and effect.

SECTION 3. This Resolution shall take effect from and after its date of adoption.

DULY RESOLVED AND ADOPTED by the Town Commission of the Town of Brock, Texas, on the 15th day of January 2024.

TOWN OF BROCK, TEXAS



Jay Hamilton Mayor



ATTEST:

Alyssa Vanesler
Alyssa Vanesler, Town Clerk

EXHIBIT A

Town of Brock Social Media Terms and Conditions for Users

PURPOSE. Because many of our citizens and other stakeholders utilize social media for news and communications, the Town of Brock has developed its own social media accounts, which help us inform the public about our work and mission.

Brock has an important interest in assuring the accuracy and consistency of information associated with our social media sites. We also respect the First Amendment to the U.S. Constitution and the constitutional right to freedom of speech. These terms and conditions establish guidelines for the public's use of social media that balance these values.

DEFINITIONS

1. "Social media" means digital content created by us and communicated on platforms that allow sharing, commenting, and engagement from the public. Examples of social media accounts we may use are Facebook, X (formerly Twitter), and Instagram.
2. "Comments" include any digital content, information, links, images, videos, or any other form of communicative content posted in reply or response to a social media account operated by us.
3. "User" means a member of the public who views or interacts with one or more of our social media accounts.

GENERAL GUIDELINES

1. These terms and conditions apply to all our social media sites. Where possible, a link to these terms and conditions will be made available as a hyperlink or posted as text somewhere on our social media account(s).
2. Users should know that social media posts we make, comments and replies to those posts, and any direct or private messages sent to us may be public records subject to applicable public records release.
3. Our social media accounts are not monitored 24/7 and no one should utilize our social media accounts to seek emergency services. Anyone in need of emergency help should call 9-1-1.
4. We do not guarantee we will respond to comments or messages sent on our social media accounts.

EXPECTATIONS

1. We believe that honest, civil, and productive discussions provide the best environment for citizens to understand the work of their government and participate in constructive engagement.
2. We ask users to consider that our social media feeds may be viewed by children and other impressionable people. Please avoid profanity, personal attacks, bullying, or use of incorrect information.

CONTENT MODERATION

1. **Limited Public Forum.** Our social media accounts are created and maintained as limited public forums under the caselaw pertaining to the First Amendment to the U.S Constitution. We invite members of the public to view and, where possible, provide comments or other engagement on our social media accounts. However, the law permits us to hide and/or delete comments that are not protected speech under the First Amendment and relevant case law. As a general rule, we will not hide and/or delete comments solely because such comments are critical of Brock, its officials, or employees.
2. **Prohibited Content.** Relevant First Amendment caselaw permits us to hide or delete certain comments on our social media accounts. The following will be hidden or deleted per this policy:
 - a. Comments directly advocating violence or illegal activity;
 - b. Comments containing obscenity, which is defined as sexually explicit and/or pornographic content that is (1) patently offensive, (2) appeals to prurient interest, and (3) lacks serious literary, artistic, political, or scientific value;
 - c. Comments that directly promote or advocate that we illegally discriminate based on race, age, religion, gender, national origin, disability, sexual orientation, veteran status, or any other legally protected class;
 - d. Comments containing links to malware and/or malicious content that affects the normal functioning of a computer system, server, or browser;
 - e. Duplicate comments to the same post within a short period of time that appear to be autogenerated or generic in nature;
 - f. Defamatory comments either as determined by a court or comments that are patently defamatory by easily discoverable facts;
 - g. Comments that contain images or other content that violate the intellectual property or copyright rights of someone else;

- h. Comments that contain a hyperlink to any website other than those controlled by the Town of Brock. This will be done without regard to the viewpoint of the comment containing such a link or the content of the site to which the link redirects.
3. **Retention.** When a comment containing any of the above prohibited content is posted to our social media account(s) and is removed according to this policy, a copy or electronic record of that content may be retained or archived pursuant to our records retention policy, along with a brief description of the reason the specific content was deleted. Once documented, the content will be removed, where possible, from our social media account(s).
4. **Right of Appeal.** If our staff hides or deletes a user's comment pursuant to these terms and conditions, staff will provide the user with the policy violation upon request. The user has the right to appeal that decision by sending an email to townclerk@brocktx.net or a letter to Town of Brock, 2451 FM 1189 Ste B, Brock, Texas 76087 within five business days of the removal.

Upon receipt of an appeal, our attorney will determine whether the comment at issue contained content protected by the First Amendment. In the event the attorney determines that a violation has not occurred, the comment may (if possible) be restored for public view, or the user may be permitted to repost the comment. Upon a determination that the comment was not protected by the First Amendment, the user will be notified that the removal shall stand.

5. **Blocking or Banning a User.** When the Town of Brock determines that a user has violated these terms and conditions on three or more occasions within a twelve-month rolling period, we may block or ban the offending user from the social media account where the violations occurred.

If we block or ban a user, we will (a) reasonably attempt to notify the user; (b) describe the violation(s); and (c) explain the appeal process.

In the event it is determined the user has not violated this policy three times within a rolling 12-month period, we will unblock or unban the user from the social media account. Otherwise, our decision will stand.