



city commission agenda

June 10, 2019
3:30 PM
Commission
Chambers

mayor & commissioners

seat 1
Gregory Seidel

seat 2
Sarah Sprinkel

Mayor
Steve Leary

seat 3
Carolyn Cooper

seat 4
Todd Weaver

welcome

Welcome to the City of Winter Park City Commission meeting. The agenda for regularly scheduled Commission meetings is posted in City Hall the Tuesday before the meeting. Agendas and all backup material supporting each agenda item are available in the City Clerk's office or on the city's website at cityofwinterpark.org.

meeting procedures

Persons desiring to address the Commission MUST fill out and provide the the City Clerk a yellow "Request to Speak" form located by the door. After being recognized by the Mayor, persons are asked to come forward and speak from the podium, state their name and address, and direct all remarks to the Commission as a body and not to individual members of the Commission, staff or audience.

Citizen comments at 5 p.m. and each section of the agenda where public comment is allowed are limited to three (3) minutes. The yellow light indicator will remind you that you have one (1) minute left. Large groups are asked to name a spokesperson. The period of time is for comments and not for questions directed to the Commission or staff for immediate answer. Questions directed to the City Commission will be referred to staff and should be answered by staff within a reasonable period of time following the date of the meeting. Order and decorum will be preserved at all meetings. Personal, impertinent or slanderous remarks are not permitted. Thank you for participating in your city government.

agenda

*times are projected and
subject to change

1. Meeting Called to Order

2. Invocation

Alan Rusonik, Head of School Jewish Academy of Orlando

Pledge of Allegiance

3. Approval of Agenda

4. Mayor's Report

a. Appoint Mary Daniels to Charter Review Advisory Committee

1 minute

b. Establishment of Auditor Selection Board

5. City Manager's Report

- a. Staff update regarding Lee Road/Bennett/Executive intersection** 10 minutes
- b. City Manager's Report** 2 minutes

6. City Attorney's Report

7. Non-Action Items

8. Citizen Comments | 5 p.m. or soon thereafter

(if the meeting ends earlier than 5:00 p.m., the citizen comments will be at the end of the meeting)
(Three (3) minutes are allowed for each speaker)

9. Consent Agenda

- a. Approve the May 13, 2019 minutes.** 1 minute
- b. Approve the following formal solicitation:** 1 minute
 - 1. Heart Utilities of Jacksonville, Inc.: RFP-10-2019 - Electric Utility Installation & Maintenance Services; Authorize staff to enter into negotiations.
- c. Approve the following piggyback agreements:** 1 minute
 - 1. Charlie Brown's Hauling & Demolition, Inc.: Pasco County contract #IFB-SN-18-130 - Boarding of Vacant & Blight Structures; Not to exceed \$75,000 per year, pending budget approval.
 - 2. Cintas Corp.: Omnia Partners contract #R-BB-19002 - Facilities Management Products & Solutions; Not to exceed \$75,000 per year, pending budget approval.

10. Action Items Requiring Discussion

11. Public Hearings

- a. Resolution – Repealing and replacing the policy governing city use of social media** 10 minutes

12. City Commission Reports

Appeals and Assistance

"If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and

evidence upon which the appeal is to be based." (F.S. 286.0105)

"Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office (407-599-3277) at least 48 hours in advance of the meeting."



city commission **agenda item**

item type	Invocation	meeting date	6/10/2019
prepared by	City Clerk	approved by	
board approval	final vote		
strategic objective			

subject

Alan Rusonik, Head of School Jewish Academy of Orlando

motion / recommendation

background

alternatives / other considerations

fiscal impact



city commission **agenda item**

item type	Mayor's Report	meeting date	6/10/2019
prepared by	City Clerk	approved by	
board approval	final vote		
strategic objective			

subject

Appoint Mary Daniels to Charter Review Advisory Committee

motion / recommendation

background

alternatives / other considerations

fiscal impact



city commission **agenda item**

item type	Mayor's Report	meeting date	6/10/2019
prepared by	Finance	approved by	City Manager
board approval	N/A final vote		
strategic objective	Fiscal Stewardship		

subject

Establishment of Auditor Selection Board

motion / recommendation

Approve the recommended board members, or other persons if desired, and select a member of the Commission to serve as chair of the Auditor Selection Board.

background

The City's Charter requires the Commission to establish an Auditor Selection Board consisting of five members. One member of this board shall be a city commissioner who will be appointed by the commission and serve as chair of the board. The remaining four members shall be residents of the City who have the qualifications of electors therein and are not city employees. This board shall be charged with the responsibility to solicit proposals to the City Commission and to evaluate the proposals received. The Auditor Selection Board shall submit its recommendation to the City Commission which shall then select an auditor and award a contract for a term not to exceed three years.

The following residents are qualified to serve on the Auditor Selection Board and have agreed to do so if approved by the City Commission:

David Currie, Emeritus Professor of Finance and Economics at Rollins College
Charlene Hotaling, Vice President/Business Banking Manager, Seacoast Bank
David Moore, financial advisor
Paula Satcher, CPA

alternatives / other considerations

An audit of the City's financial statements is required by Florida Statute 218.391.

fiscal impact

An estimate of the annual audit fee based on historical audit fees has been included in the proposed budget for FY 2020.



city commission **agenda item**

item type	City Manager's Report	meeting date	6/10/2019
prepared by	City Manager	approved by	
board approval	final vote		
strategic objective			

subject

Staff update regarding Lee Road/Bennett/Executive intersection

motion / recommendation

background

alternatives / other considerations

fiscal impact



city commission **agenda item**

item type	City Manager's Report	meeting date	6/10/2019
prepared by	City Clerk	approved by	
board approval	final vote		
strategic objective			

subject

City Manager's Report

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description

City Manager's Report

Upload Date

6/3/2019

Type

Cover Memo



city commission city manager's report

item type	meeting date
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Below are issues of interest to the Commission and community that are currently being worked on by staff, but do not currently require action on the Commission agenda. These items are being tracked to provide the Commission and community the most up to date information regarding the status of the various issues. The City Manager will be happy to answer questions or provide additional updates at the meeting.

6/10/19 meeting

issue	update
Quiet zones	Railroad street crossing safety improvements construction started February 11 and is expected to be complete by August 2019. Quiet Zones implementation is expected by end of 2019.
Seminole County Ditch Drainage Improvement	The hydraulic model has been updated. Seminole County is reviewing the improvement alternatives and will provide the City feedback regarding participation and phasing over a 5 year capital improvement plan.
Electric undergrounding	<u>Miles of Undergrounding performed</u> Orwin Manor: 90% complete. Project G: 4.03 miles 79% complete. Overhead wires on Canton from Denning to Public Safety removed. TOTAL so far for FY 2019: 3.1 miles
Fairbanks transmission	Construction on Fairbanks, west of Orlando Ave., is underway. There will be work on Harper the week of 6/3 through 6/10 on the overhead transmission lines. Harper will be closed from the north side of the south entrance of Walgreens to Comstock during this period. The south entrance to Walgreens from Fairbanks will remain open.
Canopy Project	Project currently in Construction Drawings (CD's) phase. CD's scheduled to be complete in October. Design team in town working with staff the week of June 3 rd .
Orange Avenue Overlay	The Orange Avenue Overlay Steering Committee held its first meeting on Wednesday, May 29. Staff gave the committee the history of Orange Avenue, discussed the goals of the committee and what work had been done up to this point. Additionally, staff held an all-day Orange Avenue design charrette on May 30 with the City staff team and the consultants from Kimley Horn and Zyscovich Architects. The next Steering Committee will be held on June 12 at 5:30 PM in the Commission Chambers.
Old Library Site Task Force	The Task Force has been narrowing down potential uses by meeting with stakeholder groups and considering site constraints. The Task Force has commented that retail, restaurant, or event use are difficult options for the site given parking constraints and proximity to neighbors. The Task

	Force has also invited stakeholder groups to attend meetings and answer questions, this included the Library staff at their last meeting, the Parks Department will attend June 5, and Rollins College is scheduled to attend June 19. Staff has been asked to look into various options including civic uses such as alternatives for City Hall, partnerships for incubator or co-work space, flex space for non-profit partners, and others.
Charter Review Advisory Committee	The committee will normally meet the Tuesdays following the Monday Commission meetings from 6:00-8:00 p.m. The next meetings are scheduled for June 11 (this one only will begin at 5:00 p.m.) and June 25 at 6:00 p.m. Meetings are subject to change or cancellation if there is not a quorum. Agendas will be posted on the website.
Work sessions – Septic tanks/sewer and electric	Work sessions are scheduled as follows: Septic tank/sewer work session: June 10 at 2:30 Electric work session: June 24 at 2:30

Once projects have been resolved, they will remain on the list for one additional meeting to share the resolution with the public and then be removed.



city commission **agenda item**

item type	Consent Agenda	meeting date	6/10/2019
prepared by	City Clerk	approved by	
board approval	final vote		
strategic objective			

subject

Approve the May 13, 2019 minutes.

motion / recommendation

background

alternatives / other considerations

fiscal impact

ATTACHMENTS:

Description

Minutes

Upload Date

5/24/2019

Type

Cover Memo

**REGULAR MEETING OF THE CITY COMMISSION
MAY 13, 2019**

Mayor Steve Leary called the meeting of the Winter Park City Commission to order at 3:30 p.m. in the Commission Chambers, 401 Park Avenue South, Winter Park, Florida. Before the invocation, Mayor Leary asked for a moment of silence to remember Julio DeArcos who suddenly passed away. Finance Director Wes Hamil provided the invocation, followed by the Pledge of Allegiance.

Members present:

Mayor Steve Leary
Commissioner Greg Seidel
Commissioner Sarah Sprinkel
Commissioner Todd Weaver

Also Present:

City Manager Randy Knight
City Attorney Kurt Ardaman
City Clerk Cynthia Bonham

Member absent:

Commissioner Carolyn Cooper

Approval of agenda

Motion made by Commissioner Sprinkel to approve the agenda; seconded by Commissioner Seidel and carried unanimously with a 4-0 vote.

Mayor's Report

a. Introduction of new Executive Director, Winter Park Housing Authority

Housing Authority Chairman Hal George introduced the new Executive Director LaShanda Lovette who replaced Patricia Rice upon her retirement.

b. Presentation – Winter Park High School Championships

Principal Matthew Arnold and Athletic Director Michael Brown recognized Winter Park High School's sports teams, coaches and students for the state championships earned this year.

c. 2019 Board appointments

Mayor Leary made the following appointments; seconded by Commissioner Sprinkel and carried unanimously with a 4-0 vote.

Board of Adjustments: Tom Sacha (reappointed 2019-2022); Ann Higbie (appointed to replace Zach Seybold 2018-2021-1st partial term); Charles Steinberg (moved up from alternate to replace Robert Trompke 2019-2022); Steven Heller (appointed as alternate).

Code Compliance Board: Paul Mandelkern (reappointed 2019-2022 – 1st term partial); Terry Rooth (appointed to replace John Terwilliger as alternate).

CRA Advisory Board: John Caron (appointed to replace Alex Trauger 2019-2022); Javier Omana (reappointed 2019-2022); Mike Emerson (reappointed 2019-2022); Randall Slocum (appointed as alternate)

Construction Board of Adjustment and Appeals Board: Susan Pendergraft (appointed to replace Robert Harris 2019-2022); Michael Schwetizer (appointed to replace Mark Sylvain 2019-2022); William Maroon (reappointed 2019-2022).

Economic Development Advisory Board: Mike Miller (appointed to replace John Caron 2019-2022); Tara Tedrow (reappointed 2019-2022 1st partial term); Michelle Heatherly (appointed to replace Russell Bruguiera 2019-2022); Sheila DeCiccio (appointed as alternate).

Golf Course Advisory Board: Hannah Wickham (moved from alternate to replace Dave Cocchiarella 2019-2022); Ronald Rentz (appointed as alternate).

Historic Preservation Board: Drew Henner (appointed to replace Phil Wood 2017-2020 1st partial term); John Skolfield (reappointed 2019-2022); Wade Miller (appointed to replace Chuck Bell 2019-2022); Robert Schwetje (reappointed 2019-2022); Tracey Currey (appointed as alternate to replace Randall Slocum).

Housing Authority: Hal George (reappointed 2019-2022); Kevin O’Rawe (reappointed 2019-2022); Joseph Regner (reappointed 2019-2022).

Keep Winter Park Beautiful and Sustainable Board: Carey Bond (appointed to replace David Daly 2019-2022); David Daly (moved to alternate position per his request).

Lakes and Waterways Board: Doug Marks (reappointed 2019-2022); John Minton (reappointed 2019-2022).

Parks and Recreation Advisory Board: Chris Morrison (moved up from alternate to replace Julio DeArcos 2018-2021); Drew Nasrallah (appointed to replace Trish Teague 2019-2022); Taylor Sacha (reappointed 2019-2022); Matt Knight (appointed as alternate to replace Chris Morrison).

Planning and Zoning Advisory Board: Adam Bert (moved up from alternate to replace Sheila DeCiccio 2019-2022); Chuck Bell (appointed to replace Bob Hahn 2019-2022); Ross Johnston (reappointed 2019-2022); Christian Swann (appointed as alternate).

Public Art Advisory Board: Austin Reeves (previously moved up to replace Lauren Branzei); Danny Humphress (appointed to replace Catherine Knudsen 2017-2020 1st

partial term); Lynn Bachrach (appointed 2018-2021 1st partial term); Tiffany Freeland (appointed to replace Francine Newberg 2019-2022); Elizabeth Gwinn (appointed to replace Jan Clanton 2019-2022); Joseph Roviato (appointed as alternate).

Transportation Advisory Board: Marc Reicher (reappointed 2019-2022); Jonathan Thigpen (reappointed 2019-2022); Alex Trauger (alternate – NOTE: After appointed he advised he did not want to serve so this position is vacant).

Utilities Advisory Board: Jack Miles (reappointed 2019-2022); Karim Arja (moved from alternate 2019-2022); Paul Conway (reappointed 2019-2022); Mike Dively (appointed as alternate).

Fire Pension Board: Mike Hlavek (reappointed 2019-2021)

Police Pension Board: Frank Chalfont (appointed to replace James Johnston 2019-2021); Phil Wood (appointed to fill vacancy 2021-2022).

City Manager's Report

City Manager Knight reminded the Commission of the upcoming work sessions: June 10 (septic tanks) at 2:30 and June 24 (electric annexed areas) at 2:30.

City Attorney's Report

No report.

Non-Action Items

a. Presentation of Comprehensive Annual Financial Report

Finance Director Wes Hamil introduced Joel Knopp, Moore Stephens Lovelace CPAs & Advisors, who provided highlights within the CAFR ending September 30, 2018. He summarized the communications necessary with the City, the services and deliverables, management responsibilities, auditor responsibilities, internal controls, compliance, management representations, and the financial analysis.

b. Financial Report for March 31, 2019.

Finance Director Wes Hamil presented the financial report for March 31, 2019. He addressed the General Fund, the Community Redevelopment Agency Fund, Water and Sewer Fund, Electric Services Fund, the Investment Report, the budget versus the actual general fund and the CRA fund, water and wastewater metrics, electric utility metrics, and the cash and investment portfolio. Electric Director Dan

D'Alessandro answered Commissioner Sprinkel's question regarding undergrounding being put on hold and the process when this happens.

Consent Agenda

- a. Approve the minutes of April 22, 2019.
- b. Approve the following formal solicitation:
 - 1. SGM Engineering, Inc.; Calvin, Giordano & Associates, Inc.: RFQ-9-2019 – Continuing Contract for Professional MEP Engineering Services; authorize staff to enter into negotiations.
- c. Approve the following contract:
 - 1. Orlando Utilities Commission: Interlocal Agreement – Efficiency Programs
- d. Approve the following purchase:
 - 1. Core & Main LP: Sensus/SmartWorks Meter Data Management System & Regional Network Interface Upgrade; \$441,322
- e. Approve the following piggyback agreement:
 - 1. SiteSecure: Extension of Osceola County contract #RFP-16-4469-TP – Video Surveillance and Access Control, Repair, Maintenance, Upgrades and New Installation; Not to exceed \$220,000

Motion made by Commissioner Sprinkel to approve the Consent Agenda; seconded by Commissioner Seidel and carried unanimously with a 4-0 vote. There were no public comments made.

Action Items Requiring Discussion

- a. Addendum to Memorandum of Understanding between Florida Department of Transportation and the City of Winter Park

Public Works Director Troy Attaway explained the purpose of the addendum of the original Memorandum of Understanding to maximize the use and allocation of the monetary resources for the improvements to US 17/92, Orlando Avenue from south of Nottingham Street to Monroe Avenue. He summarized the improvements to be made and answered questions of the Commission.

Motion made by Commissioner Sprinkel to approve the addendum; seconded by Commissioner Seidel. There were no public comments made. **Upon a roll call vote, the motion carried unanimously with a 4-0 vote.**

- b. Canopy Project Update and approval to move to construction drawings

City Manager Knight asked for approval to move forward with the construction drawings and to approve the designing of the rooftop venue. He commented that the construction drawings should be complete by the third week of October then Brasfield and Gorrie will hard bid the project and provide the city with a guaranteed

maximum price to come to the Commission for consideration at the January 13, 2020 meeting. If approved, the project is scheduled to be completed by May 1, 2021.

Russell Crader, Adjaye Associates, summarized the proposed design for the project and showed images of what they are proposing.

City Manager Knight summarized the financials. He stated that the Tourist Development Tax monies was approved by the County and total fundraising effort to date is \$8.2 million. He pointed out an error in the title sheet provided to the Commission in their packet in the contingency paragraph in that the \$1,962,000 includes the \$938,000 in estimating contingency to make the owner's and escalation contingencies at around \$2 million.

Motion made by Commissioner Sprinkel to authorize the design team to approve all the plans to the construction drawing level and allow the fundraising team to raise the remaining funds of \$3.6 million between now and the GMP approval to include the rooftop design; seconded by Mayor Leary.

Commissioner Weaver provided a PowerPoint presentation against the design and costs and why he believed the project should be delayed.

The following spoke in favor of the design and moving forward:
Brad Doster, 1581 Magnolia Avenue
Sabrina Bernat, Winter Park Public Library
David Odahowski, 199 E. Welbourne Avenue

The following opposed the design/project:
Phil Anderson, 1621 Roundelay Lane
Deidre Macnab, 1860 Summerland Avenue
Sally Flynn, 1400 Highland Road

There was discussion as to the cost to the City if the project is further delayed. Commissioner Seidel provided favorable comments regarding the project and moving forward. Commissioner Weaver spoke about wanting a more refined cost structure right now.

Upon a roll call vote, Mayor Leary and Commissioners Seidel and Sprinkel voted yes. Commissioner Weaver voted no. The motion carried with a 3-1 vote.

PUBLIC COMMENTS (ITEMS NOT THE AGENDA)

Deirdre MacNab, 1860 Summerland Avenue, spoke about the importance of solar and asked to add another seat to the Charter Review Advisory Committee.

Peter Schreyer, Crealde School of Art, addressed the new exhibit at the Heritage Center (the Sage Project).

Mary Daniels, 650 W. Canton Avenue, spoke about the Sage Project at the Heritage Center and asked that single member districts be considered.

LaWanda Thompson, 664 W. Lyman Avenue, representing CFAR PAC, expressed her preference to have single member districts so all residents are represented.

Tuan Nguyen, Topsy Solonbar, 110 Orlando Avenue, asked about obtaining a beer and wine license. Allison McGillis provided the process for obtaining this and that this would require a code change to allow this in a salon. Information will be brought to the next meeting for discussion regarding any impacts.

Barbara Chandler, representing Beverlye Neal, 550 N. Denning Drive, read into the record comments for Ms. Neal related to single member districts.

Barbara Chandler, Coalition for Access & Representation PAC, stated they are requesting that staff is instructed to add to the agenda within the next 30 days consideration of a charter amendment ballot measure asking voters to decide between at-large and single member district voting.

Mayor Leary addressed the Charter Review Advisory Committee who will be presenting recommendations to the Commission to decide what to put on the ballot. Attorney Ardaman summarized the process. Commissioner Weaver recommended expanding the committee to nine members with the last member representing the west side of Winter Park. After further comments, another member will be added at the next meeting.

c. Library and Events Center Task Force recommendations

Brenda Moody, Public Works Department, presented the task force recommendations. Task force members were present. The task force was focused for the last several months on a series of operating activities related to The Canopy.

The task force recommendations are as follows:

Campus Operation Model: Create a new hybrid lease that expands the City's role in building maintenance, systems maintenance (IT) and outdoor maintenance, as well as scheduling and campus promotion. This arrangement established the Library's role as the provider of all things inside the library building, including programming, as well as collection maintenance and ownership. Combined the Library and City would commit to collaborating on a certain number of events per quarter. **Recommended #2 - The hybrid model, the initial contract period was recommended to be five years with a five year renewal, but also allowing for evaluation and tweaking at the end of the first five year period.**

Catering: Three catering models were evaluated. **Recommended #2, Preferred catering - select approximately 4-6 vendors at various price points to serve as exclusive caterers for the Canopy.** This allows more control over kitchen and facility maintenance.

Valet Parking: **Recommended contracting one Valet service.** RFP's would be issued competitively every five years. Contract would likely be for one year with possible four one year renewals.

Campus Manager: **Recommended approval of the proposed Campus Manager job description, advertising the position June 1, 2019 and placement of a candidate into that position on October 1, 2019 to begin engaging in the policy making, marketing, training, budgeting, reserving and staffing of this facility before the grand opening.** It was clarified that the City Manager will be responsible for hiring, etc. in accordance with the Charter.

Motion made by Commissioner Sprinkel to approve the task force recommendations; seconded by Mayor Leary and carried unanimously with a 4-0 vote. No public comments were made.

Public Hearings:

a. Request of Z Properties:

ORDINANCE NO. 3141-19: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE I, "COMPREHENSIVE PLAN" AND THE FUTURE LAND USE MAP SO AS TO CHANGE THE SINGLE FAMILY RESIDENTIAL FUTURE LAND USE DESIGNATION TO A PARKING LOT FUTURE LAND USE DESIGNATION ON THE EAST 33 FEET OF THE STORM WATER RETENTION AREA SERVING ISRAEL SIMPSON COURT, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. Second Reading

ORDINANCE NO. 3142-19: AN ORDINANCE AMENDING CHAPTER 58 "LAND DEVELOPMENT CODE" ARTICLE III, "ZONING" AND THE OFFICIAL ZONING

MAP SO AS TO CHANGE SINGLE FAMILY RESIDENTIAL (R-1A) DISTRICT ZONING TO PARKING LOT (PL) DISTRICT ZONING ON THE EAST 33 FEET OF THE STORM WATER RETENTION PROPERTY SERVING ISRAEL SIMPSON COURT, MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING FOR SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE. Second Reading

ORDINANCE NO. 3143-19: AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AUTHORIZING THE LEASE OF THE EASTERN 33 FEET OF THE CITY OWNED STORM WATER RETENTION AREA SERVING ISRAEL SIMPSON COURT HAVING ORANGE COUNTY TAX PARCEL IDENTIFICATION NUMBER 06-22-30-3724-13-001; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE. Second Reading

Attorney Ardaman read all three ordinances by title.

#1 Motion made by Commissioner Sprinkel to adopt the comprehensive plan ordinance; seconded by Commissioner Seidel.

#2 Motion made by Commissioner Sprinkel to adopt the zoning ordinance; seconded by Commissioner Seidel.

#3 Motion made by Commissioner Sprinkel to adopt the lease ordinance; seconded by Commissioner Seidel.

There were no public comments made.

Upon a roll call vote on ordinance #1, Mayor Leary and Commissioners Seidel, Sprinkel, and Weaver voted yes. The motion carried unanimously with a 4-0 vote.

Upon a roll call vote on ordinance #2, Mayor Leary and Commissioners Seidel, Sprinkel, and Weaver voted yes. The motion carried unanimously with a 4-0 vote.

Upon a roll call vote on ordinance #3, Mayor Leary and Commissioners Seidel, Sprinkel, and Weaver voted yes. The motion carried unanimously with a 4-0 vote.

- b. Request of Glen Haven Cemetery:

This hearing was continued until the June 10, 2019 meeting.

- c. RESOLUTION NO. 2218-19: A RESOLUTION OF THE CITY COMMISISON OF THE CITY OF WINTER PARK ESTABLISHING AN ORANGE AVENUE OVERLAY STEERING COMMITTEE; PROVIDING FOR SUNSET AND AN EFFECTIVE DATE

Planning Director Bronce Stephenson explained the resolution and the membership he is requesting. Each Commission member will provide a member at the next

meeting. Mr. Stephenson will provide a name from the various City boards as provided in the resolution.

Motion made by Commissioner Sprinkel to approve the resolution; seconded by Commissioner Seidel. There were no public comments. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, and Weaver voted yes. The motion carried unanimously with a 4-0 vote.**

- d. RESOLUTION NO. 2219-19: A resolution authorizing the use of Seaside National Bank & Trust

City Manager Knight explained the resolution is to provide another bank to utilize.

Motion made by Commissioner Sprinkel to approve the resolution; seconded by Commissioner Seidel. No public comments were made. **Upon a roll call vote, Mayor Leary and Commissioners Seidel, Sprinkel, and Weaver voted yes. The motion carried unanimously with a 4-0 vote.**

City Commission Reports:

Commissioner Seidel – Spoke about the 40th anniversary of the Farmers' Market celebration this Saturday. Asked about the pros and cons for single member districts. Asked about the additional homestead exemption that affects our budget and if that has been considered.

Commissioner Sprinkel – Addressed the Florida League of Cities meeting where Commissioner Cooper was honored with the 2019 Home Rule Hero award. Mayor Leary commented he also received a letter that he was also being honored. Spoke about attending the medical marijuana seminar.

Commissioner Cooper – Absent.

Commissioner Weaver – Commented that he will be attending the Farmers' Market upcoming 40th celebration and the upcoming board appreciation event.

Mayor Leary – No report.

The meeting adjourned at 6:40 p.m.

Mayor Steve Leary

ATTEST:

City Clerk Cynthia S. Bonham, MMC



city commission **agenda item**

item type	Consent Agenda	meeting date	6/10/2019
prepared by	Purchasing	approved by	
board approval	final vote		
strategic objective	Fiscal Stewardship		

subject

Approve the following formal solicitation:

1. Heart Utilities of Jacksonville, Inc.: RFP-10-2019 – Electric Utility Installation & Maintenance Services; Authorize staff to enter into negotiations.

motion / recommendation

Commission approve item as presented.

background

RFP-10-2019 was issued to award these services.

alternatives / other considerations

N/A

fiscal impact

Total expenditure to be determined.

ATTACHMENTS:

Description

Formal Solicitations

Upload Date

5/28/2019

Type

Cover Memo



city commission agenda item

item type	Formal Solicitations	meeting date	June 10, 2019
prepared by department division	Procurement Division	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A		final vote

Formal Solicitations

	vendor	item background	fiscal impact	motion recommendation
1.	Heart Utilities of Jacksonville, Inc.	RFP-10-2019 – Electric Utility Installation & Maintenance Services	Total expenditure to be determined.	Commission approve the solicitation and authorize staff to enter into negotiations.



city commission agenda item

item type	Consent Agenda	meeting date	6/10/2019
prepared by	Purchasing	approved by	
board approval	final vote		
strategic objective	Fiscal Stewardship		

subject

Approve the following piggyback agreements:

1. Charlie Brown's Hauling & Demolition, Inc.: Pasco County contract #IFB-SN-18-130 – Boarding of Vacant & Blight Structures; Not to exceed \$75,000 per year, pending budget approval.
2. Cintas Corp.: Omnia Partners contract #R-BB-19002 – Facilities Management Products & Solutions; Not to exceed \$75,000 per year, pending budget approval.

motion / recommendation

Commission approve items as presented.

background

Formal solicitations were issued by the originating agencies to award these contracts.

alternatives / other considerations

N/A

fiscal impact

Total expenditures not to exceed \$75,000 per year, per contract, pending budget approval.

ATTACHMENTS:

Description

Piggyback Agreements

Upload Date

5/31/2019

Type

Cover Memo



city commission agenda item

item type	Piggyback Agreements	meeting date	June 10, 2019
prepared by department division	Procurement Division	approved by	<input checked="" type="checkbox"/> City Manager <input type="checkbox"/> City Attorney <input type="checkbox"/> N/A
board approval	<input type="checkbox"/> yes <input type="checkbox"/> no <input checked="" type="checkbox"/> N/A		final vote

Piggyback Agreements

	vendor	item background	fiscal impact	motion recommendation
1.	Charlie Brown's Hauling & Demolition, Inc.	Pasco County contract #IFB-SN-18-130 – Boarding of Vacant & Blight Structures	Total expenditure not to exceed \$75,000 per year, pending budget approval.	Commission approve the piggyback and authorize the Mayor to execute.
Initial term of the agreement shall take the city through 9/30/2021.				
2.	Cintas Corp.	Omnia Partners contract #R-BB-19002 – Facilities Management Products & Solutions	Total expenditure not to exceed \$75,000 per year, pending budget approval.	Commission approve the piggyback and authorize the Mayor to execute.
An RFP was issued by Prince William County Public Schools to award this cooperative agreement. Initial term shall take the city through 10/31/2023.				



city commission agenda item

item type	Public Hearings	meeting date	6/10/2019
prepared by	Communications	approved by	
board approval	N/A final vote		
strategic objective	Exceptional Quality of Life		

subject

Resolution – Repealing and replacing the policy governing city use of social media

motion / recommendation

Approval of resolution as presented.

background

In 2009, the City Commission approved the use of Facebook and that same year, adopted the original policy governing its use of social media. Since then the use of social media has changed dramatically and has become a necessary and vital way to communicate.

Originally, in 2009, only the Communications Department engaged in social media. Now, 10 years later, with the rapid increase in popularity and growth of social media, various city departments manage their departmental accounts. These accounts are still under the oversight of the Communications Department. This revised policy outlines guidelines for using social media tools as they pertain to sharing city-related information.

Currently, the city manages the following social media accounts (as of 5/30/19):

FACEBOOK

1. City of Winter Park @WinterParkFla (12,489 followers)
2. Farmers' Market @WinterParkFlaFarmersMarket (9,245 followers)
3. Police Department @ WinterParkPD (7,447 followers)
4. Fire-Rescue Department @WinterParkFD (5,422 followers)
5. Golf Course @WinterParkGolf (1,392 followers)
6. Tennis Center @ WinterParkTennisCenter (1,197 followers)
7. Parks & Recreation Department @ParksAndRecWP (996 followers)
8. Community Center@ WinterParkCommunityCenter (616 followers)
9. City of Winter Park Emergency Info @WinterParkEmergencyInfo (411 followers)

TWITTER

1. City of Winter Park @WinterParkFla (10,175 followers)
2. Police Department @WinterParkPD (8,142 followers)
3. Golf Course @WinterParkGolf (2,790 followers)

4. Police Chief Michael Deal @WPPDChief (578 followers)
5. Parks & Recreation @ParksandRecWP (388 followers)
6. Captain Pam Marcum @WPPDCapt (130 followers)
7. Fire Chief Dan Hagedorn @WPFireChief (24 followers)
8. Tennis Center @CWPTennis (19 followers)

INSTAGRAM

1. City of Winter Park @WinterParkFla (4,181 followers)
2. Golf Course @WinterParkGolf (1,581 followers)
3. Parks & Recreation Department @ParksandRecWP (708 followers)
4. Tennis Center @WinterParkTennis (158 followers)
5. Winter Park Farmers' Market @farmersmarketwinterpark (8 followers)

NEXTDOOR

1. Fire-Rescue Department (7,200 members)
2. City of Winter Park (7,196 members)
3. Police Department (7,079 members)

VIDEO

1. YouTube (291k views)
2. Vimeo (104k plays; 24k finishes)

alternatives / other considerations

n/a

fiscal impact

n/a

ATTACHMENTS:

Description	Upload Date	Type
Proposed Resolution	5/30/2019	Backup Material
Clean - Proposed Social Media Policy 2019	6/3/2019	Cover Memo
Redlined version of proposed Social Media Policy	5/30/2019	Backup Material
Current Social Media Policy adopted in 2009	5/30/2019	Backup Material

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COMMISSION OF WINTER PARK, FLORIDA, REPEALING AND REPLACING THE POLICY GOVERNING CITY USE OF SOCIAL MEDIA AND EXTERNAL INTERNET TO UPDATE AND CLARIFY THE CITY'S POLICIES GOVERNING CITY USE OF SOCIAL MEDIA; PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, on or about October 26, 2009, the City of Winter Park ("City") adopted that certain Policy Governing City Use of Social Media and External Internet (the "2009 Policy"); and

WHEREAS, the City wishes to update and clarify the 2009 Policy and to add provisions to ensure consistency with the City of Winter Park brand and to facilitate compliance with the public records laws, Sunshine Law, and other laws.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF WINTER PARK, FLORIDA, AS FOLLOWS.

SECTION 1. Recitals. The above recitals are true and correct and are incorporated as part of this Resolution.

SECTION 2. Policy Adoption. The City hereby adopts the Policy Governing City Use of Social Media, attached hereto as Exhibit "A." The 2009 Policy that was adopted on or about October 26, 2009 is hereby repealed in full, and replaced with the policy attached hereto as Exhibit "A."

SECTION 3. Conflicts. In the event of a conflict between this Resolution and any other resolution of the City, this Resolution shall control.

SECTION 4. Effective date. This Resolution shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida.

ADOPTED this ____ day of _____, 2019, by the City Commission of the City of Winter Park, Florida.

ATTEST:

CITY COMMISSION
CITY OF WINTER PARK

Cynthia Bonham, City Clerk

Steve Leary, Mayor/Commissioner

City of Winter Park Policy Governing City Use of Social Media

1. Objectives/Purpose:

The City of Winter Park (“City”) Policy Governing City Use of Social Media (“Policy”) functions to provide policies and procedures for City utilization of social media services to ensure consistency with the City’s brand and message. This Policy is narrowly tailored in recognition of the City’s compelling and significant interests, which includes but are not limited to, ensuring compliance with federal, state, and local law, Florida’s public records law and the Florida Sunshine Law, to promote and maintain an efficient workplace and work environment for City business, and in the City’s interests of providing services that benefit the public health, safety, and welfare. Adequate and ample alternative channels to convey various City-related commercial or personal messages exists that are not limited or affected by this Policy, including but not limited to, speaking during public comment portions of City meetings, posting or creating content on websites or social media services that are not City social media accounts, or using alternative means of communication that do not involve City websites or social media services. Such alternative methods are reasonable for the affected speaker to communicate directly to his or her intended audience.

This Policy is also intended to function as a guide and clear communication to users of the City’s social media services of the best lawful practice and operational realities in utilizing City social media services when used for purposes relating to or perpetuating City business. The City intends to operate its social media applications in two different formats relating to the government speech doctrine versus the creation of a designated or limited public forum. For City-utilized social media services where the City has disabled the ability of the public to comment or post, alternatively, in the event such disabling is unavailable, removed or deleted public postings or comments, or the City has otherwise communicated or posted a statement that the City is not seeking or soliciting public comment or postings, then the City-utilized social media services shall function solely as an expression of the City’s government related speech and viewpoint. In contrast, in circumstances where the City actively solicits or encourages public comments or postings from the public and has not otherwise disabled (or deleted public comments from a City-utilized social media service where disabling comments is unavailable), then the City-utilized social media services shall be construed as creating a designated or limited public forum in accordance with the topical and expressive parameters provided in this Policy. The City retains the exclusive right to treat City-utilized social media services as designated or limited public forum, or alternatively, as a forum for the sole expression of the City’s government speech alone at any time and without notice. Such conversion or modification of a traditional or limited public forum to a forum only allowing the City’s government speech may occur through disabling all comments on the particular social media service, or if the ability to disable comments is unavailable, through the City’s clear communication that public comments or posts are not solicited, will no longer be accepted, and will be deleted as soon as practicable under the circumstances. At all times, however, utilization of City social media services is intended primarily as a means for the City to express its own content and viewpoint consistent with the government speech doctrine, to inform and educate the public, to efficiently and timely perform City-related tasks, and to otherwise provide an alternative avenue for the City itself to directly communicate to the public.

2. Authority/Effective Date:

This Policy is approved by the City Commission of the City of Winter Park on _____, 2019.

3. Direction/Control:

The City's Communication Department Director (subject to the direction and control of the City Manager) shall primarily oversee and administer the City's policies for the use of social media services.

4. Policies:

A. Definitions:

- (1) "Content Managers" are the officers, employees, or agents of the City assigned responsibility for posting and/or maintaining City content on a social media service.
- (2) "Social media services" are websites, web services, platforms or applications offered by non-City third-party entities that enable users to create and share information and content or to participate in social networking.

B. General Requirements:

- (1) Each City-utilized social media service must be set up and approved by the Communications Department, which shall review each based on the following and other relevant considerations:
 - i. Determining whether the social media service allows public comments or posts to be turned off, modified, or deleted. If the City utilizes a social media service that does not allow public comments or posts to be turned off or deleted, then the City may implement certain controls as necessary in accordance with subparagraph 4.E. of this Policy;
 - ii. Ensuring that the City is allowed and permitted by the social media service to allow the City to retain editorial control of content in accordance with this Policy and the designated or limited public forum intended to be created by the City thereon; and
 - iii. The concept, platform, audience, and marketing plan for the social media service including the relevant terms of service, if any, relating to same.

(2) Each City-utilized social media service shall be used primarily as a means for the City to release its own City messages and to engage in City-related speech and discussion of the City's own viewpoint and content. The City shall use such social media services to promote the City and City services, job opportunities, City announcements, City events and advertising for same, and other matters that support the interests of the City and the citizens, visitors, and businesses of the City.

(3) The Communications Department shall set up and maintain the main administration account for each social media service in conjunction with other relevant City departments as determined by the Communications Department to create relevant City account information, usernames, passwords, and the like. No personal information shall be utilized in setting up such accounts, unless required by the service or site policy and the ability to obfuscate such information is provided.

(4) The Communications Department may establish such City accounts on social media services even if the City does not currently plan to utilize such services in order for the City to reserve same for City utilization in the future.

(5) All City-utilized social media services shall clearly indicate that they are maintained by the City, shall provide relevant City contact information, and shall link to the City's official website for forms, documents, online services, and other information necessary to conduct business with the City. Additionally, all City-utilized social media services shall prominently display as far as practicable that such services contain content relating to the City's speech and viewpoint.

(6) No personal information about a City officer, employee, or other agent shall be displayed on a City-utilized social media service used by the City, unless approved by the City Manager or his/her designee. City posts and content shall not express the personal opinions of any City officer, employee, or other agent, and shall be limited to expressing the viewpoint and speech of the City or otherwise advancing the City's interests.

(7) The City's utilization of social media services shall comply with all provisions of federal and Florida law, resolutions and ordinances of the City, policies and directives issued by the City Manager or other authorized City officer or department, and the relevant terms of service of such site, service, or application.

(8) The Communications Department must have full administrative rights to review all City information and City generated content. Notwithstanding the preceding, the Communications Department Director, City Manager, or the designee of the City

Manager may delegate the responsibility of reviewing content to other City departments as deemed appropriate.

(9) The Communications Department shall review the City's use of social media services at least on a yearly basis to ensure that such meets or exceeds the City's policies, that the use and function of the services meet the needs of the City and its residents, businesses, and visitors, to ensure that account information is kept current and updated, and other relevant considerations. The City shall retain the right to terminate the use of any service at any time and without notice. Additionally, the City shall retain the right to redefine permissible content, comments, or postings at any time and without notice or to cease allowance of public comment or postings at any time and without notice.

(10) The requirements set forth in this Policy apply regardless of whether the computer or electronic device utilized for City-related content or postings on social media services are personally owned by a City officer or employee or other individual where applicable and relevant. Further, the use of personal computers and other electronic devices for communicating or posting on behalf of the City to City-utilized social media services utilizing the City's account credentials may subject such devices to inspection pursuant to Florida's public records law and/or the Sunshine Law.

C. Public Records Law Considerations:

(1) Any post made by a City officer, employee, or other City agent, or by a member of the public, to a City-utilized social media service may constitute a public record pursuant to Chapter 119, Florida Statutes. Content managers shall maintain an archive of all posts, content, and other submissions made to the City's social media services, and shall take all actions necessary to comply with the public records law, including the retention schedules relating to same. For City-utilized services that allow posts, comments, or submissions from the public, the statement described in subparagraph 4.E.(4) of this Policy shall be displayed as allowable by the social media service.

(2) City-utilized social media services are not the appropriate channel for the City's receipt of public records requests, and any post purporting to make a public records request to the City should be removed. Notwithstanding the preceding, any public records request purported to be made upon any City-utilized service shall be promptly forwarded to the City Clerk.

(3) Where appropriate, transitory, inappropriate, or non-germane posts or comments and other electronic communications, posts or comments made to the

City's utilized social media services by the City and by third parties should be removed or deleted as quickly as is reasonable and allowable under the public records laws and the record retention schedules established by state regulations. The existence of such content, comments, or posts for a specific period of time shall not function or be construed as the City's waiver of this Policy, in whole or in part, nor shall it function or be construed as the City's implied or presumed intent to expand the nature of the designated or limited public forum as set forth herein.

(4) Content managers are encouraged to consult with the City Communications Department Director and the City Attorney if they have questions regarding compliance with the public records law, the Florida Sunshine Law, or this Policy.

D. Florida Sunshine Law Considerations:

(1) The City strongly discourages any post, comment, or content to a City-utilized social media service by a member of any board, commission, or advisory committee of the City (hereinafter "Board Member") regarding any matter currently pending or which may foreseeably come before the Board Member's board, commission, or committee. In no event should a Board Member respond to a post by another member of such board, commission, or committee on any City-utilized service where such post, comment, or content relates to any matter pending before such board, commission, or committee, or which may foreseeably come before such board, commission, or committee.

(2) Content managers shall not post information or content to a City-utilized social media service that reflects a personal statement made by or a personal position of a Board Member regarding a matter before or which may foreseeably come before the Board Member's board, commission, or committee, in order to avoid facilitating communications between Board Members, to prevent the City's services from failing to convey the positions, viewpoint, and speech of the City, and to otherwise avoid a violation of this Policy.

(3) Board Members and content managers are encouraged to consult with the City Communications Department Director and City Attorney if they have questions regarding compliance with the Florida Sunshine Law or this Policy.

E. Public Participation:

(1) If the City elects to allow public comment or participation upon City-utilized social media services, such public comment or participation shall be designated or limited to comments, posts, and communications which are germane, topical, and relevant to the City's speech and viewpoint communicated thereon. Accordingly, content editors may remove content, comments, and postings from the public of the types listed below, which are determined by the City to be outside the parameters and established boundaries of the City's designated or limited public forum:

- i. Comments not topically related to or germane to the particular item being commented upon;
- ii. Comments that are inconsistent with the City's purpose in allowing public comment upon a particular City-utilized social media service;
- iii. Profane language or content, including obscenity, pornography, and sexual content or links to sexual content;
- iv. Solicitations of commerce;
- v. Defamation, libel, or slander;
- vi. Harassing or discriminatory speech relating to any protected class under the Fifth and Fourteenth Amendments, including but not limited to, speech that discriminates on the basis of race, gender, religion, national origin, sexual orientation, disability, or age. Harassing speech may also include persistent and unwelcome communications to or about the City, City employees, or City elected or appointed officials, which is utilized to deliver direct or perceived threats of removing tangible work benefits of the subject of or recipient of such communications or that creates a hostile work environment in the City;
- vii. Fighting words;
- viii. True threats;
- ix. Extortion or other speech in violation of federal or state law;
- x. Speech or communications in violation of Florida or relevant federal ethics or gift laws;
- xi. Speech or communications that reveal protected financial information, confidential health information, or that is in violation of the applicable exemptions, exceptions, or confidential provisions of the Florida Sunshine Law;
- xii. Electronic communication harassment or cyberstalking;
- xiii. Speech or communications that present a clear and present danger of immediate lawless action or speech or communications that encourage illegal activity;
- xiv. Speech or communications in violation of any copyright, trademark, or trade secret federal or Florida law;

xv. Information that may tend to compromise the safety or security of any individual or of the public;

xvi. Speech or communications which violate the terms of service of the City-utilized service; and/or

xvii. Any other unprotected speech or communications in accordance with federal or Florida law.

(2) To the extent that the City invites or solicits public posts, comments, or submissions to a City-utilized social media service, if an individual user makes a post, comment, or submission described under subparagraph (1) above, a content manager may turn off or otherwise disable the ability of such user to post or may otherwise block all future posts by such user as may be appropriate. Further, in accordance with this Policy, a content manager may disable all posts and submissions from the public generally and without notice consistent with this Policy. In the event that such City-utilized social media services do not allow all posts and submissions from the public generally to be disabled, the City reserves the right to remove and delete comments at the City's convenience and as soon as practicable under the circumstances in order to cease operations or communications that may be related to any City designated or limited public forum. To the extent the City disables public posts, comments, or submissions to a City-utilized social media service or elects to otherwise not allow posts and submissions in accordance with this subparagraph, then such City-utilized social media service shall not be intended or construed as a designated or limited public forum, but instead shall constitute government speech such that all City communications, posts, or submissions function as the viewpoint and communications of the City itself. The City retains the exclusive right to treat City-utilized social media services as designated or limited public forum, or alternatively, as a forum for the expression of the City's government speech alone at any time and without notice.

(3) A content manager shall not remove a public post, comment, or submission not described under subparagraph (1) above based upon the viewpoint or content expressed in such post, comment, or submission.

(4) The following statement shall be prominently displayed to the fullest extent practical and permissible on all City-utilized social media services:

Any post, communication, or submission to this website, account, application, or service, may be removed at the sole discretion of the City of Winter Park ("City") in accordance with the City's Policy Governing City Use of Social Media ("Policy"), and the City reserves the right to revoke participation or content posting rights hereon at any time and without notice or otherwise terminate the operation of any designated or limited public forum created therein. Pursuant to Florida law, any post, submission, or communication may constitute a public

record under chapter 119, Florida Statutes, which may require the City to archive and otherwise make such post, submission, or communication available for public inspection. This website, application, account, service and any postings or communications thereon are not monitored for public records requests, questions, notice, or any other requests from the public, and all participants should not expect any response from the City. Should you desire to make a public records request, please direct such request to the City Clerk's office. By submitting any post or content to this site, application, or social media service, you expressly consent to the copying, use, and disclosure by the City of any such post or content at the City's discretion and waive all copyright, trademark, and other rights you may have in such post, content, or communication. You further agree to indemnify and hold harmless the City from and against any and all fees, costs, fines, penalties, lawsuits, claims, damages, attorneys' fees, and any other adverse matters caused by or relating to your posting of any content to which you do not hold legal rights, including copying, trademark, or other legal rights.

- (5) The City does not intend nor should this Policy be construed as creating any right or expectation in members of the public relating to any active participation or expression on City-utilized social media services.

5. Use of Private Social Media Services:

City Commissioners, Board Members, and City employees are advised that posting information relating to city business on personal social media services may result in the creation of public records and impart legal obligations individually upon them pursuant to the Public Records Act. What constitutes city business for Public Records Act purposes can be complex and may be different depending on the scope of City duties of the individual making the social media post. To the extent City Commissioners and/or Board Members use their private social media accounts to post city business related information, the Communications Department may assist City Commissioners and/or Board Members in archiving such social media post for Public Records Act compliance purposes. City Commissioners and Board Members should not use social media services to have communications amongst other members of their same commission, board, or committee that violate the Florida Sunshine Law.

Notwithstanding the preceding, this Policy otherwise does not apply to personal utilization of social media services as this Policy is limited in application to City-utilized accounts for services as set forth herein. City Commissioners, Board Members, and City employees are encouraged to contact the City's Communications Department Director or City Attorney with questions relating to City related business or topics as applied to personal accounts for social media services.

6. Additional Legal Matters

A. Severability/Conflicts:

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Policy is declared unconstitutional by valid final judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part of this Policy. Should this Policy conflict with the City Charter or any City ordinances, or parts thereof, then those provisions shall apply but only to the extent of such conflict.

B. Disclaimer/Non-Waiver:

The City disclaims all liability and shall not be responsible for any effect, injury, damage, claim, action, or demand to the fullest extent permissible under law relating to or arising from a post or submission to a social media service by any member of the public, the City's removal of or failure to remove a post or submission by a member of the public, the City's failure to follow or enforce this Policy in every circumstance, or any other matter related to this Policy. The City further disclaims all liability and shall not be responsible for content or expressions that are posted by City employees or agents not acting in the course of their City duties with authorization as outlined in this Policy. Failure to comply with this Policy or any portion thereof by the City shall not create any expectation or interest in any private, public, or other right of action against the City, its elected or appointed officials, officers, employees, personnel, or agents. By posting information, content, or any expressions to any City-utilized social media service the City does not waive any legal right, protection, privilege, or immunity, including but not limited to, copyright, trademark, and/or sovereign immunity, and the City retains all rights to such information, content, or any expressions to the fullest extent permissible under federal and Florida law.



CITY OF WINTER PARK

401 Park Avenue South

Winter Park, Florida

32789-4386

www.cityofwinterpark.org

Park Policy Governing City Use of Social Media and External

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Internet

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1. ~~OBJECTIVE:~~ To provide the policy and procedures for developing applications and providing content on external Web applications and social media platforms in order to ensure consistency with our City brand and content. This Policy also provides that such applications and platforms are not traditional open public fora for expression, and will be regulated to insure compliance with Florida's Public Records Act (Chapter 119, Florida Statutes), and the appropriateness of content. The City disclaims liability for content that is posted and with regard to communications by personnel not acting in the course of their public duties with authorization.
2. ~~AUTHORITY:~~ This procedure is approved by the City Commission dated October 26, 2009, Item # 6c on the agenda.
3. ~~DIRECTION:~~ Director of Communications (subject to direction by the City Manager, and acting as the designee of the City Manager).

4. FUNCTIONS

A. Definitions.

- (1) "Web based social network services" are external Web sites or services on non-city servers. Most social network services provide a variety of ways for users to interact, such as e-mail and instant messaging services. Examples of current social network services are MySpace, Facebook, Twitter and LinkedIn.
- (2) "External Web applications" are Web functions that are hosted on a Web server off the City's network. For example, the City's Code is provided by a non-City Web site. These applications can be embedded into a City Web page or linked from a City Web page. This policy focuses on those applications that are provided for free. Current examples of these applications are Google Maps, YouTube, and Flickr.
- (3) "Content managers" are the individuals responsible for maintaining the information on a site.

B. Selection of Social Media Sites

- (1) Given that social network sites vary in content and use, the Communications Department will review a site before a City account is created, including:

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- i. ~~Determining whether the site allows comments or posts to be turned off. It will be in the discretion of the City whether a site or platform will be used in the event that the particular format will not allow the City to turn off the comments or posts feature. If the City utilizes a site or platform that will not allow the comments or posts to be turned off, the City reserves the right to implement the controls set out in subparagraph C(2) hereinafter, and in all events, the City disclaims responsibility and liability to the fullest extent allowed by law for any inappropriate content or posting on any network site or platform.~~
- ii. ~~Ensuring the site provides adequate mechanisms, features and allows for the Communications Department to control content.~~
- iii. ~~Reviewing the concept, audience, and marketing plan for the site.~~

~~(2) The Communications Department working in conjunction with the Information Technology Division will setup the main administration account for the site, using a City e-mail address.~~

~~(3) The Communications Department may establish City of Winter Park accounts on social media sites, even if the City does not currently plan to use them. This will reserve the name and keep another person or organization from presenting themselves as the City of Winter Park.~~

C. Use of Social Media Sites

~~(1) Any social media site used for City business must be approved by the Communications Department.~~

~~(2) If a social media site or any other web-based platform used by the City allows for comments to be posted by the public, the Communications Department reserves the right to edit or remove content based on the criteria listed below. The City also reserves the right to turn off the ability of third parties to post or comment, in its discretion. The City's intent is not to create a public forum, but to maintain a moderated online discussion directly relating to topics posted by the City, with language that is appropriate for citizens, (including minors), to read, consistent with the following criteria:~~

- i. ~~Comments not topically related to the particular article being commented upon;~~
- ii. ~~Profane language or content;~~

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- iii. ~~Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;~~
- iv. ~~Sexual content or links to sexual content;~~
- v. ~~Solicitations of commerce;~~
- vi. ~~Conduct or encouragement of illegal activity;~~
- vii. ~~Information that may tend to compromise the safety or security of the public or public systems; or~~
- ~~viii. Content that violates a copyright, trademark or other legal ownership interest of any other party.~~
- ix. ~~Accusations that a particular individual is guilty of any criminal conduct or immoral activity. Defamatory material will not be permitted. If a person believes that there is a legitimate basis to make a complaint against the City, any of its employees or any third party, then appropriate alternative means of registering the complaint must be utilized, and these social media and web-based platforms designed solely for the communication of information determined to be relevant by the City will not be an appropriate forum for registering allegations of criminal activity or other accusations against individuals.~~
- x. ~~This use of social media and web-based platforms shall be for the purpose of allowing the City to distribute information regarding topics determined by the City. If any platform allows for posting comments by third parties, then third party comments may be allowed by the City in its sole discretion subject to the right of the Director of Communications to remove inappropriate content that is determined to be inappropriate in violation of one or more of the standards enumerated in this policy. To the extent the City permits a web-based feature or social networking facility to be utilized as a limited forum for expression, the only content that will be permitted will be responses or postings that are relevant to the City initiated topics and discussion, and under circumstances where such comments and postings are consistent with the standards of appropriate communication~~

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available to all citizens (including minors) as set forth in this policy. The following statement will be prominently displayed on all City involved social networking sites/Internet facilities:
IMPORTANT NOTICE UNDER FLORIDA'S PUBLIC RECORDS LAW: Please be aware that under Chapter 119, Florida Statutes, every response and submission to this Site is a public record and will be posted for as long as the Site's Host will allow for such item to remain posted. If any submission is removed by the City as allowed by Policy for reasons such as the use of profanity or other inappropriate content, please be advised that all of such removed submissions will be stored by the City offline and will be considered a public record available for inspection to the extent allowed by Chapter 119, Florida Statutes.

- (3) Social network sites shall be used to promote the City, City services, job opportunities and City events.
- (4) City use of social media sites will comply with all provisions of Florida law, resolutions and ordinances of the City of Winter Park and procedures issued by the City Manager. Without limitation, these laws and policies will include Chapter 119 (the Florida Public Records Act) and procedures, and laws governing the appropriate use of the Internet.
- (5) All social media sites shall clearly indicate that they are maintained by the City of Winter Park and shall have City of Winter Park contact information available on the site.
- (6) No City employee personal e-mail addresses should be posted on these sites.

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(7) Notwithstanding any other provision hereof, the City's Web site may link to the City's official page on a social network site, as determined in the City's discretion. Social networking and other web facilities that may be established pursuant to this policy will not be appropriate places where a person may request public records pursuant to Chapter 119. Social network and website applications pursuant to this policy will not be monitored for Chapter 119 requests but instead will only be monitored for appropriate content. The City staff responsible for implementation of this Policy and for providing services on behalf of the City with respect to social network and website applications implemented pursuant to this policy, are not custodians of public records. Any person communicating by means of a social networking or other web facility is not in communication with a custodian of public records. Requests for public records should be directed to the City Manager.

Social media sites and other network applications established pursuant to this policy will not be an appropriate forum by which citizens may ask questions of the City. Citizens are requested to go to the official City of Winter Park website at www.cityofwinterpark.org and link to the place established on that website for asking questions of the City. Questions that may be posed on a social media site established pursuant to this policy may not receive an answer because the site will not be monitored for this purpose.

D. External Web Applications

(1) The Communications Department will review an external Web application based on its purpose, audience and need.

(2) The Communications Department will submit external Web applications to Information Technology Division's review, to ensure it is compatible to the City's network environment and browsers.

E. The Communications Department will setup an administrative account with a City email address.

Content

(1) "Posting" in this section refers to employees posting official city business information.

(2) The Communications Department will review all City posted information prior to posting on social media or Web application sites.

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(3) The Communications Department may disable functions on the site or applications that are not needed or desired in the sole discretion of the City. No rights are created in any third party with respect to how the City may utilize the applications and features on social media or web application sites, and the decisions on which features to maintain or disable will be in the sole discretion of the City. Similarly, the decision on whether to allow posting or responses by third parties and the deletion of any such responses or postings shall be in the sole discretion of the City and outside parties do not have any authority or right to control content or the length of time content may be posted.

(4) The Communications Department may delegate the responsibility of reviewing content to offices or departments. When a site is maintained by an office or department, information posted on the site will be reviewed prior to being released, in accordance with the department's or office's normal review process.

(5) All information posted by the City on external sites is subject to the Florida Public Records Act and the Sunshine law. Content managers for the site shall maintain an archive of all information posted to the site, in the event it cannot be retrieved from the actual site itself. City elected officials and members of all subsidiary boards, agencies and committees of the City of Winter Park shall not engage in on-line discussions concerning matters which may foreseeably come before them for City Commission or other Board or Committee action. All members of collegial bodies, agencies and committees of the City of Winter Park, including the City Commission, the Planning and Zoning Commission, Ethics Committee and other committees and agencies of the City, are subject to the Public Records Act and the Sunshine law. Members of such committees are encouraged to consult with the City Manager and the City Attorney if they have any questions concerning appropriate compliance with these laws. The Attorney General in AGO 2009-19 (dated April 23, 2009) opined that these types of websites and social media are subject to the Sunshine law as well as to the Public Records Act. Accordingly, elected officials and members of all advisory, elected and appointed boards, authorities and commissions of the City of Winter Park are encouraged to refrain from making any comment on a social media or external Internet facility on the web related to a matter of public business that may be pending before the collegial body of which the person is a member or any matter that may reasonably be understood to potentially come up before such body or

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authority in the future, because of the substantial risk that other members of the same collegial body or authority may be online and may inadvertently respond to such communication, thereby establishing a "meeting" outside of the requirements of the Sunshine law.

- (6) The Communications Department will review all applications and social media sites on a yearly basis to ensure they are updated and, for social media sites, that information is being posted on a regular basis.
- (7) To the fullest extent possible, the City Manager and other personnel responsible for development and maintenance of the Records Retention Schedule of the City of Winter Park will develop categories of record retention that will permit the disposal of transitory electronic communications received from third parties on such social media and external website facilities that are subject to this Policy on the shortest time frame reasonably allowable. Official materials posted by the City of Winter Park or authorized personnel will be scheduled for disposal on the records retention schedule in accordance with the content of such items. Officials and employees of the City are reminded that the use of personal computers and other electronic communication devices such as PDA's, Blackberries and other similar devices for communication or posting of matters related to public business of the City of Winter Park may subject such devices to inspection pursuant to a Chapter 119 request for public records (although to the extent lawfully permitted under then applicable law, including case law interpreting Chapter 119, personal communications and personal information are not subject to Chapter 119).
- (8) On each social media and external Internet site established by the City, the City shall cause a notice to be published that informs third parties that any posting or information submitted by the third party will be a public record subject to Chapter 119, Florida Statutes, and advising third parties that the City reserves the right to suspend posting of information by outside parties and to remove inappropriate material that is deemed inappropriate because it is in violation of a standard set out in this policy.

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5. FORMS:

~~None.~~

6. REFERENCES:

~~This procedure adopted by the City Commission, Item 6c, dated October 26, 2009.~~

~~7. EFFECTIVE DATE: October 26, 2009.~~

1. Objectives/Purpose:

The City of Winter Park ("City") Policy Governing City Use of Social Media ("Policy") functions to provide policies and procedures for City utilization of social media services to ensure consistency with the City's brand and message. This Policy is narrowly tailored in recognition of the City's compelling and significant interests, which includes but are not limited to, ensuring compliance with federal, state, and local law, Florida's public records law and the Florida Sunshine Law, to promote and maintain an efficient workplace and work environment for City business, and in the City's interests of providing services that benefit the public health, safety, and welfare. Adequate and ample alternative channels to convey various City-related commercial or personal messages exists that are not limited or affected by this Policy, including but not limited to, speaking during public comment portions of City meetings, posting or creating content on websites or social media services that are not City social media accounts, or using alternative means of communication that do not involve City websites or social media services. Such alternative methods are reasonable for the affected speaker to communicate directly to his or her intended audience.

This Policy is also intended to function as a guide and clear communication to users of the City's social media services of the best lawful practice and operational realities in utilizing City social media services when used for purposes relating to or perpetuating City business. The City intends to operate its social media applications in two different formats relating to the government speech doctrine versus the creation of a designated or limited public forum. For City-utilized social media services where the City has disabled the ability of the public to comment or post, alternatively, in the event such disabling is unavailable, removed or deleted public postings or comments, or the City has otherwise communicated or posted a statement that the City is not seeking or soliciting public comment or postings, then the City-utilized social media services shall function solely as an expression of the City's government related speech and viewpoint. In contrast, in circumstances where the City actively solicits or encourages public comments or postings from the public and has not otherwise disabled (or deleted public comments from a City-utilized social media service where disabling comments is unavailable), then the City-utilized social media services shall be construed as creating a designated or limited public forum in accordance with the topical and expressive parameters provided in this Policy. The City retains the exclusive right to treat City-utilized social media services as designated or limited public forum, or alternatively, as a forum for the sole expression of the City's government speech alone at any time and without notice. Such conversion or modification of a traditional or limited public forum to a forum only allowing the City's government speech may occur through disabling all comments on the particular social media service, or if the ability to disable comments is unavailable, through the City's clear communication that public comments or posts are not

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solicited, will no longer be accepted, and will be deleted as soon as practicable under the circumstances. At all times, however, utilization of City social media services is intended primarily as a means for the City to express its own content and viewpoint consistent with the government speech doctrine, to inform and educate the public, to efficiently and timely perform City-related tasks, and to otherwise provide an alternative avenue for the City itself to directly communicate to the public.

2. Authority/Effective Date:

This Policy is approved by the City Commission of the City of Winter Park on _____, 2019.

3. Direction/Control:

The City's Communication Department Director (subject to the direction and control of the City Manager) shall primarily oversee and administer the City's policies for the use of social media services.

4. Policies:

A. Definitions:

(1) "Content Managers" are the officers, employees, or agents of the City assigned responsibility for posting and/or maintaining City content on a social media service.

(2) "Social media services" are websites, web services, platforms or applications offered by non-City third-party entities that enable users to create and share information and content or to participate in social networking.

B. General Requirements:

(1) Each City-utilized social media service must be set up and approved by the Communications Department, which shall review each based on the following and other relevant considerations:

i. Determining whether the social media service allows public comments or posts to be turned off, modified, or deleted. If the City utilizes a social media service that does not allow public comments or posts to be turned off or deleted, then the City may implement certain controls as necessary in accordance with subparagraph 4.E. of this Policy;

ii. Ensuring that the City is allowed and permitted by the social media service to allow the City to retain editorial control of content in accordance

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with this Policy and the designated or limited public forum intended to be created by the City thereon; and

iii. The concept, platform, audience, and marketing plan for the social media service including the relevant terms of service, if any, relating to same.

(2) Each City-utilized social media service shall be used primarily as a means for the City to release its own City messages and to engage in City-related speech and discussion of the City's own viewpoint and content. The City shall use such social media services to promote the City and City services, job opportunities, City announcements, City events and advertising for same, and other matters that support the interests of the City and the citizens, visitors, and businesses of the City.

(3) The Communications Department shall set up and maintain the main administration account for each social media service in conjunction with other relevant City departments as determined by the Communications Department to create relevant City account information, usernames, passwords, and the like. No personal information shall be utilized in setting up such accounts, unless required by the service or site policy and the ability to obfuscate such information is provided.

(4) The Communications Department may establish such City accounts on social media services even if the City does not currently plan to utilize such services in order for the City to reserve same for City utilization in the future.

(5) All City-utilized social media services shall clearly indicate that they are maintained by the City, shall provide relevant City contact information, and shall link to the City's official website for forms, documents, online services, and other information necessary to conduct business with the City. Additionally, all City-utilized social media services shall prominently display as far as practicable that such services contain content relating to the City's speech and viewpoint.

(6) No personal information about a City officer, employee, or other agent shall be displayed on a City-utilized social media service used by the City, unless approved by the City Manager or his/her designee. City posts and content shall not express the personal opinions of any City officer, employee, or other agent, and shall be limited to expressing the viewpoint and speech of the City or otherwise advancing the City's interests.

(7) The City's utilization of social media services shall comply with all provisions of federal and Florida law, resolutions and ordinances of the City, policies and directives

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issued by the City Manager or other authorized City officer or department, and the relevant terms of service of such site, service, or application.

(8) The Communications Department must have full administrative rights to review all City information and City generated content. Notwithstanding the preceding, the Communications Department Director, City Manager, or the designee of the City Manager may delegate the responsibility of reviewing content to other City departments as deemed appropriate.

(9) The Communications Department shall review the City's use of social media services at least on a yearly basis to ensure that such meets or exceeds the City's policies, that the use and function of the services meet the needs of the City and its residents, businesses, and visitors, to ensure that account information is kept current and updated, and other relevant considerations. The City shall retain the right to terminate the use of any service at any time and without notice. Additionally, the City shall retain the right to redefine permissible content, comments, or postings at any time and without notice or to cease allowance of public comment or postings at any time and without notice.

(10) The requirements set forth in this Policy apply regardless of whether the computer or electronic device utilized for City-related content or postings on social media services are personally owned by a City officer or employee or other individual where applicable and relevant. Further, the use of personal computers and other electronic devices for communicating or posting on behalf of the City to City-utilized social media services utilizing the City's account credentials may subject such devices to inspection pursuant to Florida's public records law and/or the Sunshine Law.

C. Public Records Law Considerations:

(1) Any post made by a City officer, employee, or other City agent, or by a member of the public, to a City-utilized social media service may constitute a public record pursuant to Chapter 119, Florida Statutes. Content managers shall maintain an archive of all posts, content, and other submissions made to the City's social media services, and shall take all actions necessary to comply with the public records law, including the retention schedules relating to same. For City-utilized services that allow posts, comments, or submissions from the public, the statement described in subparagraph 4.E.(4) of this Policy shall be displayed as allowable by the social media service.

(2) City-utilized social media services are not the appropriate channel for the City's receipt of public records requests, and any post purporting to make a public records

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request to the City should be removed. Notwithstanding the preceding, any public records request purported to be made upon any City-utilized service shall be promptly forwarded to the City Clerk.

(3) Where appropriate, transitory, inappropriate, or non-germane posts or comments and other electronic communications, posts or comments made to the City's utilized social media services by the City and by third parties should be removed or deleted as quickly as is reasonable and allowable under the public records laws and the record retention schedules established by state regulations. The existence of such content, comments, or posts for a specific period of time shall not function or be construed as the City's waiver of this Policy, in whole or in part, nor shall it function or be construed as the City's implied or presumed intent to expand the nature of the designated or limited public forum as set forth herein.

(4) Content managers are encouraged to consult with the City Communications Department Director and the City Attorney if they have questions regarding compliance with the public records law, the Florida Sunshine Law, or this Policy.

D. Florida Sunshine Law Considerations:

(1) The City strongly discourages any post, comment, or content to a City-utilized social media service by a member of any board, commission, or advisory committee of the City (hereinafter "Board Member") regarding any matter currently pending or which may foreseeably come before the Board Member's board, commission, or committee. In no event should a Board Member respond to a post by another member of such board, commission, or committee on any City-utilized service where such post, comment, or content relates to any matter pending before such board, commission, or committee, or which may foreseeably come before such board, commission, or committee.

(2) Content managers shall not post information or content to a City-utilized social media service that reflects a personal statement made by or a personal position of a Board Member regarding a matter before or which may foreseeably come before the Board Member's board, commission, or committee, in order to avoid facilitating communications between Board Members, to prevent the City's services from failing to convey the positions, viewpoint, and speech of the City, and to otherwise avoid a violation of this Policy.

(3) Board Members and content managers are encouraged to consult with the City Communications Department Director and City Attorney if they have questions regarding compliance with the Florida Sunshine Law or this Policy.

E. Public Participation:

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(1) If the City elects to allow public comment or participation upon City-utilized social media services, such public comment or participation shall be designated or limited to comments, posts, and communications which are germane, topical, and relevant to the City's speech and viewpoint communicated thereon. Accordingly, content editors may remove content, comments, and postings from the public of the types listed below, which are determined by the City to be outside the parameters and established boundaries of the City's designated or limited public forum:

i. Comments not topically related to or germane to the particular item being commented upon;

ii. Comments that are inconsistent with the City's purpose in allowing public comment upon a particular City-utilized social media service;

iii. Profane language or content, including obscenity, pornography, and sexual content or links to sexual content;

iv. Solicitations of commerce;

v. Defamation, libel, or slander;

vi. Harassing or discriminatory speech relating to any protected class under the Fifth and Fourteenth Amendments, including but not limited to, speech that discriminates on the basis of race, gender, religion, national origin, sexual orientation, disability, or age. Harassing speech may also include persistent and unwelcome communications to or about the City, City employees, or City elected or appointed officials, which is utilized to deliver direct or perceived threats of removing tangible work benefits of the subject of or recipient of such communications or that creates a hostile work environment in the City;

vii. Fighting words;

viii. True threats;

ix. Extortion or other speech in violation of federal or state law;

x. Speech or communications in violation of Florida or relevant federal ethics or gift laws;

xi. Speech or communications that reveal protected financial information, confidential health information, or that is in violation of the applicable exemptions, exceptions, or confidential provisions of the Florida Sunshine Law;

xii. Electronic communication harassment or cyberstalking;

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xiii. Speech or communications that present a clear and present danger of immediate lawless action or speech or communications that encourage illegal activity;

xiv. Speech or communications in violation of any copyright, trademark, or trade secret federal or Florida law;

xv. Information that may tend to compromise the safety or security of any individual or of the public;

xvi. Speech or communications which violate the terms of service of the City-utilized service; and/or

xvii. Any other unprotected speech or communications in accordance with federal or Florida law.

(2) To the extent that the City invites or solicits public posts, comments, or submissions to a City-utilized social media service, if an individual user makes a post, comment, or submission described under subparagraph (1) above, a content manager may turn off or otherwise disable the ability of such user to post or may otherwise block all future posts by such user as may be appropriate. Further, in accordance with this Policy, a content manager may disable all posts and submissions from the public generally and without notice consistent with this Policy. In the event that such City-utilized social media services do not allow all posts and submissions from the public generally to be disabled, the City reserves the right to remove and delete comments at the City's convenience and as soon as practicable under the circumstances in order to cease operations or communications that may be related to any City designated or limited public forum. To the extent the City disables public posts, comments, or submissions to a City-utilized social media service or elects to otherwise not allow posts and submissions in accordance with this subparagraph, then such City-utilized social media service shall not be intended or construed as a designated or limited public forum, but instead shall constitute government speech such that all City communications, posts, or submissions function as the viewpoint and communications of the City itself. The City retains the exclusive right to treat City-utilized social media services as designated or limited public forum, or alternatively, as a forum for the expression of the City's government speech alone at any time and without notice.

(3) A content manager shall not remove a public post, comment, or submission not described under subparagraph (1) above based upon the viewpoint or content expressed in such post, comment, or submission.

(4) The following statement shall be prominently displayed to the fullest extent practical and permissible on all City-utilized social media services:

Any post, communication, or submission to this website, account, application, or service, may be removed at the sole discretion of the

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City of Winter Park ("City") in accordance with the City's Policy Governing City Use of Social Media ("Policy"), and the City reserves the right to revoke participation or content posting rights hereon at any time and without notice or otherwise terminate the operation of any designated or limited public forum created therein. Pursuant to Florida law, any post, submission, or communication may constitute a public record under chapter 119, Florida Statutes, which may require the City to archive and otherwise make such post, submission, or communication available for public inspection. This website, application, account, service and any postings or communications thereon are not monitored for public records requests, questions, notice, or any other requests from the public, and all participants should not expect any response from the City. Should you desire to make a public records request, please direct such request to the City Clerk's office. By submitting any post or content to this site, application, or social media service, you expressly consent to the copying, use, and disclosure by the City of any such post or content at the City's discretion and waive all copyright, trademark, and other rights you may have in such post, content, or communication. You further agree to indemnify and hold harmless the City from and against any and all fees, costs, fines, penalties, lawsuits, claims, damages, attorneys' fees, and any other adverse matters caused by or relating to your posting of any content to which you do not hold legal rights, including copying, trademark, or other legal rights.

(5) The City does not intend nor should this Policy be construed as creating any right or expectation in members of the public relating to any active participation or expression on City-utilized social media services.

5. Use of Private Social Media Services:

City Commissioners, Board Members, and City employees are advised that posting information relating to city business on personal social media services may result in the creation of public records and impart legal obligations individually upon them pursuant to the Public Records Act. What constitutes city business for Public Records Act purposes can be complex and may be different depending on the scope of City duties of the individual making the social media post. To the extent City Commissioners and/or Board Members use their private social media accounts to post city business related information, the Communications Department may assist City Commissioners and/or Board Members in archiving such social media post for Public Records Act compliance purposes. City Commissioners and Board Members should not use social media services to have communications amongst other members of their same commission, board, or committee that violate the Florida Sunshine Law.

Notwithstanding the preceding, this Policy otherwise does not apply to personal utilization of social media services as this Policy is limited in application to City-utilized accounts for services as set forth herein. City Commissioners, Board Members, and City employees are encouraged to

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contact the City's Communications Department Director or City Attorney with questions relating to City related business or topics as applied to personal accounts for social media services.

6. Additional Legal Matters

A. Severability/Conflicts:

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Policy is declared unconstitutional by valid final judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part of this Policy. Should this Policy conflict with the City Charter or any City ordinances, or parts thereof, then those provisions shall apply but only to the extent of such conflict.

B. Disclaimer/Non-Waiver:

The City disclaims all liability and shall not be responsible for any effect, injury, damage, claim, action, or demand to the fullest extent permissible under law relating to or arising from a post or submission to a social media service by any member of the public, the City's removal of or failure to remove a post or submission by a member of the public, the City's failure to follow or enforce this Policy in every circumstance, or any other matter related to this Policy. The City further disclaims all liability and shall not be responsible for content or expressions that are posted by City employees or agents not acting in the course of their City duties with authorization as outlined in this Policy. Failure to comply with this Policy or any portion thereof by the City shall not create any expectation or interest in any private, public, or other right of action against the City, its elected or appointed officials, officers, employees, personnel, or agents. By posting information, content, or any expressions to any City-utilized social media service the City does not waive any legal right, protection, privilege, or immunity, including but not limited to, copyright, trademark, and/or sovereign immunity, and the City retains all rights to such information, content, or any expressions to the fullest extent permissible under federal and Florida law.

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CITY OF WINTER PARK

401 Park Avenue South

Winter Park, Florida

32789-4386

Policy Governing City Use of Social Media and External Internet

1. **OBJECTIVE:** To provide the policy and procedures for developing applications and providing content on external Web applications and social media platforms in order to ensure consistency with our City brand and content. This Policy also provides that such applications and platforms are not traditional open public fora for expression, and will be regulated to insure compliance with Florida's Public Records Act (Chapter 119, Florida Statutes), and the appropriateness of content. The City disclaims liability for content that is posted and with regard to communications by personnel not acting in the course of their public duties with authorization.
2. **AUTHORITY:** This procedure is approved by the City Commission dated October 26, 2009, Item # 6c on the agenda.
3. **DIRECTION:** Director of Communications (subject to direction by the City Manager, and acting as the designee of the City Manager).
4. **FUNCTIONS**
 - A. Definitions.
 - (1) "Web based social network services" are external Web sites or services on non-city servers. Most social network services provide a variety of ways for users to interact, such as e-mail and instant messaging services. Examples of current social network services are MySpace, Facebook, Twitter and LinkedIn.
 - (2) "External Web applications" are Web functions that are hosted on a Web server off the City's network. For example, the City's Code is provided by a non-City Web site. These applications can be embedded into a City Web page or linked from a City Web page. This policy focuses on those applications that are provided for free. Current examples of these applications are Google Maps, YouTube, and Flickr.

- (3) “Content managers” are the individuals responsible for maintaining the information on a site.

B. Selection of Social Media Sites

- (1) Given that social network sites vary in content and use, the Communications Department will review a site before a City account is created, including:
- i. Determining whether the site allows comments or posts to be turned off. It will be in the discretion of the City whether a site or platform will be used in the event that the particular format will not allow the City to turn off the comments or posts feature. If the City utilizes a site or platform that will not allow the comments or posts to be turned off, the City reserves the right to implement the controls set out in subparagraph C(2) hereinafter, and in all events, the City disclaims responsibility and liability to the fullest extent allowed by law for any inappropriate content or posting on any network site or platform.
 - ii. Ensuring the site provides adequate mechanisms, features and allows for the Communications Department to control content.
 - iii. Reviewing the concept, audience, and marketing plan for the site.
- (2) The Communications Department working in conjunction with the Information Technology Division will setup the main administration account for the site, using a City e-mail address.
- (3) The Communications Department may establish City of Winter Park accounts on social media sites, even if the City does not currently plan to use them. This will reserve the name and keep another person or organization from presenting themselves as the City of Winter Park.

C. Use of Social Media Sites

- (1) Any social media site used for City business must be approved by the Communications Department.
- (2) If a social media site or any other web based platform used by the City allows for comments to be posted by the public, the Communications Department reserves the right to edit or remove content based on the criteria listed below. The City also reserves the right to turn off the ability of third parties to post or comment, in its discretion. The City’s intent is not to

create a public forum, but to maintain a moderated online discussion directly relating to topics posted by the City, with language that is appropriate for citizens, (including minors), to read, consistent with the following criteria.

- i. Comments not topically related to the particular article being commented upon;
- ii. Profane language or content;
- iii. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability or sexual orientation;
- iv. Sexual content or links to sexual content;
- v. Solicitations of commerce;
- vi. Conduct or encouragement of illegal activity;
- vii. Information that may tend to compromise the safety or security of the public or public systems; or
- viii. Content that violates a copyright, trademark or other legal ownership interest of any other party.
- ix. Accusations that a particular individual is guilty of any criminal conduct or immoral activity. Defamatory material will not be permitted. If a person believes that there is a legitimate basis to make a complaint against the City, any of its employees or any third party, then appropriate alternative means of registering the complaint must be utilized, and these social media and web based platforms designed solely for the communication of information determined to be relevant by the City will not be an appropriate forum for registering allegations of criminal activity or other accusations against individuals.
- x. This use of social media and web based platforms shall be for the purpose of allowing the City to distribute information regarding topics determined by the City. If any platform allows for posting comments by third parties, then third party comments may be allowed by the City in its sole discretion subject to the right of the Director of Communications to remove inappropriate content that is determined to be

inappropriate in violation of one or more of the standards enumerated in this policy. To the extent the City permits a web based feature or social networking facility to be utilized as a limited forum for expression, the only content that will be permitted will be responses or postings that are relevant to the City initiated topics and discussion, and under circumstances where such comments and postings are consistent with the standards of appropriate communication available to all citizens (including minors) as set forth in this policy. The following statement will be prominently displayed on all City involved social networking sites/Internet facilities:

IMPORTANT NOTICE UNDER FLORIDA'S PUBLIC

RECORDS LAW: Please be aware that under Chapter 119, Florida Statutes, every response and submission to this Site is a public record and will be posted for as long as the Site's Host will allow for such item to remain posted. If any submission is removed by the City as allowed by Policy for reasons such as the use of profanity or other inappropriate content, please be advised that all of such removed submissions will be stored by the City offline and will be considered a public record available for inspection to the extent allowed by Chapter 119, Florida Statutes.

- (3) Social network sites shall be used to promote the City, City services, job opportunities and City events.
- (4) City use of social media sites will comply with all provisions of Florida law, resolutions and ordinances of the City of Winter Park and procedures issued by the City Manager. Without limitation, these laws and policies will include Chapter 119 (the Florida Public Records Act) and procedures, and laws governing the appropriate use of the Internet.
- (5) All social media sites shall clearly indicate that they are maintained by the City of Winter Park and shall have City of Winter Park contact information available on the site.
- (6) No City employee personal e-mail addresses should be posted on these sites.

- (7) Notwithstanding any other provision hereof, the City's Web site may link to the City's official page on a social network site, as determined in the City's discretion. Social networking and other web facilities that may be established pursuant to this policy will not be appropriate places where a person may request public records pursuant to Chapter 119. Social network and website applications pursuant to this policy will not be monitored for Chapter 119 requests but instead will only be monitored for appropriate content. The City staff responsible for implementation of this Policy and for providing services on behalf of the City with respect to social network and website applications implemented pursuant to this policy, are not custodians of public records. Any person communicating by means of a social networking or other web facility is not in communication with a custodian of public records. Requests for public records should be directed to the City Manager.

Social media sites and other network applications established pursuant to this policy will not be an appropriate forum by which citizens may ask questions of the City. Citizens are requested to go to the official City of Winter Park website at www.cityofwinterpark.org and link to the place established on that website for asking questions of the City. Questions that may be posed on a social media site established pursuant to this policy may not receive an answer because the site will not be monitored for this purpose.

D. External Web Applications

- (1) The Communications Department will review an external Web application based on its purpose, audience and need.
- (2) The Communications Department will submit external Web applications to Information Technology Division's review, to ensure it is compatible to the City's network environment and browsers.

- E. The Communications Department will setup an administrative account with a City email address.

Content

- (1) "Posting" in this section refers to employees posting official city business information.

- (2) The Communications Department will review all City posted information prior to posting on social media or Web application sites.
- (3) The Communications Department may disable functions on the site or applications that are not needed or desired in the sole discretion of the City. No rights are created in any third party with respect to how the City may utilize the applications and features on social media or web application sites, and the decisions on which features to maintain or disable will be in the sole discretion of the City. Similarly, the decision on whether to allow posting or responses by third parties and the deletion of any such responses or postings shall be in the sole discretion of the City and outside parties do not have any authority or right to control content or the length of time content may be posted.
- (4) The Communications Department may delegate the responsibility of reviewing content to offices or departments. When a site is maintained by an office or department, information posted on the site will be reviewed prior to being released, in accordance with the department's or office's normal review process.
- (5) All information posted by the City on external sites is subject to the Florida Public Records Act and the Sunshine law. Content managers for the site shall maintain an archive of all information posted to the site, in the event it cannot be retrieved from the actual site itself. City elected officials and members of all subsidiary boards, agencies and committees of the City of Winter Park shall not engage in on-line discussions concerning matters which may foreseeably come before them for City Commission or other Board or Committee action. All members of collegial bodies, agencies and committees of the City of Winter Park, including the City Commission, the Planning and Zoning Commission, Ethics Committee and other committees and agencies of the City, are subject to the Public Records Act and the Sunshine law. Members of such committees are encouraged to consult with the City Manager and the City Attorney if they have any questions concerning appropriate compliance with these laws. The Attorney General in AGO 2009-19 (dated April 23, 2009) opined that these types of websites and social media are subject to the Sunshine law as well as to the Public Records Act. Accordingly, elected officials and members of all advisory, elected and appointed boards, authorities and commissions of the City of Winter Park are encouraged to refrain from making any comment on a social media or external Internet facility on the web related to a matter of

public business that may be pending before the collegial body of which the person is a member or any matter that may reasonably be understood to potentially come up before such body or authority in the future, because of the substantial risk that other members of the same collegial body or authority may be online and may inadvertently respond to such communication, thereby establishing a “meeting” outside of the requirements of the Sunshine law.

- (6) The Communications Department will review all applications and social media sites on a yearly basis to ensure they are updated and, for social media sites, that information is being posted on a regular basis.
- (7) To the fullest extent possible, the City Manager and other personnel responsible for development and maintenance of the Records Retention Schedule of the City of Winter Park will develop categories of record retention that will permit the disposal of transitory electronic communications received from third parties on such social media and external website facilities that are subject to this Policy on the shortest time frame reasonably allowable. Official materials posted by the City of Winter Park or authorized personnel will be scheduled for disposal on the records retention schedule in accordance with the content of such items. Officials and employees of the City are reminded that the use of personal computers and other electronic communication devices such as PDA's, Blackberries and other similar devices for communication or posting of matters related to public business of the City of Winter Park may subject such devices to inspection pursuant to a Chapter 119 request for public records (although to the extent lawfully permitted under then applicable law, including case law interpreting Chapter 119, personal communications and personal information are not subject to Chapter 119).
- (8) On each social media and external Internet site established by the City, the City shall cause a notice to be published that informs third parties that any posting or information submitted by the third party will be a public record subject to Chapter 119, Florida Statutes, and advising third parties that the City reserves the right to suspend posting of information by outside parties and to remove inappropriate material that is deemed inappropriate because it is in violation of a standard set out in this policy.

5. FORMS:

None.

6. REFERENCES:

This procedure adopted by the City Commission, Item 6c, dated October 26, 2009.

7. EFFECTIVE DATE: October 26, 2009.