



CITY OF HOLLY HILL, FLORIDA

CITY COMMISSION

MINUTES • SEPTEMBER 24, 2019

Large Conference Room

Work Session

6:00 PM

CITY HALL
1065 RIDGEWOOD AVENUE
HOLLY HILL, FL 32117

City Clerk's office: (386) 248-9441 - Fax: (386) 248-9448

1. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Chris Via	Mayor	Present	
John Penny	District 1 - Commissioner	Present	
Penny Currie	District 2 - Commissioner	Present	
John C. Danio	District 3 - Commissioner	Present	
Roy Johnson	District 4 - Commissioner	Present	

2. SOCIAL MEDIA DISCUSSION

1.

Social Media Discussion

(Requested by Valerie Manning, City Clerk)

Mr. Forte stated the social media was brought to the Commission and it was decided to do a workshop on it. Mr. Gutauckis has been to a couple of conferences and learned a little bit more about social media and what the city should and shouldn't be doing. This is a good opportunity to run through the policy and see what concerns that the Commission has. This is a policy that the city will end up instituting and applying to the employees but some access to the policy will apply to the elected officials because it's talking about the city's social media pages.

Scott Gutauckis, Information Technology Director, played a video for the Mayor and Commissioners that relates to the elected officials part as far as social media goes. The other two videos will be handled by the city's social media policy because in their social media policy they are going to be very specific about what our purpose is on social media. Within the city's policy, they won't be able to have people that are abusive or slanderous or stuff like that, where those comments can be taken down but yet still have to be recorded. As it stands right now, the city's Facebook page, while it allows you to comment, nobody sees those comments except for the person making the comment and the way the city does that is, Facebook allows us to put in as many words that we want to strike out. Basically, he has two or three thousand words in this list, which makes it impossible for anyone to get a comment on the website. That's why sometimes you will go on there and see where somebody made one comment or two comments and you click on it and there's nothing there but if they go to their page, they see it.

Mayor Via asked if it doesn't trigger one of those certain words that we have then it's

allowed to be posted? It would be out there?

Mr. Gutauckis stated, correct.

Mayor Via stated there's still a lot of comments that show.

Mr. Gutauckis stated he was getting ready to say the Holly Hill Police Department page, they allow comments.

Mayor Via asked even cursing?

Mr. Gutauckis stated, yes. As far as he knows.

Chief Aldrich stated those come down.

Mr. Gutauckis stated the city doesn't have a policy yet that would allow them to remove that comment so therefore, if the city were to remove it, we could be held liable in the court and they would say the city abused their First Amendment Right, which is what they did when they went to go after President Trump when he was blocking people. That was the issue there. In the city's case, whatever social media policy that they go with, one of the main things that Attorney Simpson had said was that the city needed to designate our social media as a limited public forum, which basically means it's not a free for all. You don't get to just post stuff up there whatever you want. It has to be specific. It's not for campaigning. It's not for attacking your neighbor. It's not for attacking employees. It's basically, a way for the city to get information out to its citizens in a helpful and beneficial manner. His main concern was making sure that our elected officials realize that even if you're not on the city's website or our Facebook page, if you're commenting together on somebody else's, that can be construed as (*not audible*) and you can be held liable for that and it makes it more difficult because now he gets a public records request and he doesn't have control over it and he may not even know the person the elected official may have been talking to so he can't produce the public record and now the Attorney General wants to know why and he would have to say, "this is why". Just be very careful about doing those things.

Mayor Via stated and also never delete anything.

Mr. Gutauckis stated that's his second thing. Definitely, don't ever delete something. He recommends if you still have them or did have them or don't have them, create an elected official page. Don't post from your personal pages because this way when the city gets a public records request, you sure don't want him going through all of your Facebook posts. The elected officials can simply hand over their account information if you're an elected official or he can tell them how to do it if they don't know how to do it, and give that information to the city. It would make it a lot easier if they had their own publicly official page. They can put the same thing they have on their personal page but just make it city business only. Mr. Gutauckis asked if any of them read the policy and if they had any comments.

Mayor Via stated he saw the original social media policy but this wasn't in their packet.

Mr. Gutauckis stated this was the one, this came from the same website that he got from Northport and modified it for our use. Like he told Mr. Forte, if they read through all of this and said "I like that one better", which according to Mr. Forte, Attorney Simpson likes the City of Crestview better then he can simply go in there and replace everywhere it says Crestview with Holly Hill and modify it specifically for Holly Hill and that's what they can do. Staff is looking for some guidance from the Commission if they have any.

Mr. Forte stated (*not audible*) has a good policy and it will be the same for no matter what they're dealing with. It's a matter of everybody understanding what the expectation

is, what you can do, what you can't do. The city is going to hold its employees accountable for it. He thinks what happens is when they started to bring the social media policy forward at a Commission meeting, someone said, "well, does this apply to the elected officials?" The answer to that at the end of the day is, yes, it's going to apply to the elected officials and that's what brought them to this conversation.

Commissioner Danio asked do they have to have any of this stuff being an elected official?

Mr. Gutuackis stated no, they don't have to have it. They don't have to be on social media.

Commissioner Currie stated everything that goes on in the city though, is pretty good about putting it on Facebook. She sees stuff posted all the time and she ends up sharing it. She's safe too because the city has the record. She thinks the city is doing a good job with posting what's going on within the city.

Mr. Forte stated they can be better. Providing stuff out there that's more timely.

Commissioner Currie stated what she's getting at is she doesn't really know why the city would want to take a chance at all having...her account is her personal account but also her political account because there's residents on there. She let's just about anybody on her Facebook now.

Mr. Gutauckis stated where you run into a problem is when you allow everybody on your personal page and then they start bashing you and you don't like what they say, you can't just take it down.

Commissioner Currie stated, okay.

Mr. Gutauckis stated you have to leave it up there whether you like it or not.

Commissioner Currie stated now, since it's her personal page, can she delete people?

Mr. Gutauckis stated, no.

Mayor Via stated, no. If it's only personal and you're not using it for city business but if you're using it for city business then it has to be open to...

Commissioner Danio stated that's why Mr. Gutauckis is recommending getting two accounts.

Commissioner Penny stated they shouldn't be liking or sharing on Facebook. They shouldn't have an opinion on Facebook. There should be one message coming from the city. There's so much at risk as them as elected officials to even like something. This thing is so multifaceted. He mentioned to Mayor Via after the last Commission meeting how much he appreciated him not going on social media during the hurricane duration because Commissioner Penny has other friends on Facebook who are elected officials and they were telling people information and there was no unified message from the city. Short of Holly Hill having a PIO, which Holly Hill doesn't, he thinks they need to rely on Mr. Gutauckis and making whoever is in charge to post information.

Mr. Gutauckis stated what staff has decided is that he will be the primary and Mr. Conte will be the secondary during hurricanes.

Mr. Forte stated outside of hurricanes, he has Scott, Nick and Val that will have administrative rights to Facebook that will post things on a regular basis. The relationship with Cindy Delecki will end in October 2019. He thinks they can handle it internally.

Commissioner Currie stated she has another concern and that is when people were complaining about the speeders in one of those neighborhoods and the Mayor was on there saying stuff and she couldn't say anything because she knew she wasn't going to

get herself into trouble, those are the things that she's concerned about. That and then all of the negative comments that spur from that, that they really can't get a hold of and then misinformation from that because there was a lot of misinformation off of that, off of street paving. There was some misinformation that. There was some, "oh, we like what you're doing but we thought this one and this one should be done." You can get yourself into trouble.

Mr. Gutauckis stated what he's going to do and what he wants to do is after they adopt an actual policy and he has the law, he's going to take all of that out so people can comment. The main thing they talk about and that was part of the webinar was the use to spread rumors.

Mr. Forte stated not often and this is the problem and he's spoken to the Mayor about this and we've both agreed that we're not going to agree on this but there are a lot of people that post things on social media pages that are just flat out wrong but he's not in a position to go out and correcting them. He doesn't believe that's his role.

Commissioner Currie stated that's her concern. The Mayor goes out videotaping about the streets being paved.

Mr. Forte stated, aside from that.

Commissioner Currie stated and that was a great thing but it should have been posted on the city's Facebook page. Then people started posting about the paving and what streets should have been done.

Mr. Forte stated unless he has someone continuously monitoring social media pages to where every time someone makes a comment that's incorrect and then we correct it, he doesn't think the city's in the business for that.

Commissioner Currie stated that's why she's suggesting that the elected officials try to refrain from doing that and sending it through the official Facebook page. If the Mayor wants to go out and videotape himself, let him do that and let Scott put it up.

Mr. Forte stated even if somebody comments on the official city's Facebook page about something that they're wrong about, he doesn't want to spend time correcting them.

Mayor Via stated he thinks, something very important at the heart of this matter is, and he hears what Commissioner Currie is saying and hears her frustration. They are all public officials but they all also have their First Amendment Right. Their number one job is their communication with their citizens. Period. That's their number one job. How he looks at social media may be a little different from the rest of the Commissioners because he's from a different generation. He grew up with it. Today, what social media is, is what the churches used to be. He wishes churches still were, where people congregate to talk about things. Mr. Forte and himself have had this conversation many times and Mayor Via agrees that it's not Mr. Forte's job to have to go out and find misconceptions and dispel them. But he thinks from the last few years, this Commission has wanted to be as transparent as possible, as open as possible, and to get information out. He thinks what has hurt Holly Hill for years and years, they were always behind the eight ball, was information. The city didn't own our Facebook, people could put whatever they wanted out there. The city is doing a better job of getting information out and look what's happening. He doesn't know if any of the Commissioners have heard but the talk of the whole County is Holly Hill. Everywhere he goes, there's compliments and people are really seeing the greatness of Holly Hill. They've always had great things in Holly Hill but we've never had a way to get them out. He looks at their job, all of us, we're

representatives of Holly Hill, everywhere we go, no matter what, any day of the week, whether we're out to eat with our family, we're representing Holly Hill. It's the same way in our social media. He hears what they're saying that it's just easier to get off. You're right. It's just easier to get off and go away and just let it be but also, what he would say is, we are the custodians of our public records. Ask the City Clerk how many times he has to send her voicemails. He's not sure if any of the Commissioners are sending their voicemails when somebody calls and says anything about the city, he's sending them to the City Clerk because it's public record. The same thing with all of his social media posts. He actually screen shots them and put them into a file at home so he has all of those on record. What he would tell them from his experience and he could welcome them all to go on and read them if they want, on the Holly Hill Group Page there has been a lot of misconceptions out there. People will put things out there that just aren't true. Nine times out of ten, he doesn't respond to it unless it's getting traction. When it does get traction, he will say something very measured, he usually waits hours and hours before posting, have doubled and triple checked. The conversation that Commissioner Currie brings up and he understands her frustration with like 100 comments about speed bumps and so, he went on there and said, "I will bring this up to the Commission to see how they feel about it." Before he commented on anything, before he liked anything, he made sure that none of the Commissioners had liked or commented on it. If Commissioner Currie were to comment on that earlier in the day because it took him ten hours to respond to it, if she were to comment on that, he wouldn't have ever responded. He would have brought it up that night at the meeting and said, "hey, I saw that you were in this, we need to talk about this as a Commission." He thinks first and foremost, they have to understand the rules associated with it and then they have to decide individually if they want to go ahead and create the headache of talking to their constituents and dispelling rumors if they come up. It's been his experience that he's been able to dispel a lot of rumors out there. Just in one group alone, the Holly Hill Neighborhood Watch, a lot. He posted because it's great news, the city is doing this paving project. The city needs to be gung-ho about telling everybody the city is paving because no one else in the County is doing a project like Holly Hill is, especially our size. He did a video that said, "hey look, we're paving; this is great news; all the props in the world to this Commission for moving the city forward and city staff, we're moving forward." He said all the information that was put out on the city's Facebook, all the text, he put it on there. There was over 100 likes on it. That's spreading that positivity, spreading the idea that Holly Hill is moving forward and we're a good place to be. Where he differs is, he doesn't want to give up his First Amendment Right to go out and be able to talk to his constituents and address them because that is their job. That's not their job. Their job is to do what the Commissioners tell them policy wise. He agrees with Mr. Forte that it's not his job to go out there and dispel rumors. That's the Commissioners jobs and if those rumors get big enough, all of the Commissioners will be out of office. Where, what they put out there, people disagree with, all of them would be out of office. It's the Commissioners jobs to go out there, he thinks, and to actually conversate with people and be able to let them know what's going on. Give them information. He is very measured in what he posts so he knows he's not putting...he's never put anything slanderous, he's never put out anything...in fact, how many times has he voted no and the Commission has voted yes? He doesn't go on Facebook and go, "that Commission

voted against me.” That’s not what this is. A decision is made whether who votes on it. When a decision is made, the Commission made that decision and he’s always been that way. If they’re going down the route of elected officials being able to talk or not talk to their constituents, he’s on the side of always that open communication.

Mr. Forte stated just one thing and they’ve mentioned this before, the concern that he has is, like the Mayor said earlier, he wants to correct when it gets to a certain level and his concern is if you’re going to correct this time, you need to correct all the time. How does an elected official respond to that comment but they’re not responding to my comment? That’s where he gets concerned. It’s either an all or nothing in his opinion.

Mayor Via stated in that case then it would just fall on him. So, it’s like that’s person boundary because he didn’t respond.

Mr. Forte stated it falls on you but you are the city.

Mayor Via stated but the difference is if there’s a rumor out there and he sees that, he’s not going to call the City Manager because he knows the City Manager won’t do it and say, “Joe, this has to be fixed.” He’s just not going to do that. In reality, maybe the other Commissioners want the rumor to be out there.

Mr. Forte asked how big does the rumor have to be in order to respond?

Mayor Via stated that doesn’t matter.

Mr. Forte stated that’s his point.

Mayor Via stated it doesn’t matter though.

Mr. Forte stated they’re only responding to some not all.

Mayor Via stated that doesn’t matter. There’s no law that he has to respond to everybody.

Mr. Forte, in fact I know, there’s people you don’t respond to. You know that. You don’t respond to everybody.

Commissioner Penny stated he applauds the Mayor for trying to answer all these questions. His concern is when do we respond and when do we not and is an individual elected officials response symbolic of the entire Commission? He knows the Mayor has been very careful of it but there may be some time where the Mayor has a personal opinion and you fire something off, which may not reflect the entire Commission. His concern is when he listened to this seminar, the only type of communication where there’s not a public records required is a conversation. He believes that if there’s a rumor on social media somewhere, his concern is that there’s a conversation going on out there about speed bumps and the Mayor puts a comment, “I’ll look into speed bumps; I’ll bring it up to the Commission”, that’s fair, right? And then Commissioner Penny joins this group three months later and someone asks him about speed bumps and he responds to it, now they have that meeting, they have that communication, even though it may have been three months apart, himself and the Mayor have communicated outside the Sunshine Law and someone comes to Scott and says they want a copy of that public record and then the city gets sued for that. Commissioner Penny stated his solution to it would be if you see the conversation there, you type back to the person, “please personal message me or contact me on my cell phone” then you have communication with the person because anything you put out there is out there forever. The City Clerk has to retain them forever and if it’s your private communication, the City Clerk doesn’t have to keep it. His concern is that if they pick up the phone and talk to the citizen, what a great way to communicate. Nothing gets lost. The written communication scares him. They need to be

transparent but by reacting to every situation, we may just create a bigger problem than it is.

Mayor Via stated he will say, even if you say, “hey, give me a phone call”, now it’s public record. If they respond it’s public record. What won’t be public record is their conversation to them so it won’t be your personal stance. That’s where it falls on each of us. If they choose not to conduct the way as a politician, that’s the way that you are. If an elected official chooses to engage and he chooses to engage, that’s the way that they do it and vice-versa.

Commissioner Penny asked how does he know that Commissioner Currie or the Mayor have never communicated on an issue? Does he have to go back seventeen years since Facebook was created and see if you ever responded to that group?

Mayor Via asked how do you know they don’t call each other in the middle of the night? It’s the same thing. They don’t have to look back...first off, he’s never violated the Sunshine Law and he’s never going to. Before he has ever commented on anything, he checks to make sure that nobody has commented and even “likes” can be construed as a possible. There hasn’t been any rulings that he’s aware of yet on that but it could be because someone “likes” something, someone said something and then if you agree to it. There is an impotence, there is the big criteria for all of the elected officials to make sure that’s not happening before they comment on anything.

Commissioner Currie stated she’s not saying she’s trying to take away the Mayor’s First Amendment Rights. She’s not saying she’s not trying to communicate their citizens. She’s not saying any of that because ever since she ran for office, that was her platform is better communication with her constituents. She’s said it every time she’s had to run. It’s obviously something very important to all of the Commissioners. She knows that they all communicate in different ways. The Mayor is bigger into social media than she is but she’s pretty big into because that’s how she has to communicate with her family up North. All she is saying is, the Mayor can do his videos, do whatever it is he wants to do to get information out, funnel it through the city’s website or the city’s Facebook, rather because that then takes out any other issues between the five of the Commissioners and it just goes through the city’s official Facebook page. The Mayor can communicate all he wants to, she’s not trying to limit that. For goodness sakes, she would never do that. We need to be able to do that but it needs to be done through the official Facebook page. That’s her whole point.

Mr. Gutauckis stated he can make it real simple for everybody. This would be his suggestion. Is that, when you’re on social media be factual and keep your opinions to yourself. Don’t have an opinion about something.

Commissioner Penny stated but if you like something that’s your opinion.

Mr. Gutauckis stated there’s no precedent with that whole “liking” thing but he can see it coming. He agrees with them because he gets it. If you’re on social media and to him doesn’t matter whether it’s someone said the toilet paper’s red and somebody said it’s blue but really it’s white. It’s a simple thing, right? It’s still a rumor. He thinks they can remain factual by dispelling rumors and setting people straight. They don’t have to give an opinion on whether you agree that this street should be paved or this one is paved because now what they’ve done is put it out there for the rest of the Commissioners or Mayor to see and that’s a problem. He thinks the best thing they can do is just be factual when we’re responding either as an employee or as an elected official. He thinks that

would help.

Mayor Via stated and never argue because you never win an argument.

Mr. Gutauckis stated, correct.

Mayor Via stated no matter what. If someone's arguing, they're going to be right no matter how many facts you give them. He has a strict policy, "never argue". He gives facts and that's it. He sees what they are saying but he disagrees. He likes to be quick to it and if...

Commissioner Currie stated well, now just told her earlier that it took you over ten hours to respond to the one (*not audible*) you were communicating about.

Mayor Via stated no, for instance...no, that's wrong. You're mixing my words. The video, for instance, he thought about what he was going to say for a few hours, he went and filmed it and immediately posted it within a couple of minutes. That's not fully right and he doesn't want to have to send this to the city every single time and then do they vet it? And what if you don't agree with the information I said? You're still going to have a problem.

Commissioner Currie stated well, she guesses if the Mayor doesn't like it that way then it's not going to change but then it just takes away her ability to also comment on those groups.

Mayor Via stated but it doesn't.

Commissioner Currie stated, yes it does.

Mayor Via stated no it doesn't. No. If she wants to comment, go ahead and comment if he hasn't commented. You go ahead and comment and then he can't comment.

Commissioner Penny stated the first one out blocks everyone else.

Commissioner Currie stated, exactly.

Mr. Gutauckis stated just be factual. Don't give opinions on things. If you remain factual, it won't matter.

Mayor Via stated and it won't matter who it came from.

Mr. Forte stated let him ask this question, the city put out a street paving list and some people were complaining that this should be paved or not paved.

Mayor Via stated specifically, Flomich.

Mr. Forte stated okay, so the city put out the fact, here's the list. What more needs to be said? Here's the list.

Mayor Via stated he responded to that, "we are going to pave Flomich. It is in our plan; the Commission has already talked, they've already agreed it is coming down the line. We're not paving it right now in this project, we're paving it."

Mr. Gutauckis stated and that was very factual.

Mr. Forte stated in his opinion, the only fact is the list that is being paved now because anything could happen to that list next month.

Mr. Gutauckis stated, right.

Mr. Forte stated that list can change.

Mayor Via stated on this particular issue, he would be very upset if that happened because on our list Flomich is number one and this Commission has talked about it. The only reason the city did not pave the road is because of the big trucks pulling onto...

Mr. Forte stated he's not saying it's not coming. He's just saying anything is possible.

Commissioner Currie stated anything can happen. Any plans for the future are just that.

Future goals is the way she's looks at it.

Mr. Forte stated that's all he's saying, is what's "now". He's not saying they're wrong, he's just saying he's concerned that something could change. Budgets change as they see all the time and that's why he was using it as an example. When Scott is saying just the facts, well the facts are here's the paving list. When is this other street going to get paved? He doesn't know that he would answer that.

Mayor Via stated he didn't. He didn't give a date. What he is trying to say is it was a factual event so that's the way that it is.

Nick Conte, Economic Development Director/CRA Coordinator stated there's times on the city page that he tags people on, and Scott, he may need some direction on because now he's asking the Commission to be involved in something with a story but he notices when Scott post something he doesn't tag people, which is probably better. Scott will just post a story but when he does it, he tags people but according to what he is reading, he won't be able to continue to do that.

Mayor Via stated, no but you're okay to do that unless the Commission is going to be voting on something. If it's a ribbon cutting...

Mr. Conte stated the Picktonna stuff, they did an aerial of that and there's still a lot of activity with that project but then he tags people in it.

Commissioner Currie stated she would rather have it on the city's page, herself. That's just for her.

Mr. Conte stated he's increasing viewers by tagging everybody but not probably good practice.

Mayor Via stated he doesn't think that's a violation.

Mr. Forte stated he can do whatever the Commission wants. He can go as far as hiring somebody that monitors all social media and responds to social media. The problem is unless you're sitting in my office and know everything that's going on at every moment to respond to these rumors, it's hard.

Commissioner Penny stated keep in mind on Facebook, it sounds to him, that the city has a Facebook page with very few viewers, members or likes or whatever it's called. Mr. Conte is doing his best to get the message out so he's tagging all of the Commissioners and Mayor to get his twelve friends and the Mayor's 12,000 friends, to get the message out. Wouldn't it be in their best interest and maybe they've tried this, he doesn't know, isn't there some way they can boost their posts? Pay \$5.00 and it boosts to 1200 people and then it encourages more people to like their things so that Mr. Conte doesn't have to tag him? Because when he tags him and someone says something on something that he didn't have anything to do with, it's not public records for him but that dragged him into the post.

Mr. Gutauckis stated he's hoping that they can have an advertising, basically it's advertising budget.

Mr. Forte stated and we do but we're going to be advertising "events".

Mayor Via stated and if they are going to approach or boost certain things, that should come from the Commission and then it's tough because they only meet every two weeks. For example, if they know a big project is coming, for instance, Pickleball, and they want to get the word out about Pickleball, so he agrees with them on that point.

Commissioner Penny stated like sandbags. The Mayor was out doing sandbags and he posted stuff on Facebook and somehow it popped up and he saw it and that's great but

shouldn't Scott, he's sure Scott or Nick put it on city's page or something like that but that's where it should be. If it's public information, they need to boost. Public safety they need to boost.

Mayor Via stated he thinks they said not to like that but for instance if there's a post where the Mayor is shoveling sand bags, that's not a voting issue for them, sandbags. So, people can actually like it with no comment but it's all public record at all times. As long as someone doesn't start saying they should really stop filling sandbags then it would be a problem. This goes to an important point, with the sandbag issue there was approximately 2,000 views on it, hundreds of likes, if it was through the Facebook page of the city, there would be like four likes and fifty views. They have to try and contact Facebook, which he's tried multiple times, to take a hold and actually create the city a real Facebook page because the city has a Facebook page that's not recognized by Facebook because the original Facebook page was taken over by someone else. He knows that Scott has tried to contact Facebook over and over. Until the city takes over that Facebook page, the authorisms of Facebook are not going to push the city's posts out. It's only going to be people that make sure they go on every time the city posts a ribbon cutting or any information that they like it, it's the only way their authorisms is going to show again. So, they all see it, we're probably to the top fans of the page because they always like it and share it.

Mr. Forte stated the conversation has turned squarely on the Mayor's comments and that's not the purpose of it. The purpose of this workshop is that he wanted a city-wide social media policy that, does he do a separate one for elected officials?

Commissioner Currie stated no but that's what she was talking about. Everything that is official...

Mr. Forte stated as far as the Mayor, he doesn't need him going out and doing something and then sending it to Nick saying, "Hey, put this on the website." He doesn't want to be the police of that. If something is posted on someone's personal page and it has nothing to do with city operations, it's not considered public record. The difference is as an employee...this all started with an employee...he does not want an employee going on their personal pages bashing the city.

Commissioner Penny stated right but we want them to go on and say good things about our city but how can we control the content with what they say?

Mr. Forte stated many organizations say, "you cannot bash your employer", period. It's a termination event. If you bash your employer, you can be terminated whether it's on your event or standing in the line at Publix and say, "I work for the biggest S.O.B in the world and I think he's this, this, and this", you can be fired. That's in the city's regular policy. All he's doing is applying that policy now to social media.

Mr. Gutauckis asked isn't that in our General Orders?

Mr. Forte stated, yes. It's growing from what his intention was and it involved into the political aspect of it.

Mayor Via stated, right.

Mr. Forte stated and it wasn't intended for that but it falls into that. He wants to be able to...he had it. He's gone to somebody and said, "you've posted something on your personal page, I'm going to recommend you take that down rather quickly. And if I don't? I'll see you in my office tomorrow morning at 8:00 AM." So, that's how this started. But when the policy came out, somebody said does that apply to us? Technically,

he guesses it does. That's the problem. He may be able to solve it by just separating here's the employees...

Commissioner Penny stated he thinks being an elected official is more important because they have the Sunshine Law to worry about.

Mr. Forte stated, absolutely because if you're an elected official...

Commissioner Penny stated he's an elected official all the time. You're an employee all the time.

Mr. Forte stated that's right.

Commissioner Penny stated then it needs to go even further than that. Stay off of Facebook between 8:00 AM and 5:00 PM.

Mr. Forte stated that's going to be the result after this because what's going to be the next step is social media, if you're on your own personal social media account, you better be doing it between 12:00 PM and 1:00 PM because if you're doing it before or after that, you on city's time and we're not going to do that anymore.

Commissioner Penny stated that's a simple resolution.

Mayor Via stated the way it's written now for employees only, we're not employees, correct?

Commissioner Penny and Danio stated yes we are.

Commissioner Penny and Currie stated they get a W2.

Mr. Forte stated technically, you are employees.

Mayor Via stated so then what they have on the books already and whatever they do affects them altogether.

Mr. Forte stated the elected officials don't fall under the city's Personal Rules and Regulations, per say. You don't get vacation time. So, under the Rules and Regs, they don't necessarily apply to the elected officials. But when they get to social media because of what the world has come to, that changes the playing field because like Attorney Simpson will tell them, you're the Mayor 100% of the time and I know you don't like hearing that but you lose some of your rights as a citizen when you become an elected official. You just do.

Commissioner Penny stated they might not lose them but you've exposed yourself.

Mayor Via stated, right. You're always exposed.

Commissioner Currie stated you kind of lose them because there's certain things you want to say and you can't. Since she's been an elected official, she chooses not to say certain things.

Mr. Gutauckis stated for him, yes, you guys are employees but there's nothing in here that the city can impose upon them because you're an elected official. What he would suggest, this is not a policy for elected officials as much as it is an education. He just wants them to make sure they don't get themselves in trouble and what he would say is going forward, he's going to save this one-hour long slideshow. He thinks in going forward that elected officials should watch it because, again, he feels it's kind of his job to safeguard the elected officials but also safeguard the city.

Mayor Via stated and that's what he was saying. It's individual on each of the elected officials. He can't dictate how the Commissioners handle their public records but he's very strict with his. He will say this, if they ever see something that they're upset with that he post, feel free to bring that up in a public meeting. They are a team and they've said that many times, he's not looking to bash anyone, throw anyone under the bus so if

anyone is ever upset with anything, definitely talk to him during a public meeting about it just as he would if they posted something that he really disagreed with they can talk about it.

Commissioner Penny stated Scott, I have a Facebook page, an AllState Facebook page, what he is taking away from this is that he should create a John Penny Facebook page and anything he wants to post on the city he should post to that and go so far as to go back to his personal page and identify as himself as an AllState agent not an elected official because with that designation of an elected official on his personal page, that's public record. So, he needs to unidentify himself and just be a "person" and then have a separate identity as an elected official on social media.

Mr. Gutauckis stated in Commissioner Penny's case, what he would say to him, is not only that but he should not be John Penny the AllState Agent. He should have a separate AllState agent page.

Commissioner Penny stated he does.

Mr. Gutauckis stated because what ends up happening is someone is on John Penny's page doesn't know that you're an AllState agent or does know and then you say something they don't like and now you've lost a customer.

Mr. Forte asked do you have an elected official page, a personal page and an AllState page?

Commissioner Penny stated no, that's what Scott is suggesting.

Commissioner Currie stated she just has one but now she's going to have two.

Mayor Via stated he has an elected official page where he does any city stuff and on his personal page he only posts pictures of his kids.

Mr. Forte asked which one are you commenting from?

Mayor Via stated from his Mayor's page.

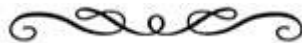
Mr. Forte stated but you're commenting about the streets and all that stuff?

Mayor Via stated, right.

Mr. Forte stated oh, well, that's easier than because...

Commissioner Penny stated that's what Scott said in the beginning we should have separate pages. We should never like anything from their personal page with the city or anything like that. Go to your elected official page and like it but if the Mayor likes it first then don't like it.

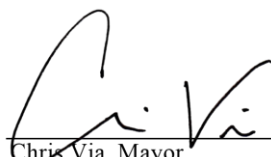
Mr. Forte stated it's the end of the meeting and he still doesn't know what they are going to do. Staff will send it out again as a separate individual item and if they have questions or comments send it back to him. What he's trying to gleam here is some kind of consensus on where they are going to go. More than likely, they're not going to be sued by John Morgan, it's going to upset one of the other Commissioners.



3. **ADJOURNMENT**

The workshop adjourned at approximately 7:00 PM.


Valerie Manning, City Clerk, CMC 9/24/2019


Chris Via, Mayor 9/24/2019