

BILL NO. 20-92

AN ORDINANCE AMENDING CHAPTER 2. ADMINISTRATION, ARTICLE III. OFFICERS AND EMPLOYEES, DIVISION 1. ETHICS, FINANCIAL REPORTING AND CODE OF CONDUCT, SUBDIVISION III. CODE OF CONDUCT OF THE CODE OF ORDINANCES OF THE CITY OF LEE'S SUMMIT, MISSOURI, BY ENACTING A NEW SECTION 2-82 SOCIAL MEDIA., FOR THE PURPOSE OF ESTABLISHING RULES RELATED TO THE USE AND ARCHIVING OF SOCIAL MEDIA BY ELECTED OFFICIALS.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. Subdivision III. Code of Conduct, of Division 1, Ethics, Financial Reporting, And Code of Conduct, of Article III, Officers and Employees, of Chapter 2, Administration, of the Code of Ordinances, is here by amended by enacting a new Section 2-82. Social Media. which shall read as follows:

Section 2-82 Social Media

A. *Purpose.* This Section is intended to establish the rules and procedures for ensuring an elected official's use of social media for City-related communications complies with the Missouri Open Records Law, and the rules and schedules established by the Missouri Secretary of State for retaining and disposing of public records.

B. *Archived when.*

1. The City shall archive any content related to any City business or communication that is posted by an elected official on any Official account. The City shall also archive any responses to content posted by an elected official on such accounts.
2. An elected official should not delete or remove any content posted on any account that is related to any City business or communication. The City shall retain the content in accordance with the current Missouri Secretary of State records retention schedules and the Missouri Sunshine law Chapter 610 RSMo. to the extent that it applies.

C. *Definition.* For purposes of this Section,

1. "Campaign Account" shall mean any social media account created, maintained, or operated by, or on behalf of, an Elected Official and used to promote or endorse a political campaign or candidate.
2. "Elected Official" shall mean the same as the term defined in Section 2-62 of the City Code, as amended, which is a City Councilmember and the Mayor.
3. "Personal Account" shall mean any social media account whether created, maintained, or operated by, or on behalf of, an Elected Official that is used solely to share and discuss the Elected Official's private opinions regarding matters that are unrelated to City business and do not involve the City in any manner.
4. "Official Account" shall mean a social media account, operated and maintained

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by or on behalf of an Elected Official and where the Elected Official invites the public to discuss City business. The account is not used for campaign-related or personal purposes.

D. *Exception.* Nothing herein shall apply to any personal account or campaign account. However, Councilmember should refrain from discussing City business on any account that is not archived.

SECTION 3. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability incurred nor any cause or causes of action occurred or existing, under any language, act or ordinance repealed hereby. Nor shall any existing right or remedy of any character be lost, impaired, or affected by this ordinance.

SECTION 4. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 5. Should any section, sentence or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences, or clauses.

SECTION 6. This Ordinance shall be in full force and effect after approval by the Mayor on June 23, 2020 (the day after Sine Die).

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2020.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said City this _____ day of _____, 2020.

Mayor *William A. Baird*

ATTEST:

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*