

EXHIBIT “A”
ORDINANCE NO. 2012-6-5A

TOWN OF FAIRVIEW
INTERNET WEBSITE AND SOCIAL MEDIA POLICY

1. Purpose.

The purpose of the Town of Fairview Internet Website and Social Media Policy (“Policy”) is to establish regulations for the development, operation, and administration of the Town Website and Social Media Presence(s) (collectively, “Programs”), and to ensure that these Programs remain as non-public forums subject to the Town’s exclusive use and control. The purposes of the Town’s website are as follows:

- a. To provide a convenient and information-rich resource regarding the Town for residents, visitors, businesses, non-profit organizations, schools, and other public agencies.
- b. To provide information and resources that contributes to the health, safety, and welfare of the citizens of, and visitors to, the Town of Fairview.
- c. To contribute to the improvement of Town services, foster economic development, and enhance the sense of community within the Town.
- d. To establish and strengthen long-term partnerships between the Town and individuals and entities in the public and private sectors where such partnerships further the public health, safety, and welfare.
- e. To provide information about the Town and local services in a manner that is as manageable, efficient, and organized as possible.
- f. To provide an opportunity and means to supply businesses and individuals contemplating locating or moving to the Town with an opportunity to see and hear firsthand why persons who call the Town home enjoy living and/or working here.
- g. To provide an opportunity and means to create a personalized face for the Town to display to citizens, businesses, governmental agencies, or individuals who may have heard about the Town or are curious about the Town but have yet to visit or meet anyone who calls the Town home.
- h. To provide a visual repository of personalized observations of the Town’s history, present-day community life and business environment.
- i. To encourage and help generate civic pride and foster a sense of community among the Town’s residents.
- j. To provide a readily available image and/or video pool of real-world spokespersons for Town marketing and recruitment materials and purposes.
- k. To create awareness of and reinforce the Town’s unique municipal brand.

- l.** To provide a convenient means by which the Town can transmit information to the public at large.
- m.** To establish awareness of and reinforce the Town's unique municipal brand within various and increasingly prevalent communication platforms.
- n.** To establish an additional mechanism by which the Town can disseminate important information to the public during emergency situations.
- o.** To complement and increase awareness of the Town's website.

2. Policy.

The Town shall operate and maintain the Town Website and engage in use of Social Media Platforms as provided in this Policy.

3. Definitions.

The following definitions shall apply to this Policy:

- a.** "Town Website" means the official Town Website available at www.fairviewtexas.org, and any additional domain name(s) that the Town acquires for official Town use.
- b.** "External Website" means a website maintained by a third party, and not by the Town.
- c.** "External Link" is a hyperlink from the Town Website or Town Social Media content to an External Website.
- d.** "Security Measures" means practices for protection of physical configuration and environment, software, information-handling processes, and User practices.
- e.** "User" or "Users" means an individual or individuals who access the Town webpage through the Internet or who access Town information provided through any Social Media Platform.
- f.** "Social Media" means the various electronic communication systems established for the purposes of mass communications and/or social networking, including the third-party services of Twitter, LinkedIn, Facebook, and MySpace.
- g.** "Social Media Account" and "Social Media Presence" means and includes the electronic data, user profile, login, or other similar means of controlled access and designations of content authorship, which are associated with an individual or entity in order to facilitate the use of a Social Media Platform, website, computer software, mobile telephonic device application, or other interface mechanism for mass communication.
- h.** "Social Media Platform", "Social Media Software", "Social Websites", and "Mass Communication Platforms" all mean the websites, internet services, computer software, mobile telephonic device applications, and other electronic interface mechanisms used to access and Social Media, and includes both those interfaces which are or may be owned by the Town and those which are owned and/or operated by any third party.

- i. “Social Link” means any reference, group association, External Link, or other social networking connection (including but not limited to “friends lists”, “circles”, “follows”, “networks”, “likes/dislikes” etc.) that is accomplished by some method within the control of a Social Media account holder.

4. Emergency Service Requests

Requests for emergency services, such as those seeking assistance from police, firefighting, or EMS/ambulance services should NOT be directed to the Town Website or any Town Social Media Presence. Persons needing immediate help should contact 9-1-1 or request such emergency services by some other recognized and reliable method.

5. Non-Public Forum Status.

The Town Website and any Social Media account established by the Town are non-public forums. While the Town encourages the public to use these mechanisms to access information and resources, the Town expressly reserves the right to impose certain restrictions on the use of the Town’s Website and its Social Media Accounts. The Town Website is reserved for the exclusive control of the Town for the purposes of one-way communication to Users of the Town Website. Neither the Town Website, nor any Social Media Platform associated with an authorized Town Social Media Account, shall be used to facilitate a general debate, public discourse or the free exchange of ideas; all of these services are restricted to only those uses authorized by the Town.

6. Authority of Town Manager.

- a. The Town Manager or his designee shall have the sole authority and responsibility for the implementation of this Policy. The Town Manager may also make interpretations on issues that are not clearly articulated or not included in this Policy, so long as the Town Manager’s discretion is exercised in a manner consistent with the stated purposes of this Policy.
- b. Only the Town Manager, or the Town Manager’s authorized designee, shall be authorized to perform any of the following functions:
 - i. create, establish, register, or otherwise initiate any Social Media Account on behalf of the Town or which appears to be established by the Town, or to use any Social Media Platform in such fashion;
 - ii. modify the content of any Town Social Media Account;
 - iii. to set, remove, or otherwise modify any User-controlled settings associated with a Town-associated Social Media Account;
 - iv. publish any information on a Social Media Platform on the Town’s behalf, or in any fashion which could be attributable to the Town;
 - v. create, destroy, or modify a Social Link to the Social Media Account of any other person or entity;

- vi. use any function of a Social Media Platform which states (or implies) an opinion or position held by the Town regarding any person or entity; or
 - vii. modify the Town Website or any Town Social Media Platform.
- c. This Policy will be posted on the Town Website for review by the public at any time. If technologically feasible, any Social Media Account established by the Town will include a copy of this Policy or a link to this Policy published on the Town Website.
- d. Questions or comments regarding any subjects or issues addressed in this Policy may be directed to:

Town of Fairview
Attn: Town Manager
372 Town Place
Fairview, Texas 75069

7. Privacy.

- a. The Town is sensitive to the privacy interests of the Users of the Town Website and that of Users accessing any Town Social Media Platform and believes that the protection of those interests is important. The Town's goal in collecting personal information online is to provide the User with the most personalized and effective service possible. By understanding the User's needs and preferences, the Town may provide Users with improved service. The Town strives to protect online personal information in the same manner that the Town protects citizen and business information obtained through other means. The following information explains the Town's policy regarding any personal information supplied when using the Town Website or accessing Town Social Media content.
- b. **Town Website Privacy Policy:** When you visit the Town of Fairview Web site, we use automated tools to log information about each visit. We process this information in the aggregate to determine site performance issues, such as popular pages, most frequently downloaded forms, and other site performance characteristics. This information does not identify you personally. We do not track or record information about individuals and their visits.
- c. **Social Media Privacy Policy:** By their nature, Social Media Platforms are accessible by a vast number of persons and entities over which the Town has no control. We may use automated tools to log information about visitors to Town Social Media Accounts and associated websites. We process this information in the aggregate to determine Social Media Platform issues, such as popular posts or messages, links established with Social Media Accounts, tracking information which originated from a Town Social Media Account and is retransmitted by other parties, and other usage information. However, we cannot guarantee that the information available to the Town or a third party through a particular Mass Communication Platform will not identify you personally. To determine whether or not personally identifiable information will be accessible to the Town or a third party when interfacing with a Town Social Media Account, you must refer to the

privacy policies and terms of use applicable to each Social Media Platform. We will not track or record information about individuals and their visits, except to the extent required by law.

- d. Sensitive Communications: Visitors to the Town Website, and those interacting with or accessing the Town's Social Media Presences, are hereby notified that any information provided to the Town by either means may not be maintained confidentially by the Town. Information received by the Town by any person through a Social Media Platform or the Town Website may be later shared with third parties, particularly when such information is subject to disclosure under the Texas Public Information Act or other law. Any person wishing to communicate confidentially with the Town or any Town official, officer, or employee should first contact the Town to determine the appropriate channel for such communication, prior to revealing any sensitive material that they do not wish shared with third parties. Town employees are prohibited from using any Town Social Media Account to transmit or otherwise allow access to any information to which the Town employee has any special right or ability to access or any information which is maintained confidentially by the Town.
- e. Disclaimer: While every effort is made to keep information provided over the internet accurate and up-to-date, the Town of Fairview does not certify the authenticity or accuracy of such information. No warranties express or implied, are provided for the content, records and/or mapping data herein, or for their use or interpretation by the User.
- f. The Town of Fairview, its elected officials, officers, employees, and agents assume no legal responsibilities for the information or accuracy contained in this data, including any action taken from reliance on any information contained herein and shall have no liability for any damages, losses, costs, or expenses, including, but not limited to attorney's fees, arising from the use or misuse of the information provided herein. The User's use thereof shall constitute an agreement by the User to release the Town of Fairview, its elected officials, officers, employees and agents from such liability.
- g. By accessing the Town Website or Social Media Presence and using any information therein, the User is stating that the above Disclaimer has been read and that he/she has full understanding and is in agreement with the contents.

8. Security.

The Town Website applies Security Measures to protect the loss, misuse and alteration of the information under the Town's control. From time to time, Security Measures may be upgraded or otherwise modified to meet changing needs. While the Town endeavors to keep secure all information it receives via the Town Website, the Town cannot guarantee the security of the information. The Town may or may not have full control over Security Measures associated with its Social Media Accounts, and those Security Measures may be subject to control by fully independent service providers. While the Town endeavors to keep secure all information it receives via Social Media, the Town cannot guarantee the security of the information. Users should refer to the individual Social Media Platform's terms of use, privacy policy, and security policies for more information.

9. External Links and Social Links.

- a.** The Town has a legitimate interest in limiting persons or organizations that might be linked to the Town Website or be associated with the Town's Social Media Presence(s). The Town may exercise discretion to ensure that the links to these services are consistent with the purpose of this Policy, as set forth in Section 1. Neither the Town Website nor the External Links listed on the Town Website constitute a forum for expressive activity by members of the public. No Town Social Media Account, Town Social Media Presence, or any method of displaying information associated with a Town Social Media Presence constitute a forum for expressive activity by members of the public; nor do the Town's use or nonuse of Social Links constitute a forum for any expressive activity by members of the public. Information, Social Links, or External Links may be excluded from the Town Website or Town Social Media Presence where such additional material would create visual clutter, disorganization, or otherwise interfere, as determined at the sole discretion of the Town, with the Town's intended content.
- b.** Each proposed External Link on the Town Website or Social Link to a Town Social Media Account shall be reviewed to determine its relevance and appropriateness to the purpose of the Town Website or Social Media Presence. The Town Manager or his or her designee shall review the merits of the proposed External Link or proposed Social Link based upon the stated purposes of this Policy, as set forth above in Section 1.e. A proposal for an External Link or proposed Social Link will not be denied based solely on the viewpoint espoused by the individual, entity, or the content of the External Website.
- c.** The Town Website and Town Social Media Accounts will not provide External Links to websites or create Social Links with other persons or entities that:

 - i.** promote or exhibit hateful ideas or content, unlawful discrimination, obscenity, pornography, libel, or defamation;
 - ii.** have a primary purpose of furthering the agenda of a political organization or a candidate running for office (regardless of the political viewpoint), or defeating any candidate for elective office;
 - iii.** violate any of the Town's equal opportunity policies or nondiscrimination policies;
 - iv.** consist of personal home pages operated by individuals; or
 - v.** are used in whole or part as a public forum to facilitate a general debate, public discourse, or the free exchange of ideas.
- d.** The Town may provide External Links or Social Links to certain private commercial sites that maintain and display government-related information which fulfills the purposes of the Town Website as set forth in Section 1, and which is not generally available through a governmental agency due to the cost of compiling, maintaining and/or displaying such information. To support the cost of compilation and maintenance of this information, these private commercial sites may include advertising or promotional material in the information display. Accordingly, External Links or Social Links to such sites which

contain this information, but also display commercial advertising or promotional material, may be included within the Town Website or Social Media Presence when the Town Manager or his designee has made a good faith determination that:

- i. the Town's independent replication of the information targeted for linkage is infeasible due to financial or other considerations;
 - ii. no non-commercial site provides the information targeted for linkage; and,
 - iii. the information targeted for linkage greatly enhances the usefulness of the Town Social Media Presence or the Town Website and services it provides.
- e. The Town reserves the right to determine whether, how and where External Links and/or Social Links will appear on the Town Website.

10. Application for External Link or Social Link.

To request the addition of an External Link to the Town Website, or to create a Social Link between a Town Social Media Account and a Social Media Account of another person or entity, the applicant shall send the relevant URL, address, website description and purpose, identity and contact information of the site owners and operators, a brief statement as to how the proposed website or Social Media Association fulfills the purpose of the Town Website or Social Media Presence as set forth in Section 1. Contact information shall include name, phone number and email address sent to:

Town of Fairview
Attn: Town Manager
372 Town Place
Fairview, Texas 75069

11. Disclaimer of External Links and External Websites.

- a. The information posted on the Town Website includes hypertext External Links to information created and maintained by other public and/or private organizations. The Town's Social Media Content may also include hypertext External Links or other information referring Users to non-Town content. The Town provides these links solely for the User's information and convenience.
- b. When the User selects an External Link to an External Website, the User leaves the Town Website or Town Social Media Content and is subject to the privacy and security policies of the owners/sponsors of the External Website.
- c. The Town does not control or guarantee the accuracy, relevance, timeliness or completeness of information contained on an External Website accessed through the Town Website or Town Social Media Content by External Link.

- d. The Town does not endorse or recommend any third party website, product, service, view, or opinion, unless expressly noted.
- e. The Town does not authorize the use of copyrighted materials contained on External Websites.
- f. The Town is not responsible for transmissions from External Websites or Social Media Accounts held by any other person or entity.

12. Final Decision.

The decision to post or not post content and/or links on the Town Website or via Social Media resides solely with the Town Manager or his designee. The decision of the Town Manager or his designee is final and binding. Under no circumstances will individuals or entities be entitled to compensation or damages in the event that the Town Manager or his or her designee directs the Town to include or exclude the content or link.

13. Links to the Town of Fairview's Website and Social Media Accounts.

Advance permission to link to the Town Website or Social Media Accounts is not necessary. However, the Town Manager or his or her designee has complete discretion to accept or reject any Social Link, by use of a Social Media Platform feature or otherwise, between a Town Social Media Presence and any other Social Media Account or website. No person is entitled to have a proposed Social Link and the decision of the Town Manager (or his or her designee) whether or not to accept any proposed association is final. The decision by the Town Manager (or his or her designee) to accept or reject a proposed association or Social Link shall not constitute any comment by the Town on any material, person, or entity referenced.

Any party linking to the Town Website or Social Media Account should be aware that the site construction and subpages, whether maintained by the Town or a service provider, may change at any time without notice. Individuals and entities linking to the Town Website shall not capture pages within frames, present the Town Website content as its own, or otherwise misrepresent the Town Website's content or misinform Users about the origin or ownership of its content. Any link to the Town Website should be a full forward link that passes the User's browser to the Town Website unencumbered. The web browser's "back" button should return the User to the originating site if the User wishes to back out.

14. Posting of Events.

Information regarding community events may be posted on the Town Website or broadcast using Social Media, so long as the posting of such information is consistent with the purposes set forth in Section 1, and meets any applicable criteria for External Links, as set forth in Section 9. While the Town Manager or his designee may consider suggestions of events to post on the Town Website or to communicate to the public via Social Media Platforms, the decision of the Town Manager or his designee is final and binding.

15. Accessibility.

The Town Website is intended to be accessible to people with disabilities. Requests for reasonable accommodations relating to equal access to communication, or other issues relating to Town Website or Town Social Media accessibility, should be directed to:

Town of Fairview
Attn: Town Manager
372 Town Place
Fairview, Texas 75069

16. No Warranty or Representation.

The Town's web server(s) are maintained to provide public access to Town information via the Internet. The Town's web services and the content of its web servers and databases are updated on a regular basis. While the Town attempts to maintain the information contained within the Town Website and associated with its Social Media Presences as accurate and timely, the Town does not warrant or make representations or endorsements as to the quality, content, accuracy, or completeness of the information, text, graphics, hyperlinks, and other items within Social Media content or its website, whether contained on its server or any other server. Materials on the Town Website or published through Social Media Platforms have been compiled from a variety of sources, and are subject to change without notice from the Town as a result of updates, corrections, and third party provider modifications. The Town may decide at any time to withdraw content from its website or terminate one or all of the Social Media Accounts it might establish under this Policy, and should it choose to do so, that content or information may not be readily available by other means. Any User seeking up-to-the-moment information, including but not limited to the content of the Code of Ordinances, Town of Fairview, Texas, should contact the Town Secretary.

17. Brands, Service Marks, Trademarks and Copyright.

To the extent allowed by the Public Information Act and otherwise legally permissible, commercial use of web materials is prohibited without the written permission of the Town. All brands, service marks, trademarks, and copyrighted material shown or referenced herein are the property of their respective owners. The Town retains copyright on the Town's brand, logo, trademark, seal, all text, graphic images, and other content, unless otherwise noted. No person or entity may use the Town brand, logo, trademark, seal, or copyrighted material without approval of the Town Council. No person or entity shall engage in any of the following conduct without written permission from the Town Manager or his designee: (a) modify and or use the text, images or other Town Website content from a web server, (b) distribute the Town's web content, and (c) "mirror" the Town's information on a non-Town server.

18. Notice to the Town.

Communications through the Town Website, by e-mail or otherwise, or communications employing Social Media shall in no way be deemed to constitute legal notice to the Town of

Fairview or any of its agencies, officers, employees, agents, or representatives, with respect to any existing or potential claim or cause of action against the Town or any of its agencies, officers, employees, agents, or representatives. No communication through the Town Website or by means of Social Media shall be deemed to constitute legal or official notice for any purpose.

19. Errors, Omissions, Warranty, Damages.

The Town of Fairview is neither responsible nor liable for any viruses or other corruption or contamination of a User's system due to access of the Town Website or Social Media Platforms used by the Town, nor for any delays, inaccuracies, errors or omissions arising out of the User's access to said services or with respect to the material contained on the Town Website or Social Media Accounts, including without limitation, any material posted on the Town Website or within a Town Mass Communication. The Town Social Media Presence, the Town Website, and all materials associated with either or both are distributed and transmitted "as is" without warranties of any kind, either express or implied, including without limitation, warranties of title or implied warranties of merchantability or fitness for a particular purpose. The Town is not responsible for any special, indirect, incidental or consequential damages that may arise from the use of, or the inability to use, any Social Media Platform or access mechanism or the Town Website and/or the materials contained on the Town Website, whether the materials contained on the Town Website or Social Media Platform are provided by the Town of Fairview or a third party.

20. Indemnification.

TO THE EXTENT PERMITTED BY APPLICABLE LAW, BY USING THE TOWN WEBSITE AND/OR ACCESSING OR INTERFACING WITH TOWN SOCIAL MEDIA ACCOUNTS, THE USER AGREES TO DEFEND, INDEMNIFY, AND HOLD HARMLESS THE TOWN OF FAIRVIEW, ITS AGENCIES, OFFICERS, EMPLOYEES, REPRESENTATIVES, AND AGENTS FROM AND AGAINST ALL CLAIMS AND EXPENSES, INCLUDING BUT NOT LIMITED TO ATTORNEY'S FEES, ARISING OUT OF THE USER'S USE OF SOCIAL MEDIA, OR ASSOCIATED WITH OR ATTRIBUTED TO THE TOWN OR USE OF THE TOWN WEBSITE OR MATERIALS AND INFORMATION CONTAINED ON THE TOWN WEBSITE OR SOCIAL MEDIA PLATFORMS.