

MEMORANDUM

DATE: October 22, 2020

TO: Mayor Kevin White & City Council

FROM: Lynn Kitchens, Director of Marketing –
via Mercy Rushing, City Manager

SUBJECT: **Digital Information and Website Policy**



Council Meeting Agenda Item for October 26, 2020

Background Information:

This policy deals with the City of Mineola's official websites and email accounts and the use and performance, modification, non-liability, user's risk, accuracy of content, collection and use of information, and non-implied affiliation or endorsement of outside hyperlinks.

Also covered is the disclaimer that all digital transmission of data or information, including by email, over the internet may not be secure and City does not assume liability for any damages a user may incur or breach of confidentiality of information while using City of Mineola digital technology.

This policy includes a statement of accessibility to individuals with disabilities and websites' compliance with ADA.

Given the evolving nature of digital technology, this document will be reviewed and updated periodically as technologies or law evolve.

This policy has been reviewed and approved by City Attorney Blake Armstrong.

Recommendation:

It is the recommendation of the Marketing Department that the Mayor and City Council consider the approval of this Digital Information and Website Policy by ordinance.

ORDINANCE NUMBER _____

AN ORDINANCE OF THE CITY OF MINEOLA, TEXAS APPROVING AND ADOPTING A DIGITAL MEDIA POLICY; IMPLEMENTING REGULATIONS REGARDING THE ADMINISTRATION AND USE OF CITY-SPONSORED DIGITAL MEDIA SITES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Mineola, Texas (“City”) finds it to be appropriate and necessary to implement regulations concerning the administration and use of City-sponsored digital media sites; and

WHEREAS, the City finds that the City’s use of digital media sites can facilitate the dissemination of information concerning City business, services and activities; and

WHEREAS, the City finds that hosting digital media sites can enhance the transparency of City government by allowing citizens to receive information; and

WHEREAS, the City finds that the following regulations concerning the administration and use of City-sponsored digital media sites is necessary and in the best interest of its citizenry.

NOW, THEREFORE, be it ORDAINED by the City Council for the City of Mineola, Texas as follows:

**I.
Digital Media Policy Adopted**

The City Council hereby approves and adopts the digital media policy attached hereto as Exhibit A, which is incorporated herein for all purposes as if fully set forth at length.

**II.
Severability**

Should any phrase, clause, section, sentence or other provision of this Ordinance be found invalid, illegal or unconstitutional by any court or tribunal having jurisdiction, said finding shall not affect the remainder of this Ordinance.

**III.
Effective Date**

This Ordinance and the digital media policy adopted herein shall become effective immediately upon its passage and approval by the City Council for the City of Mineola, Texas.

PASSED AND APPROVED by the City Council for the City of Mineola, Texas on this the _____ day of _____, 2020.

APPROVED BY:

Kevin White, Mayor

ATTEST:

Cindy Karch, City Secretary

City of Mineola Digital Information and Website Policy

The City of Mineola (City) shall have the right, at its sole discretion, to modify, add or remove any terms or conditions of this policy without notice or liability to user. Any changes to this policy shall be effective immediately following the posting of such changes on websites.

Uses and Performance

City of Mineola, TX websites are for informational purposes only and are not intended to provide specific commercial, financial, or legal advice. They are provided to user solely for user's own personal, non-commercial use, public display or performance or any other uses by user in any form or manner whatsoever. The City has used its best efforts to obtain the most accurate and timely information available. Accordingly, City does not guarantee the accuracy, timeliness, reliability or completeness of any of the information contained on, downloaded or accessed from the websites.

The performance of websites and all information contained on, downloaded or accessed from the websites are provided to user on an "as is" basis. The City shall not be responsible for any problems or technical malfunction of any telephone network or lines, computer on-line systems, servers, Internet access providers, computer equipment, software, or any combination thereof including any injury or damage to user's or any other person's computer as a result of using the websites.

The City reserves the right, at its sole discretion, to modify, disable access to or discontinue, temporarily or permanently, any part or all of the websites or any information contained thereon without liability or notice to user.

Use at Own Risk

As a visitor to City website, user acknowledges and agrees that any reliance on or use by user of any information available on this website shall be entirely at user's own risk. In no event shall the City nor any of its data providers be liable for any direct, indirect, consequential or exemplary damages arising from the use or the performance of the websites, even if the City or such provider has been advised of the possibility of such damages.

Digital Transmission of Data or Information

The transmission of data or information (including communications by e-mail) over the Internet or other publicly accessible networks is not secure, and is subject to possible loss, interception or alteration while in transit. Accordingly, City does not assume any liability for any damage user may experience or costs user may incur as a result of any transmissions over the Internet or other publicly accessible networks, such as transmissions involving the exchange of e-mail with City (including those which may contain user's personal information). While City shall take reasonable efforts to safeguard the privacy of the information user provides City and treat such information in accordance with City's Privacy Policy, in no event will the information provided by user to City be deemed to be confidential, create any fiduciary obligations to user on City's part, or result in any liability to user on City's part in the event that such information is inadvertently released by City or accessed by third parties without City's consent. Communications made

through E-mail and messaging systems shall in no way be deemed to constitute legal notice to the City or any of its agencies, officers, employees, agents, or representatives, with respect to any existing or potential claim or cause of action against the City or any of its agencies, officers, employees, agents, or representatives, where notice to the City is required by any federal, state or local laws, rules or regulations.

Links to Other Websites

Links or pointers to other websites and references to products and services offered by third parties are provided to user for convenience only and do not constitute an endorsement or approval by City of (i) the organizations that operate such websites; (ii) the content, privacy policies or other terms of use on such websites; or (iii) such third party products and services. As City has no control or responsibility over websites or content maintained by other organizations, or for products and services offered by third parties, City does not assume any liability for user use of any of the foregoing, which user acknowledges and agrees shall be at user's own risk.

Upon leaving the City of Mineola websites and linking to an external site, the policies governing the City of Mineola websites no longer apply and users are subject to the external site's policies. Questions and concerns regarding the information or services provided by a linked site must be directed to the entity or individual responsible for that site, rather than to the City of Mineola.

Collection and Use of Information

The City of Mineola does not sell or rent personally identifiable information. Please be aware that when user provides information to any government entity, however, that information may be subject to the Texas Public Information Act and applicable federal legislation. Information about the Texas Public Information Act is available from the Office of the Attorney General at <http://www.oag.state.tx.us/opinopen/opengovt.htm>. Additionally, although the City of Mineola does not sell or rent personally identifiable information, certain state agencies or local governments whose sites are accessible through this website may sell personally identifiable information.

No Implied Affiliation or Endorsement

The City Mineola does not authorize the use of either its logos or pictures on any other websites. When hyperlinking to the City of Mineola websites, users must do so in a manner that does not imply any affiliation with or endorsement by the City for user's enterprise or website.

Compliance with Americans with Disabilities Act

The City is committed to making its information and communication technologies accessible to individuals with disabilities by meeting or exceeding the requirements of Section 508 of the Rehabilitation Act. To meet this commitment, City web pages have been designed to meet or exceed the Section 508 standards and to comply with the Americans with Disabilities Act (ADA). Reasonable accommodations, including equal access to communications, will be provided upon request. Requests for reasonable accommodations related to equal access to communications should be directed to the City of Mineola at (903) 569-6183.