

**BERRYVILLE TOWN COUNCIL PERSONNEL, APPOINTMENTS, AND POLICY COMMITTEE
MEETING AGENDA
Berryville-Clarke County Government Center
101 Chalmers Court, Second Floor
Meeting Room A/B
Called Meeting
July 11, 2018
9:00 a.m.**

<u>Item</u>		<u>Attachment</u>
1. Call To Order	Harry Lee Arnold Jr., Chair	
2. Approval of Agenda		
3. Discussion -	Vacancies and term expirations	1
4. Discussion	Social Media Policy	2
5. Discussion	Job Descriptions	3
6. Discussion	Town Council Policies/Operating Procedures	4
7. Closed Session	No Closed Session Scheduled	
8. Other		
9. Adjourn		

↑ Denotes an item on where a motion for action is included in the packet

Attachment 1

Vacancies and term expirations

July 11, 2018 Personnel, Appointments, and Policies Committee

At its June 12 meeting, the Council asked this committee to provide it with recommendations for appointments to the BZA and BADA. Since the Town Council meeting, it has been discovered that several appointments need to be addressed.

In addition to the appointments discussed on June 12, the following appointments need to be addressed:

- Kim Kemp's term on the Planning Commission will expire on 8/10/18 (appointment for 4 years)
- Gwen Malone's term on the Planning Commission will expire on 8/31/18 (appointment for 4 years)
- Susan Godfrey's term on the Architectural Review Board will expire on 7/7/18 (appointment for 4 years)

All three of these ladies seek reappointment. If these individuals are re-appointed, then the Committee is back to filling the opening on the BZA and the BADA.

Staff would like to review Talent Bank Forms the town has on file with the Committee. The Committee will presumably issue a call for people interested in appointment and conduct interviews in August.

June 12, 2018

Board of Zoning Appeals

Members of Boards of Zoning Appeals may not also be members of governing bodies. As such, Kara Rodriguez, whose term on the Town Council will begin on July 1, must resign from the Berryville Board of Zoning Appeals. Mrs. Rodriguez's term on the BZA was to end on 12/31/20.

To fill the vacancy, the Town Council must submit a recommendation to the Circuit Court of Clarke County. Generally, the Circuit Court makes an appointment within a month of receiving the Council's recommendation.

This appointment would be for the remainder of Mrs. Rodriguez's term.

Berryville Area Development Authority

Mary Jo Pellerito's term on the BADA will expire on 6/30/18. Ms. Pellerito may not be re-appointed because she will be moving out of the area.

This appointment would be for a full three-year term.

Staff recommends that these matters be referred to the Personnel Committee.

Attachment 2

July 11, 2018 Personnel, Appointments, and Policy Committee Meeting

At its June 12, 2018 meeting, the Town Council referred this matter to this committee.

Most of the discussion at Council in June centered on the need to have a third party archive official social media accounts. The Committee should make a recommendation in that regard and submit a draft policy to the Council that reflects the recommended approach to archiving.

Please find attached:

- Town of Berryville Social Media Policy (draft June 6, 2018 / Version 1.2)
- Copy of Clarke County's annual archiving service invoice

June 12, 2018

At its April meeting, the Town Council directed the Town Manager to provide a Social Media policy for review at its June meeting.

Please find attached:

- Town of Berryville Social Media Policy (draft June 6, 2018 / Version 1.2)
- ARCHIVE SOCIAL model policy
- Commonwealth of Virginia Electronic Communications and Social Media policy
- Draft Clarke County Policy on Use and Privacy of Electronic Communications, Devices, Social Media

The attached draft policy borrows heavily from the ARCHIVE SOCIAL model policy and Virginia's policy. Staff has discussed this matter with County staff and they are working on a policy as well (which may be very different than the attached County draft). It would be nice to have similar policies but Town staff believes that the Town Council is desirous having something in place sooner rather than later. Accordingly, staff is moving forward as directed but will keep an eye on what the County is doing and will keep the council informed as to what their staff recommends.

Staff recommends that the Personnel Committee review this matter and provide the Council with guidance as to how it should move forward. It is important to note that pertinent sections of the Town of Berryville Employee Handbook are being reviewed to ensure that the requirements of the new policy dovetails with the sections in question. Sections being reviewed include Section 189 Workplace Privacy, 516 Computer and Email Usage, 517 Internet Usage, 518 Workplace Monitoring, 526 Cell Phone Usage, 528 Password Policy, and 701 Employee Conduct and Work Rules.

An important element of this matter about which staff needs guidance is the means by which social media site posts and the like are to be archived. At present, the only site of which staff is aware that would be considered "official" is Mayor Dickinson's Facebook page. The information from that site is being archived by the Mayor who creates a PDF of all communications and provides them to staff upon request. Staff is aware of the fact that two new members of the Council have interest in maintaining social media sites as Council members. The question at hand is, will the archiving regimen remain the same or will the Town contract with a firm that specializes in this important and necessary task. While research is on-going, it appears that the cost of a basic plan (with a limited number of sites being

monitored) for such archiving services will be approximately \$2,500 annually. Final policy language will, in a general manner, need to reflect the means by which archiving will be accomplished.

April 10, 2018

Recently, concern was expressed regarding a seemingly official social media account. Specifically, Mr. Kitselman expressed concerns about a Facebook page titled, "Mayor Patricia Dickinson, Berryville". He noted that he did not think this page was sanctioned by the Town but on its face it would appear that it is sanctioned and official.

Mr. Kitselman inquired as to what the implications were for the Town, specifically as it relates to FOIA. He asked if the items on the site should be archived and if so, who is responsible for maintaining the files. Lastly, Mr. Kitselman recommended that the FOIA board would be a good place to start inquiries.

Staff has been in contact with both the FOIA Council and legal counsel regarding this matter.

The FOIA Council expressed the opinion that social media posts are public records but did not speak to who is responsible for archiving such records. Mr. Mitchell is of the opinion that if a site is dedicated to the conduct of a public position, then the Town is responsible for archiving the records.

Mayor Dickinson has stated that she archives all posts and comments and then deletes them from the site. She pointed out that in the past she has provided records as needed to fulfill FOIA requests.

Mayor Dickinson has provided the Town Clerk with her posts and related comments so that the Town has a file containing these records. Staff and the Mayor must work out a schedule for submission of the records from her site. Staff hopes to address this matter within the week.

With these issues being raised, it may be prudent to consider adoption of a social media policy. If so desired, then staff requests that it be given until the June meeting to begin that review.

Town of Berryville Social Media Policy

Draft May 30, 2018
Version 1.1

**Draft June 6, 2018
Version 1.2**

INTERNAL POLICY

Purpose

This document defines the social media and social networking policy for Town of Berryville, the "Town". To address the fast-changing landscape of the Internet and the way residents obtain information online, the Town may consider using social media tools to reach a broader audience.

The Town must ensure that official social media use complies with applicable law. Further, the Town has an overriding interest and expectation in deciding what is "spoken" on its behalf on social media sites.

This policy establishes guidelines for the use of social media.

Applicability

This policy shall apply to:

- Personal use of social media by Town employees
- Use of official social media sites by elected and appointed officials (official social media site)
- Use of official Town social media sites (official Town social media site)

Acceptable Use

Personal Use

All Town officials or employees may have personal social networking, Web 2.0 and social media sites. These sites should remain personal in nature and be used to share personal opinions or non-work related information. Following this principle helps ensure a distinction between sharing personal and Town views.

Town employees shall not use their Town e-mail account or password in conjunction with a personal social networking, Web 2.0, or social media site.

If a Town employee decides to comment or post about Town business on their personal social media, Web 2.0, or social networking site, then it is recommended that the employee use a disclaimer such as: "The postings on this site are my own and don't reflect or represent the opinions or positions of the Town of Berryville."

Professional Use

In general

All official Town-related communication through social media, Web 2.0, and social networking outlets shall remain professional in nature and shall be maintained and archived in accordance with the provisions of this policy and applicable law.

Elected and appointed officials

Officials should not use official social media sites, Web 2.0, or social networking sites for political purposes, to conduct private commercial transactions, or engage in private business activities.

Officials should be mindful that their usage of official social media sites, Web 2.0, and social networking sites are subject to the Virginia Freedom of Information Act (FOIA). The official is responsible for maintaining the site in a manner consistent with law.

Officials are encouraged to use a disclaimer such as: "The postings on this site are my own and do not represent the opinions or positions of the Town of Berryville." on their site.

Employees

Employees shall not use official Town social media site, Web 2.0, or social networking sites for political purposes, to conduct private commercial transactions, or to engage in private business activities.

Town employees should be mindful that inappropriate usage of official Town social media, Web 2.0, and social networking sites can be grounds for disciplinary action. If social media, Web 2.0, and social networking sites are used for official Town business, the entire Town site, regardless of any personal views, is subject to best practices guidelines, and standards; including but not limited to the FOIA.

Only individuals authorized by the Town Manager may publish content to a Town Web site, official Town social media site, or official Town social computing technologies.

All posts or comments made on behalf of the Town shall conform to guidelines provided by the Town Manager.

Approval and Archiving

All official Town social media sites shall be (1) approved by Town Manager; (2) published using approved social networking platform and tools; (3) administered by the Town Clerk or other official designated as administrator by the Town Manager; and (4) archived in a manner that conforms to the requirements of FOIA and other applicable legal requirements.

All official social media sites maintained by elected or appointed officials shall be reported to the Town Manager and the Town Clerk. Said elected or appointed official shall provide the Town Manager and Town Clerk with any and all information required for the archiving regimen approved by the Town Council.

Oversight and Enforcement

Employees representing the Town through social media sites or participating in social media features on Town websites must maintain a high level of ethical conduct and professional decorum. Failure to do so is grounds for revoking the privilege to participate in official Town social media sites, blogs, or other social media features; and disciplinary action.

Information must be presented following professional standards for good grammar, spelling, brevity, clarity and accuracy, and avoid jargon, obscure terminology, or acronyms.

Town employees shall recognize that the content and messages they post on social media websites are public and may be cited as official Town statements. Social media shall not be used to circumvent other Town policies or requirements.

Town employees representing the Town through social media sites or participating in social media features on websites may not publish information that includes:

- Violations of local, state or federal Law
- Sexually explicit content
- Confidential information
- Copyright violations
- Profanity or derogatory content or comments
- Partisan political views
- Commercial endorsements or SPAM
- Other content designated as prohibited by the Town

Records Retention

Official Town social media sites and official social media sites maintained by elected and appointed officials contain communications sent to or received by the Town, its elected and appointed officials and its employees, and such communications are therefore public records subject to Virginia Freedom of Information Act. These retention requirements apply regardless of the form of the record (for example, digital text, photos, audio, and video).

The department or official maintaining a site shall preserve records pursuant to a relevant records retention schedule for the required retention period in a format that preserves the integrity of the original record and is easily accessible. Furthermore, retention of social media records shall fulfill the following requirements:

- Social media records are captured with a frequency and in a fashion that will minimize potential loss of data due to deletion and/or changes on the social networking site.
- Social media records are archived in a manner that preserves the context of communications, including conversation threads, to ensure completeness and availability of relevant information when records are accessed.
- Social media records are indexed based on specific criteria such as date, content type, and keywords to ensure that records can be quickly located and produced in an appropriate format for distribution (e.g. PDF).
- FOIA Officers shall have access to all social media public records.
{provided to requesting FOIA Officer within 2 days of request to elected or appointed officials; note – may need depending on archiving regime chosen by Town Council}

EXTERNAL POLICY

The following guidelines shall be displayed to users on all official Town social media sites or made available by hyperlink. It is recommended that the following guidelines be displayed to users on all official social media sites maintained by elected and appointed officials or made available by hyperlink.

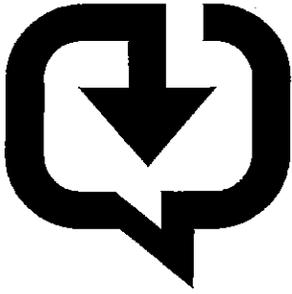
Moderation of Third Party Content

This site serves as a *limited public forum* and all content published is subject to monitoring. User-generated posts will be rejected or removed when the content:

- is off-subject or out of context
- contains obscenity or material that appeals to the prurient interest
- contains personal identifying information or sensitive personal information
- contains offensive terms that target protected classes
- is threatening, harassing or discriminatory
- incites or promotes violence or illegal activities
- contains information that reasonably could compromise individual or public safety
- advertises or promotes a commercial product or service, or any entity or individual
- promotes or endorses political campaigns or candidates

Public Records Law

Official Town social media sites and official social media sites maintained by elected and appointed officials are subject to applicable the Virginia Freedom of Information Act. Any content maintained in a social media format related to Town business, including communication posted by the Town and communication received from citizens, is a public record. The department or official maintaining the site is responsible for responding completely and accurately to any public records request for social media content.



ArchiveSocial

PO Box 3330
Durham, NC 27702 US
(888) 558-6032
invoicing@archivesocial.com
http://archivesocial.com

INVOICE

BILL TO
Clarke County, VA

INVOICE # 2268
DATE 07/20/2016
DUE DATE 08/19/2016
TERMS Net 30

ACTIVITY	QTY.	RATE	AMOUNT
Archive - Economy - 199 One month of ArchiveSocial Economy package. Archiving of up to 1000 new records per month and 10 social media accounts.	12	199.00	2,388.00

Service Dates: 7/19/16 - 7/18/17

Thank you. We appreciate your business! Please send payment within 21 business days of receiving this invoice. Late charges are 1.5% per month thereafter.

BALANCE DUE

\$2,388.00

Attachment 3

Town Council directed staff to update all job descriptions within the organization. Though behind schedule (promised 1 July), the process is nearly complete. Staff will provide another update in the near future when the descriptions are complete and approved.

Please find attached a draft of the Town Manager's job description. The committee is asked to review this description and, when the review is complete, forward it to the Council for review and approval.

Job Description

Job Title: Town Manager

Department: Administration

Supervisor: Town Council

FLSA Status: Exempt

Prepared By: KRD

Prepared Date: 06/30/2018

Approved By:

Approved Date:

Summary

Chief Executive Officer of the Town who is responsible for the proper administration of the Town government. Manages and directs the organization toward its primary objectives, as defined by Town Council, by performing the following duties personally or through subordinate managers.

Position appointed by Town Council for an indefinite term and serves at the pleasure of the Town Council.

Essential Duties and Responsibilities include the following. Other duties may be assigned by Town Council.

- Performs duties as enumerated in the Berryville Charter and the Berryville Code.
- Exercises general control over Town departments and offices of the Town.
- Attends meetings of the Town Council with the right to speak but not to vote.
- Establishes current and long range objectives, plans, and policies in accordance with the directives of Town Council.
- Arranges for an annual audit by a certified public accountant pursuant to established purchasing policies and procedures.
- Dispenses advice, guidance, direction and authorization to carry out plans and procedures, consistent with established policies of the Town Council.
- With the Town Treasurer, oversees the adequacy and soundness of the Town's financial structure and reports same to Town Council. Advises Town Council on financial matters. Advises Town Council on future needs of Town.
- Reviews operating results of the organization, compares them to established objectives, and takes steps to ensure that appropriate measures are taken to correct unsatisfactory results.
- Establishes and maintains an effective system of communications throughout the organizations.
- Represents the Town and Town Council as necessary.
- With the Town Treasurer submits annual budget to the Town Council and is responsible for the administration of adopted budget.

- Perform other tasks as assigned by Town Council.

Supervisory Responsibilities

Manages five subordinate supervisors who supervise employees in the Administration Department, Planning and Community Development Department, Police Department, Public Works Department, and the Public Utilities Department. Is responsible for the overall direction, coordination, and evaluation of these units. Carries out supervisory responsibilities in accordance with the organization's policies and applicable laws. Responsibilities include interviewing, hiring, and training employees; planning, assigning, and directing work; appraising performance; rewarding and disciplining employees; addressing complaints and resolving problems.

Qualifications

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Education and/or Experience

Master's degree in Public Administration or related field from an accredited college or university and five years related experience and/or training; or equivalent combination of education and experience.

Language Skills

Ability to read, analyze, and interpret common professional and technical journals, financial reports, and legal documents. Ability to respond to common inquiries or complaints from Town Council, citizens, or regulatory agencies. Ability to write speeches and news releases for that conform to prescribed style and format. Ability to effectively present information Town Council, civic and citizens groups, and other public officials.

Mathematical Skills

Ability to work with mathematical concepts such as probability and statistical inference. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations.

Reasoning Ability

Ability to solve practical problems, collect data, establish facts, and draw valid conclusions. Ability to interpret an extensive variety of technical instructions in mathematical or diagram form and deal with several abstract and concrete variables.

Physical Demands

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this Job, the employee is frequently required to walk; sit and reach with hands and arms. The employee is regularly required to use hands to finger, handle, or feel. The

employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, color vision and ability to adjust focus.

Work Environment

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this Job, the employee is occasionally exposed to moving mechanical parts and outside weather conditions. The noise level in the work environment is usually moderate. When inspecting work, position may be exposed to a loud noise level.

Basis for evaluation of Candidate for Position

The Town Manager shall be chosen solely on the basis of his/her executive and administrative qualifications, with special reference to their actual experience in or knowledge of accepted practices in respect to the duties of the position.

Drug and Alcohol Testing

Position is subject to testing as provided under the Town of Berryville Drug and Alcohol Testing Policy.

This job description is not intended to be all inclusive and the employee will also perform other reasonably related duties as assigned by immediate supervisor and other management as required.

The Town of Berryville reserves the right to revise or change job duties and responsibilities as the need arises. This job description does not constitute a written or implied contract of employment.

Attachment 4

At its work session on July 2, the Council asked this committee to review Town Council Policies/Operating Procedures in order to organize and document said policies and procedures.

At the committee's meeting, staff will provide the documents that it believes meets the Council's needs. The Committee is asked to review the topic in general to confirm that all pertinent documents are included, determine whether any of the existing documents require revision, and whether additional policies and procedures should be recommended for adoption.