

**RESOLUTION APPROVING COMMUNICATIONS POLICY  
OF WILLIAMSON-TRAVIS COUNTIES MUNICIPAL UTILITY DISTRICT NO. 1**

RECITALS

WHEREAS, the Board of Directors (“Board”) of Williamson-Travis Counties Municipal Utility District No. 1 (the “District”) wishes to adopt a Communications Policy to guide the District, its Directors, consultants, contractors, employees and volunteers in connection with interaction with each other and the public; and

WHEREAS, the Board of the District previously adopted that certain Resolution Creating E-mail Policy to address concerns about the applicability of the Open Meetings Law and the Open Records Act (“Email Policy”); and


WHEREAS, the Board of the District has also previously adopted that certain Order Adopting Technology Use Policy to establish a technology use policy that prescribes certain policies, rules and procedures for the use and possession of technology and information of the District (“Technology Use Policy”); and

WHEREAS, the Board of the District wishes to incorporate into its Communications Policy the Email Policy and Technology Use Policy for ease of reference.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF WILLIAMSON-TRAVIS COUNTIES MUNICIPAL UTILITY DISTRICT NO. 1 THAT:

1. The Communications Policy attached hereto is hereby approved and adopted.
2. The attached Communications Policy supersedes and replaces the Email Policy and the Technology Use Policy in their entirety.

Adopted this 31<sup>st</sup> day of March, 2021.

By:   
President

ATTEST:

  
Secretary

(DISTRICT SEAL)

## COMMUNICATIONS POLICY OF WILLIAMSON-TRAVIS COUNTIES MUD NO. 1

### OVERVIEW

**Williamson-Travis Counties MUD No. 1 (the “District”) is looking to improve resident engagement, overall communication transparency, and offer District residents a host of digital and notification services. The Board of Directors of the District have determined a general communications policy was required to guide the District in best practices for public outreach along with legislative compliance.**

**A strong, unified policy for outbound and inbound communications helps add value to the District and fosters confidence and support in their residents moving forward. This policy is meant for the Board, as well as consultants, to serve as best practices for internal and external correspondence and posting to media outlets.**

**In adopting this Communications Policy, the Board has determined that communications decisions for the District be assigned to the Information Management Committee, empowered to handle communications items on behalf of the District and the Board. The Information Management Committee will consist of two members of the Board of Directors and shall be appointed by the President of the Board. The Board President may remove or replace any member of the Information Management Committee at any time.**

**Subject to the provisions of this Communications Policy, the Information Management Committee shall be authorized to initiate and respond to communications that relate to emergencies, events, factual statements that conform to Board-approved policies and actions, corrections to misstatements, issues of importance to the District and meetings. Such communications may be in the form of postings on the District’s website, emails, telephone conversations and social media postings so long as such communications comply with this Communications Policy. All such communications shall be shared with the full Board. The Information Management Committee is not authorized to provide opinions.**

**This Communications Policy shall replace the prior Technology Use and Email Policies of the District as provisions related to those prior policies are contained herein.**

**NOTWITHSTANDING ANY PROVISION HEREIN TO THE CONTRARY, THE COMMUNICATIONS POLICY IS NOT INTENDED TO AND SHALL NOT BE CONSTRUED TO ABRIDG, CURTAIL, IMPAIR, RESTRICT OR PROHIBIT AN INDIVIDUAL’S EXERCISE OF RIGHTS GRANTED UNDER THE FIRST AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES AND ARTICLE I SECTION 8 OF THE TEXAS CONSTITUTION.**

## **COMMUNICATIONS POLICY OF WILLIAMSON-TRAVIS COUNTIES MUD NO. 1**

### **WEBSITE COMPLIANCE**

**Common digital outreach often begins with a website. A website, like any other District-owned property, can add tremendous value to the District so long as it follows the rules and regulations and is properly maintained.**

**Texas law does not require special purpose districts create or maintain a website; however, once a special purpose district decides to do so, Texas law requires that the website contain certain content. In addition, a special purpose district that provides a billable service beyond levied taxes must include a link to the website in that bill.**

**As a result, the Board and its consultants must remain mindful of the circumstances that make updating necessary.**

### **GENERAL INFORMATION REQUIRED ON WEBSITE**

**Because the District maintains a website, the website must provide certain general information as required by Texas Government Code § 2051.152 and Texas Government Code § 551.1283(c). The website must provide:**

- contact information for the District, including a mailing address, telephone number, and e-mail address;
- each elected officer of the District;
- the date and location of the next election for Directors of the District;
- the requirements and deadline for filing for candidacy of each elected Director of the District, which shall be continuously posted for at least one year before the election day;
- each meeting notice (i.e., agenda); and,
- each record of a meeting, including minutes.

### **DISCLOSURES AND QUESTIONNAIRES RELATED TO CONFLICTS OF INTEREST**

**Additionally, the website must provide access to the conflict of interest statements and questionnaires required by Chapter 176 of the Texas Local Government Code. Specifically, if a local government entity enters into or is considering entering into a contract for the sale or purchase of real property, goods, or services with a vendor, an officer of that local government entity is required to file a Conflicts Disclosure Statement if the officer has a specified relationship with that vendor. In the case of special purpose districts, all Board members are "officers." Similarly, a vendor contracting or seeking to contract with a local government entity must also file a Conflict of Interest Questionnaire in the same circumstances that a local government entity would need to file a Conflicts Disclosure Statement.**

## UTILITY CONSUMPTION

Texas Government Code § 2265.001 requires a governmental entity that is responsible for electric, water, or natural gas utility payments to report the entity's metered amount used for each utility and the aggregate costs for those utilities. For most special purpose districts, electricity is the only utility used and paid for.

The posting requirement of the statute reads as follows: "The governmental entity shall report the recorded information on a publicly accessible Internet website with an interface designed for ease of navigation if available, or at another publicly accessible location." The intent of the drafter of this statute may have been to require governmental entities to post this information to their website if one exists, which is how similar statutes have been drafted. However, the statute's plain language seems to permit posting to any other public place as an alternative, regardless of whether the entity maintains a website. To err on the side of caution, if a special purpose district maintains a website, this information should be posted to the website.

The statute provides no direction as to how frequently this information must be posted or how long it must remain posted. Consequently, this information should be retained in accordance with the retention policy created by the Board (as is discussed above with regard to conflict disclosures and questionnaires) and should be posted within a reasonable time of it becoming available to the District.

## LANDOWNER'S BILL OF RIGHTS

All entities with the power of eminent domain, including special purpose districts, must make available on their websites the Landowner's Bill of Rights so long it is "technologically feasible" to do so. Posting this information is not difficult and should always be feasible for an entity that is already operating a website. This posting must be in an easily readable font type and font size, but there is no requirement that it be in any particular location on the website.

The current Landowner's Bill of Rights can be accessed at [https://www.oag.state.tx.us/agency/landowners\\_billofrights.pdf](https://www.oag.state.tx.us/agency/landowners_billofrights.pdf). Because the Texas Attorney General may amend the Landowner's Bill of Rights, it would be wise to both include a copy of the document on the District's website and provide a link to the Texas Attorney General's Landowner's Bill of Rights page at <https://www.oag.state.tx.us/agency/landowners.shtml>.

## PUBLIC PRIVATE PARTNERSHIP STATUTE

A special purpose district can, but is not required to, adopt the alternative construction procurement procedures set forth in Texas Government Code § 2267. If a special purpose district adopts these procedures and accepts a contractor proposal submitted pursuant to the procedures, the special purpose district must within 10 days of accepting the proposal,

**either: (i) post a copy of the proposal on its website; or (ii) publish in an area newspaper a summary of the proposal and the location where copies of the proposal are available for public inspection.**

#### POSTING OF ORDER CALLING BOND ELECTION AND RELATED PROPOSITION

**Pursuant to Texas Election Code § 4.003(f), if a special purpose district calls a bond election, it must prominently post the order calling bond election on its website (if it has a website) during the 21 days prior to such election. As discussed below, this information must be posted in English, Spanish, and other languages as required by the precinct.**

#### DISTRICT ELECTIONS

**All election notices under Texas Election Code § 85.007 (notices regarding early voting by personal appearance) must also be posted on the special purpose district's website, if the special purpose district maintains a website. Further, as previously noted, each special purpose district with a website must post the date and location of the next election for officers of the special purpose district, and the requirements and deadline for filing for candidacy of each elected office of the special purpose district, which shall be continuously posted for at least one year before the election day. In addition, for a bond election, any sample ballot prepared for the election must be posted on the special purpose district's website, if the special purpose district maintains a website, during the 21-day posting period.**

#### MESSAGE BOARDS

**Texas Government Code § 551.006 permits governmental bodies to discuss official business through the use of certain internet message boards owned or controlled by such bodies without being subject to the requirements of the Texas Open Meetings Act. The Texas Open Meetings Act (Chapter 551 of the Texas Government Code) does not require that a message board be created. However, when a special purpose district creates a message board pursuant to the Act, the website's home page must either contain the message board or the message board must be no more than one click away from the home page. Such message boards are also subject to further conditions, which should be addressed in a separate memorandum when and if the Board decides to create such a message board.**

#### FINANCIAL INFORMATION

**Pursuant to Texas Local Government Code § 140.008(b), a political subdivision is required to compile a report containing certain financial information as set out therein. The political subdivision must then either: (1) make the report available for inspection by any person, post the report on the political subdivision's website if the political subdivision maintains a website, and continuously post on its website the contact information for the main office of the political subdivision, including the physical address,**

the mailing address, the main telephone number, and an e-mail address; or (2) provide the report along with other information as directed to the Texas Comptroller of Public Accounts which will then post the information on its website, after which the political subdivision must post on its own website a link to the report on the Comptroller's website. A special purpose district, however, will be considered in compliance with the provisions of Texas Local Government Code § 140.008(b)-(f) noted above if the special purpose district complies with the requirements of Subchapter G, Chapter 49 of the Texas Water Code regarding audit reports, affidavits of financial dormancy, and annual financial reports, and submits these documents to the Comptroller of Public Accounts pursuant to Texas Local Government Code § 140.008(g).

## COMPLIANCE WITH FEDERAL LAW

### AMERICANS WITH DISABILITIES ACT

The Americans with Disabilities Act (the "ADA") states that no "qualified individual with a disability" shall, by reason of such disability, be excluded from participation in or be denied the benefits of services, programs, or activities of a public entity. Disabled individuals also may not be subjected to discrimination by a public entity.

A poorly designed website that fails to provide access to the disabled could be considered discrimination or a denial of benefits of or participation in a government service, and consequently, a violation of the ADA. Thus, government websites should be designed so that they are accessible to the disabled. This is especially true because making a website accessible is not difficult. The District of Justice's website gives a number of accessibility tips that, if followed, should make any website ADA compliant:

- **Add a text equivalent for images and videos**
  - When hovering over an image, there should be an "alt tag" or "long description" that describes the image for the visually impaired
  - Where appropriate, provide text or audio descriptions to portions of videos that contain images to ensure that such videos are accessible to the visually impaired
- **Post text-based formats in addition to .pdf**
  - Formats such as .doc and .rtf are more likely to be compatible with assistive programs than .pdf
- **Close caption all audio that appears on the website for the hearing impaired**
- **Choose easily readable default font types and sizes and do not force these settings on the user**
  - The website also should not prevent users from changing the website's font to a format that works best for the user

## FEDERAL SECURITIES LAWS

The anti-fraud provisions of federal securities laws apply to information on the Internet. There is a duty to make sure that the disclosed information is not materially false or misleading. The best practice is to not include financial information relevant to a special purpose district's bonds or the security of the bonds on the website. However, if financial information is included, it must be preapproved by the special purpose district's attorney. In addition, special purpose districts should include most the recent information; date the information; and continually monitor and update the information. The website should also require that users click through the attached legal notices and disclaimers prior to opening the special purpose district's home page. Finally, a special purpose district should carefully consider whether to include hyperlinks on the website, as it could be liable for third party information provided through such hyperlinks, regardless of whether the information is outside of the special purpose district's control.

## VOTING RIGHTS ACT

The federal Voting Rights Act and Texas Election Code, Chapter 272, require that multilingual election materials be used in elections conducted in Texas. The term "voting materials" means registration or voting notices, forms, instructions, assistance, or other materials or information relating to the electoral process, including ballots. 42 U.S.C.A. Sec.1973aa-1a (b)(3).

As discussed above, if a special purpose district maintains a website, the special purpose district is legally required to post on its website:

- the date and location of the next election for officers of the special purpose district;
- the requirements and deadline for filing for candidacy of each elected office;
- any election notices, including, the bond election order; and,
- for a bond election, any sample ballot prepared for the election. If a special purpose district posts anything else pertaining to an election on its website, such additional items must also be printed in English, Spanish, and other languages as required by the precinct.

## OTHER CONSIDERATIONS

### ITEMS TO AVOID

#### **Political Advertising**

Texas Election Code § 255.003(a) prohibits an officer or employee of a political subdivision from knowingly spending public funds for political advertising. Again, special purpose district Board members are "officers." Violation of this statute is a Class A misdemeanor. Texas Election Code § 251.001(16) defines political advertising to include a communication that appears on a website that supports or opposes a:

- candidate for nomination or election to a public office;
- candidate for nomination or election to an office of a political party;
- political party;
- public officer; or
- measure (for example, a proposition to authorize a maintenance tax or bonds).

Texas Election Code § 255.003(b) clarifies that political advertising does not include website content that merely factually describes the purposes of a measure. However, a factual communication becomes political advertising if it advocates. Because political advertising can be something of a gray area and there is potential for criminal liability, the Board should consult counsel before posting any item that could be considered political advertising.

### **Advertising**

Whether to allow advertising on a governmental website is a topic of debate for larger government entities. However, for a small entity such as a special purpose district, advertising is not advisable. Because of the relatively limited web traffic, the cost of maintaining a website is insignificant. Thus, advertising is generally not necessary to defray costs. Similarly, any income derived from advertising would be nominal.

More importantly, the income from advertising is likely overridden by its potential problems. Advertising may increase the risk of litigation. Entities that are denied the right to advertise could sue the District under First Amendment theories (see public forum discussion below). Members of the public may also seek to hold the District liable for advertisements that cause a user to be scammed, to contract a virus, or to be harmed in any way. Advertising can also create the appearance of preferential treatment for advertisers in some situations.

If the District decides to allow advertising, it should create a policy for the types of advertisements that it will not accept and should strictly follow such policy. The District should avoid arbitrary denials of advertisements. It should also clearly disclaim all responsibility for the content of advertisements.

### **Public Forums**

A public forum is an area designated by the government that is open to public expression and assembly. Governments have little control over the content displayed in an area that is considered, from a legal standpoint, to be a public forum. Thus, any appearance that the website (or a portion thereof) is a public forum will make it more difficult to fully control the website's content.



To ensure full control over the District's website, the District should not allow the public to provide content (*i.e.* bulletin boards or comments sections). Despite their ability to make the Board more accessible, such areas are likely to be considered public forums. Thus, if users post objectionable content in these areas, the District may not have the ability to legally remove or censor such content.

As an alternative, the Board can make itself more accessible through the website by creating a comment form that will send the Board an email, rather than posting directly to the website. The Board may also post its email address or other contact information, provided that it is comfortable with releasing such information.

Links to commercial websites have also generated litigation. Business owners often take issue when local government websites link to other businesses but refuse to link to their business. In such situations, litigious business owners have sued, arguing that the posting of links to other business created a public forum and the governmental entity, therefore, had no ability to deny posting a link to the business. Consequently, most government websites stay away from linking to businesses. Instead, most government websites will only provide links to other government websites (*i.e.* the Texas Commission on Environmental Quality) and to non-profits related to the entity (*i.e.* Association of Water Board Directors).

#### POTENTIAL ITEMS TO INCLUDE

Most special purpose district websites are designed to keep the public informed and provide other helpful information related to its operations. To that end, many special purpose district websites will contain the following (though none are required):

- Contact information for the consultants and, if the Board member has not elected to keep such information private, for such Board member
- Information on parks and recreation
- Newsletters
- Online bill pay | Online tax payments
  - The Board should note that online bill pay is not mandatory, the special purpose district is not profiting from online bill pay, and any fees charged are imposed pursuant to Texas Water Code § 49.2121 that allows the special purpose district to collect a fee that is reasonably related to the expense incurred by the special purpose district in processing the payment by credit card, and collect a service charge for dishonored payments.
  - The special purpose district should make it clear that online bill pay is provided as a convenience only, and the customer is still responsible for ensuring payment is timely received by the special purpose district. Sometimes, customers will make a payment via credit card online or at a

grocery store on the last day to pay, but the payment will not clear the special purpose district's account until the next day. In that situation, the customer's payment is late and subject to all District remedies provided in the Rate Order. The same applies to online tax payments.

- The special purpose district may also consider adding a link to the Operator's and/or Tax Assessor's existing webpage that accepts credit card payments from customers.
- **Notices of service changes or additions**
  - For example, changes in garbage pickup days or the addition of recycling pickup
- **Rate Order, Drought Contingency Plan, and tax information**
- **Security information**
  - For example, crime notices and police contact information
- **Water conservation tips**
- **Disclaimers**
  - Use of website is at the user's risk
  - Relying on the website for bond investment is not allowed
    - Information on the website is not guaranteed to be accurate and up to date; see attached
- **Frequently Asked Questions**

## MAINTENANCE

Careful consideration must be given to which consultant will be responsible for maintaining and updating information on the website. It is recommended that all information to be posted be provided to only one entity in order to monitor and control content and that said entity have sole access to the website for purposes of adding, deleting or amending the information subject to approval of the Information Management Committee. The Board shall designate such consultant.

## MEETING NOTICES

As noted above, special purpose districts that maintain a website must post all notices of meeting on its website. In addition, pursuant to Texas Local Government Code §§ 551.053 and 551.054, a special purpose district may post notice of a meeting on its website in lieu of providing notice to the county clerk of the county in which the special purpose district or special purpose district's administrative office is located. The decision to post meeting notices on the special purpose district's website in lieu of posting with the county clerk shall be made by the Board and carefully administered in order to ensure full compliance with the Texas Open Meetings Act.

## REFERRING TO THE WEBSITE FOR PURPOSES OF AN OPEN RECORDS REQUEST

**Pursuant to Texas Local Government Code § 552.221, an officer for public information for a governmental body (including special purpose districts) may refer a requestor under the Texas Public Information Act (Chapter 552 of the Texas Government Code) to an exact internet location or URL address on a website maintained by the political subdivision and accessible to the public if the requested information is identifiable and readily available on the website. If the requestor does not prefer to view the information online, he or she is still entitled to review the information by inspection and/or duplication or by receiving copies as outlined in Texas Government Code § 552.221(b). If the internet location or URL is provided by e-mail to the requestor, the e-mail must contain a statement in a conspicuous font clearly indicating that the requestor may nonetheless access the requested information by inspection or duplication or by receipt through United States mail, as provided by Texas Government Code § 552.221(b).**

## DEFINITIONS

### **Harassing Speech and Communications**

**Unwelcome, intolerant, hostile, or joking speech that is made based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. This speech includes but is not limited to speech that threatens violence or harm directed toward any person or group; encourages others to commit violence or harm toward any person or group; or threatens to or encourages others to withhold public safety services from any person or group. Harassing Communications include those communications initiated with intent to harass, annoy, alarm, abuse, torment, or embarrass another person.**

### **Images**

**Images include photographs, digital photographs, digital images, video recordings, or electronic files containing a graphic image or series of images, as well as any physical or digital reproduction or copies of digital photographs, digital images, video recordings, or files.**

### **Personnel**

**Includes Board members, consultants, employees, and/or volunteers for the District.**

### **Social Media**

**The collective of online communication channels dedicated to community-based input, interaction, content-sharing, and collaboration. Websites and applications dedicated to forums, blogging, social networking, professional networking, and wikis are among the different types of social media. Some specific examples include Facebook, Twitter,**

**YouTube, Instagram, LinkedIn, Reddit, and Snapchat. (As there are thousands of these types of sites, this is only a shortlist.)**

### **Speech**

**Expression or communication in writing, images, video, or any related forms.**

### **Spokesperson**

**An employee/member who makes a statement on behalf of the District, in his/her capacity as an employee or member of the District, or in such a way that it may reasonably be attributed to the District as opposed to making the statement as a private citizen.**

## COMMUNICATION WITH THE PUBLIC

### **Section 1: General Communication Guidelines:**

**The rules and guidelines in this section apply to all forms of communication between District personnel and the public, including emails, text, and other written communication; phone calls, social media, video conferencing (e.g., Zoom), and other online/digital communication; and any in-person communication.**

1. Personnel shall assume that any and all communication with the public will reflect upon their position with the District and upon the District itself. All personnel shall maintain a level of professionalism in both on-duty and off-duty conduct.
2. Personnel have an affirmative obligation to avoid being perceived as a spokesperson for the District, except when duly authorized.
3. Non-Directors shall not publish any statement, comment, image, or information that is adverse to the prior decisions of the Board, or the operation, morale, or efficiency of the District.
4. Personnel shall respect and uphold the decisions, actions, and policies that have been duly approved through a majority vote of the Board of Directors. Personnel shall not make statements that seek to undermine Board decisions or that will advise or coach persons on how to take action that is adverse to the District as such statements may cause liability to the District. This provision shall not restrict personnel from making such statements in connection with claims or causes of actions that they may have pending against the District. This provision shall not apply to Directors seeking to change prior decisions, actions and policies of the Board.
5. Personnel shall not engage in speech or any activity that is false, harassing, bullying, intimidating, deceptive, libelous, slanderous, misleading, obscene or sexually explicit.
6. Personnel shall not communicate to the public District information that is protected or confidential.
7. Personnel are prohibited from contacting persons involved in any dispute with the District or subject to active deed restriction enforcement by the District, to discuss such matters, unless such contact is approved by the Board.

8. Personnel shall not organize or host, organize, or conduct any public meetings, events, or projects that may be misinterpreted by the public to be sponsored or authorized by the District without Board approval.
9. Personnel shall not initiate harassing communications with the public or other personnel.
10. Personnel shall not seek to circumvent this Communication Policy by coaching or directing members of the public to act on their behalf in a manner that violates the rules and guidelines of this Policy.

## Section 2: Personal Use of Social Media

**In addition to the guidelines in Section 1: General Communication Guidelines, which apply to all forms of communication, personnel using their own social media accounts must also adhere to the following rules and guidelines:**

1. Keep the “headline test” in mind when posting content or pictures to social media sites: If it is not something you would feel comfortable seeing in the media, or being seen by coworkers, supervisors, administration, or members of the public, do not post it.
2. Personnel shall not conduct private business while on District sites or pages and never while on duty.
3. Personnel should be mindful about disclosing or alluding to their status as a member of the District on their personal social media accounts. Divulging identifying information or pictures on social media may provide an opportunity for someone to use that information to undermine a member’s personal or professional credibility or that of the District.
4. If Personnel utilize their own social media account to disseminate District information that is of interest to residents, such posts should, whenever possible, include a link back to the District's official website to ensure the message is being consistently communicated.
5. The District logo shall not be used on social media or the internet for non-District purposes.
6. Personnel should not use their District email addresses on their personal social media accounts.
7. Personnel currently using social media must ensure that all of their personal social media pages, sites, and outlets are reviewed and in compliance with the regulations outlined in this policy. To the extent personnel are unsure of compliance, they should consult the District’s attorneys.

## Section 3: District Use of Social Media

**In addition to the guidelines in Section 1: General Communication Guidelines, which apply to all forms of communication, personnel authorized to manage any District social media accounts must also adhere to the following rules and guidelines:**

1. District representation via online social media platforms can only be initiated and authorized through the efforts of Information Management Committee or the Board. There can be no official or unofficial District sites or pages unless they are developed or authorized by the Information Management Committee or the Board. Personnel with ideas for potential uses of social media should submit them to the Information Management Committee or present them at a Board meeting.

2. Personnel designated to represent the District on social media outlets shall conduct themselves at all times as representatives of the District. Accordingly, personnel shall observe professional courtesies and District standards of conduct in their activities on these sites. All postings shall be factual, accurate, complete, and within their area of expertise.
3. Personnel shall use appropriate grammar and style when posting and should strive for accuracy in their communications. If an error is made in a posting, correct it as soon as practicable.
4. Social media sites should generally include an introductory statement that specifies the purpose and scope of the District's presence on the website. The page should also link to the District's official website, if possible.
5. To the extent practicable, social media sites maintained by the District shall clearly indicate:
  - A. That the opinions expressed by visitors to the page(s) do not reflect the opinions of the District.
  - B. That posted comments will be monitored and that the District reserves the right to remove obscenities, off-topic comments, and personal attacks.
  - C. That they are maintained by the District and shall have our logo and contact information prominently displayed.
  - D. That any content posted or submitted for posting is subject to public disclosure.
6. **Personnel shall understand that all social media content is subject to open/public records laws, and shall adhere to all applicable laws, regulations, and policies, including the records management and retention requirements set by law and regulation. Content must be managed, stored, and retrieved to comply with open records laws and e-discovery laws and policies.**
7. **Personnel shall observe and abide by all copyright, trademark, and service mark restrictions in posting materials to social media.**

#### **Section 4: Social Media Use and Privacy:**

**Social media and Internet use should not be considered private nor anonymous. Activities and statements made on social media sites are done in an online domain where users have no reasonable expectation of privacy. Even if the user has created "private" or "limited access" accounts or has customized privacy settings, any statements, photographs, video clips, or information that are sent over the Internet may still be viewed and disseminated by third parties, even after the content has been edited or deleted by the user. Even the strongest privacy settings cannot prevent an approved friend or authorized recipient from independently choosing to forward or repost the information.**

**Personnel should also be aware that privacy settings and social media sites are constantly changing, and they should never assume that personal information posted on such sites is protected.**

As such, personnel should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the District at any time without prior notice.

#### **Section 5: Important Notices**

**NOTWITHSTANDING ANY PROVISION HEREIN TO THE CONTRARY, THE COMMUNICATIONS POLICY IS NOT INTENDED TO AND SHALL NOT BE CONSTRUED TO ABRIDG, CURTAIL, IMPAIR, RESTRICT OR PROHIBIT AN INDIVIDUAL'S EXERCISE OF RIGHTS GRANTED UNDER THE FIRST AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES AND ARTICLE I SECTION 8 OF THE TEXAS CONSTITUTION.**

Please note that nothing in this Communication Policy is meant to limit or restrain non-supervisory employees from discussing their terms and conditions of employment or to otherwise act in furtherance of their Section 7 rights under the National Labor Relations Act (NLRA).

#### **Section 6: Privacy and Open Records**

Personnel shall have no expectation of privacy for any communication or information sent or received via the District's computers, network, or wireless Internet connections. Directors, officers and employees of the District should consider that any e-mail or texts that they send or receive, concerning the District issues, will, except in limited circumstances, be available to the press and the public pursuant to the Open Records Law. This means that any e-mail or text that they send or receive may later be published in the newspaper. E-mails and texts should be composed with this in mind.

#### **COMMUNICATION BETWEEN PERSONNEL**

The rules and guidelines in this section apply to all forms of communication between District personnel, including emails, text, and other written communication; phone calls, social media, video conferencing (e.g., Zoom), and other online/digital communication; and any in-person communication.

- 1. If a director expects to engage in discussion of any District issue with another director, whether in writing or verbally, he or she must engage only one other director, so as to avoid discussion amongst a quorum of directors. When the director has discussed the matter with another director, he or she may not discuss it with another director, except at a properly noticed open meeting.**

2. If a director wants to convey information to more than one other director, he or she may do so, provided the communication provides information, not opinion or advice, and provided there is no response from the other directors, except to acknowledge receipt.
3. Personnel shall assume that any and all communication between themselves and other District personnel will reflect upon their position with the District and upon the District itself. All personnel shall maintain a level of professionalism both on-duty and off-duty.
4. In communicating with other personnel, personnel shall not engage in speech or other activity that is false, harassing, bullying, intimidating, deceptive, libelous, slanderous, misleading, obscene or sexually explicit.

### **CONDUCT AT BOARD MEETINGS**

Personnel shall conduct themselves in a professional and respectful manner at all Board meetings. Any disagreements should be expressed in a professional and respectful manner so as to provide for an orderly meeting. Personnel shall refrain from interrupting other speakers; making personal comments not germane to the business at hand and posted on the agenda, or otherwise interfere with the orderly conduct of meetings. Personnel shall refrain from abusive conduct, shouting, argumentative/aggressive behavior, personal charges, or verbal attacks upon the character or motives of other personnel or members of the general public. The President shall be responsible for maintaining order and decorum at meetings.

Personnel shall not engage in speech that is false, harassing, bullying, intimidating, deceptive, libelous, slanderous, misleading, obscene or sexually explicit.

Personnel shall refrain from identifying a resident by name or exact address during a meeting unless absolutely necessary to the matter being considered. Likewise, personnel should refrain from discussing a resident's financial, family or health issues unless absolutely necessary to the matter being considered.

### **Technology Use Policy**

This Technology Use Policy ("Policy") shall apply to: (1) all computers, tablets, servers and other technological hardware, software, and network infrastructure owned, maintained, leased or operated by the District including its internal network, portals, cloud-based information storage accounts, and other network and online resources ("District Technology"); and (2) any information stored on or within District Technology ("Stored Information"). Any person accessing, using or possessing District Technology, or any portion thereof (a "User"), shall at all times comply with this Policy.

1. **Access to District Technology and Stored Information.** Access to District Technology and Stored Information may be made available only by the General Manager of the District or authorization of the Board of Directors of the District (the "Board"). Access shall be made available to members of the Board and consultants of the District



for uses related solely to the official business of the District and in accordance with this Policy and applicable law. Unauthorized access of District Technology or Stored Information, including without limitation any access or use in violation of this Policy, is expressly prohibited and may be subject to prosecution under Chapter 33 of the Texas Penal Code.

2. **User Accounts and Credentials.** If a User is assigned an individual account for hardware, internet access, e-mail, information storage accounts or any other District Technology or Stored Information, the User is responsible for protection of such account information and credentials. Any changes to account information and credentials, including passwords, will must be provided to the General Manager of the District within 24 hours of being made. The following actions are expressly prohibited: (a) sharing of account information, credentials, and passwords; (b) use of another person's account information, credentials, or passwords; (c) pretending to be another person when accessing District Technology, uploading or downloading information, modifying information contained on or within District Technology, transmitting messages, or receiving messages; and (d) use of District Technology or any User account without express authorization.

3. **Permitted and Prohibited Use.** District Technology and Stored Information are to be used for official business of the District. Other uses of District Technology or Stored Information, including without limitation personal use, use for campaign purposes, use in violation of this Policy, or use in violation of any law, are expressly prohibited. Users will be held responsible at all times for access to and proper use of District Technology and Stored Information, and the Oversight of the posting of materials on District Technology will be the responsibility of the General Manager of the District or a designee thereof.

4. **Property of District.** District Technology and Stored Information is property of the District. All information uploaded to, downloaded from, placed on, or removed from any system or device constituting District Technology is considered to be property of the District, and may be subject to disclosure under the Texas Public Information Act. The General Manager of the District will maintain administrative control of District Technology and Stored Information. Any unauthorized attempt to access, delete, copy, modify or otherwise interfere with such information is expressly prohibited.

5. **Protection of Sensitive Information.** Users must take care to maintain the confidentiality of Stored Information that constitutes confidential or legally privileged information, health or personal information concerning District personnel (to the extent applicable), or personal identification information of all customers of the District and any other persons (collectively "Sensitive Information"). The transmittal of Sensitive Information to an unauthorized recipient, the provision of unauthorized access to Sensitive Information, or otherwise unauthorized disclosure of Sensitive Information, is expressly prohibited.

6. **Theft or Damage.** Any User to whom District Technology has been issued is responsible for the safekeeping of such District Technology, and any damage to the District Technology will be for the account of the User to whom the District Technology has been issued. The following actions are expressly prohibited: (a) unauthorized removal or theft of District Technology or Stored Information; (b) knowingly or intentionally

damaging, disfiguring, altering or tampering with District Technology; (c) knowingly or intentionally introducing a computer virus to District Technology or Stored Information, or the failure to take reasonable care to prevent introduction of a computer virus; and (d) knowingly or intentionally attempting to harm, destroy, compromise, degrade or disrupt District Technology or Stored Information.

7. **Copyrighted Materials.** Copyrighted software or material may not be uploaded to, downloaded from, placed on, or removed from any device or system constituting District Technology without permission from the holder of the copyright or the District, as applicable. The unlicensed use of copyrighted materials, or the alteration of copyrighted materials installed by the District, is expressly prohibited. Only the General Manager of the District or a designee may upload copyrighted material to District Technology.

8. **Prohibited Materials.** The uploading, downloading, posting, transmitting, or the use of District Technology to access materials or information that are abusive, obscene, vulgar, threatening, harassing, damaging to another's reputation, or illegal is expressly prohibited.

9. **Compliance with Laws and Policies.** All Users must comply with the District's record management policy, the Texas Open Meetings Act, the Public Information Act, and applicable election and campaign laws, as related to any use of District Technology or Stored Information. Users are advised that Stored Information, and any information contained on or within a device constituting District Technology, may be subject to disclosure under the Texas Public Information Act.

10. **Consequences of Failure to Comply with Policy.** Noncompliance with Policy will result in: (a) suspension of access to District Technology; (b) revocation of District Technology and applicable accounts and credentials; and (c) such further disciplinary action as is determined to be appropriate by the Board, including without limitation the imposition of civil penalties and the recovery of Restoration Costs as set forth in the District's duly adopted rules and regulations. Violations of law may result in criminal prosecutions or civil proceedings.

11. **Disclaimer.** The District is not responsible and shall not be liable for the inappropriate use of District Technology or Stored Information by any User or other person, violations of copyright restrictions, a User's mistakes or negligence, or costs incurred by users. The District is not responsible for ensuring the accuracy or usability of any Stored Information.

## **ENFORCEMENT OF COMMUNICATIONS POLICY**

Violations of this Communications Policy should be reported to the President of the Board unless the alleged violation is committed by the President of the Board. In such cases the violation should be reported to the District's Attorneys. Reports of violations may be brought by District personnel or members of the public.

Upon receipt of an alleged violation of this Communications Policy, the allegation will first be reviewed by the District's attorneys for a determination as to whether, if assumed

true, the allegation would constitute a violation of this Communications Policy. If it does not, the person claiming the violation will be notified by the District's attorneys that no violation has been asserted and the matter will not be considered further. If the District's attorneys determine that the allegation, if true would claim a violation of this Communications Policy, the matter will be placed on the next available Board Meeting agenda for consideration and the substance of the alleged violation, the identity of the person reporting the violation and any evidence supporting the allegation shall be provided to the person accused of violating this Communications Policy at least 72 hours prior to the meeting at which it will be considered. At such meeting the alleged violation will be discussed along with any evidence demonstrating a violation and the person accused of the violation shall be entitled to present any evidence or argument in their defense. The Board will then decide if a violation occurred.

If the Board decides that a violation of this Communications Policy has occurred, the Board, through majority vote, may impose one or more of the following sanctions:

If the person is a Director:

1. The person may be removed from one or more committees.
2. The Board may consider an election of officers and vote to remove the person from an officer position, although the person will still continue to serve as a Director.
3. The Board may prohibit interaction by such person with one or more District consultants or contractors outside of Board meetings if the violations involved contact or interaction with such consultants or contractors and advise such consultants or contractors that they should not respond to such persons outside of Board meetings.
4. The Board may authorize the District's Attorney to investigate or initiate possible legal action against such person.
5. The Board may instruct the District's Attorney to the report the action to law enforcement if it appears that a crime may have been committed.

If the person is not a Director:

1. The Board may request that such person be assigned to duties that will prevent that person from violating this Communications Policy in the future or seek to terminate the contract with the contractor or consultant employing such person.
2. The Board may authorize the District's Attorney to investigate or initiate possible legal action to recover any damages and to prevent future violations by such person.
3. The Board may instruct the District's Attorney to the report the action to law enforcement if it appears that a crime may have been committed.