

The first follower is actually an underestimated form of leadership in itself.

It takes guts to stand out like that.

The first follower is what transforms a lone nut into a leader.

-Derek Siver, How to start a movement





Disagree Better + The Dignity Index

How do you handle conflict in your community? ULCT is collaborating with Governor Spencer Cox's [Disagree Better Initiative](#) and the [Dignity Index](#) to provide tools and resources for municipalities across Utah to help disagree better and foster an ethic of dignity in our communities.

Resolutions & Codes of Conduct

ULCT Membership Resolution

ULCT membership voted to adopt policy resolution "Dignity and Civility in Local Politics" ([2023-01](#)) at the 2023 Annual Convention. The Resolution called for the following:

- **Disagree Better:** We strive to disagree better in order to facilitate difficult conversations, resolve conflicts, and build consensus to solve our policy challenges.
- **Code of Conduct:** We suggest that municipalities consider adopting a code of conduct that sets expectations for elected officials' behavior during public meetings, social media interactions, and other forums where political discussions take place. The code of conduct could also apply to how members of the public interact in public meetings.
- **Training and Education:** We promote resources for elected officials, staff, and community members on effective communication, conflict resolution, and strategies to promote dignity in political discussions.
- **Dignified Dialogue:** We encourage all elected officials and stakeholders to prioritize dignified dialogue over divisive language and to actively listen to different perspectives in order to solve policy problems.
- **Public Awareness Campaign:** We support initiatives that raise public awareness about the importance of dignity and civility in local politics, emphasizing the need for collaborative problem-solving and the rejection of divisive rhetoric.
- **Recognize Positive Role Models:** We acknowledge and celebrate local leaders who exemplify the values of dignity, civility, and "disagreeing better" in their political interactions.

ULCT Board of Directors Code of Conduct

Toolkit for your own Dignity Resolution or Code of Conduct

You can adopt your own Code of Conduct to Disagree Better and support the Dignity Index. If you need help, you can use [this toolkit](#) to get started.





SOCIAL MEDIA
& THE FIRST
AMENDMENT

Jayne Blakesley
HAYES GODFREY BELL, P.C.

U.S. Supreme Court (March 15, 2024)

Lindke v. Freed

- City Manager
- Created private Facebook profile (later converted to public page)
- “Daddy to Lucy. Husband to Jessie and City Manager ...”
- Posted prolifically (and primarily) about personal life
- Also posted information related to job:
 - Highlighting city communication; and
 - Soliciting feedback from the public

Ratcliff v. Garnier

- School District Trustees
- Created campaign Facebook page and Twitter handle
- Continued to use after elected for School District-related content:
 - Board meeting recaps;
 - Application solicitations;
 - Budget plans and surveys; and
 - Public safety updates

U.S. Supreme Court

(March 15, 2024)

Lindke v. Freed

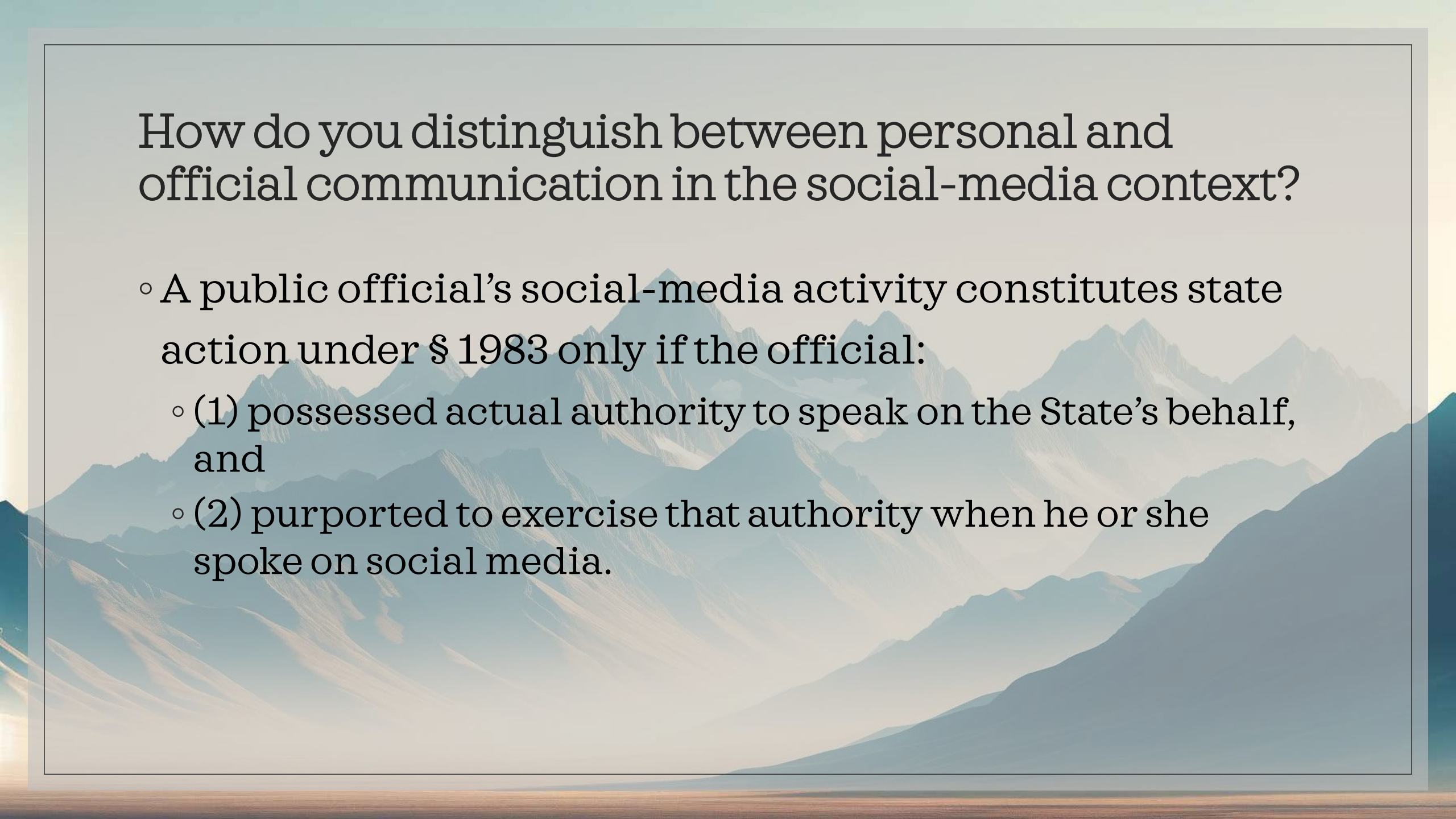
- Lindke commented on Freed's posts – always expressing displeasure with city actions
- Freed deleted Lindke's comments and blocked him from commenting further

O'Connor-Ratcliff v. Garnier

- Garnier posted lengthy and repetitive comments on O'Connor-Ratcliff's social media posts.
- O'Connor-Ratcliff initially deleted comments, and then blocked Garnier from commenting altogether.

42 U.S.C. § 1983

- Section 1983 provides a cause of action against “[e]very person who, *under color of any statute, ordinance, regulation, custom, or usage, of any State,*” deprives someone of a federal constitutional or statutory right.



How do you distinguish between personal and official communication in the social-media context?

- A public official's social-media activity constitutes state action under § 1983 only if the official:
 - (1) possessed actual authority to speak on the State's behalf, and
 - (2) purported to exercise that authority when he or she spoke on social media.

SO, ... DID THE ACTIONS OF FREED AND O'CONNOR RATCLIFF VIOLATE § 1983?

- We don't know yet.
- The U.S. Supreme Court answers questions. It rarely decides matters.
- In both matters, the court vacated judgment and remanded to the circuit courts.

SOCIAL MEDIA BEST PRACTICES



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Legal Status:

Official social media accounts of elected officials are deemed public forums by courts, enjoying robust free speech protections.

First Amendment:

If public officials use social media accounts in a private capacity, they retain the right to control their audience and content.

Supreme Court Test:

While the Supreme Court's test is informative, application varies greatly depending on the particular facts and circumstances of each case.



KNOW YOUR RIGHTS: SOCIAL MEDIA



PERSONAL SOCIAL MEDIA ACCOUNTS

Share Personal Content:

Regularly post personal and human interest-style content to keep your audience engaged.

Avoid Official Announcements:

Steer clear of announcing official duties or actions on your personal account.

Limit Policy Engagement:

Refrain from seeking public input on legislation, support, or appointments through your profile.

Curate Official Content:

Share updates from official government accounts to disseminate accurate information.

Include a Disclaimer:

Add a disclaimer to clarify the personal nature of your account.

PERSONAL SOCIAL MEDIA ACCOUNTS

Personal Disclosures

This is the personal page of [insert name]. The views expressed here are my own and do not constitute official public comment.

Welcome to my personal space! The thoughts shared here are solely mine and do not represent official statements or endorsements on behalf of [municipality].

You've reached my personal social media account. Opinions shared are personal and not reflective of any official stance or position related to my elected position.

OFFICIAL SOCIAL MEDIA ACCOUNTS



Public Forum:

Blocking users or comments could be seen as impeding future speech.

Link to Official Accounts:

Ensure credibility by linking to official agency accounts for verified information.

Due Process:

Maintain fairness by following due process when moderating speech.

Copyright Compliance:

Avoid copyright issues by obtaining proper permission or attribution.

Transparency and Policy:

Publicly post a declaration and comment policy.

Communications posted on my social media pages are my personal opinion. I encourage the public to comment. Comments should be relevant to the topic at hand and participants must treat each other with respect.

I reserve the right to delete comments that contain the following:

- Profanity;
- Sexually suggestive or harassing content;
- Threats of physical or bodily harm;
- Disparaging language or hate speech targeting an individual's race, color, religious creed, ancestry, age, gender, sexual orientation, gender identity or disability;
- Language or content suggesting or encouraging illegal activity;
- Information that could reasonably compromise public safety.

I post links to other public and/or private organizations on social media. A link does not constitute an endorsement of content, viewpoint, policies, products, or services.

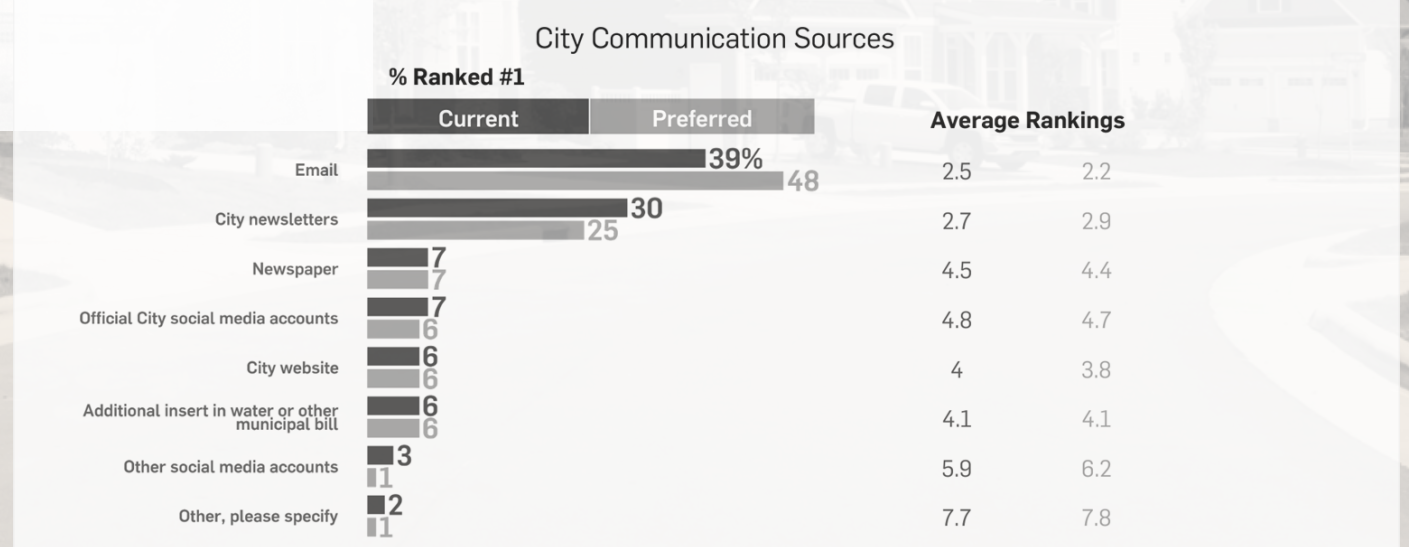


RESIDENT COMMUNICATIONS

From which source would you prefer to receive most of your information about West Jordan? (n = 781)

Email from the City	55%
City website	8
Newspaper	4
Social media (e.g., Twitter, Facebook)	14
Notices, flyers, or other advertising around the City	7
Word of mouth (e.g., talking to neighbors)	1
Attending or watching City Council meetings	<1
Utility bill insert	7
Contacting the City directly	<1
Other, please specify:	4

When asked to rank currently used and preferred sources of news from South Jordan, city emails were the source most-often ranked as #1, with over 1 in 3 respondents (39%) saying they currently use it the most. The city newsletter is also popular. When asked to rank *preferred* news sources, city emails were most often ranked #1, with almost half of respondents (48%) saying they prefer to receive news from emails.





QUESTIONS?

<https://form.jotform.com/240884753679070>