

RESOLUTION NO. 2025-1296

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, ADOPTING A SOCIAL MEDIA POLICY FOR PUBLIC OFFICIALS.

WHEREAS, the Mayor and Council of the Town of Chino Valley (the "Town Council") recognizes that government communications have evolved significantly, especially with the growth of digital platforms and online engagement, and that, when used appropriately, social media can improve communication and engagement between the Town, its public officials, and the community; and

WHEREAS, the Town Council also recognizes the need for rules governing the responsible use of social media by Town public officials; and

WHEREAS, the Town Council wishes to adopt a social media policy applicable to all elected and appointed Town officials using social media in an official capacity or to discuss Town business.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

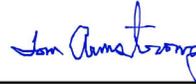
SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The Town of Chino Valley Social Media Policy for Public Officials is hereby adopted in substantially the form attached hereto as Exhibit A and incorporated herein by reference.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

[SIGNATURES FOLLOW]

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona, this 18th day of November 2025.



Tom Armstrong, Mayor

ATTEST:



Erin N. Deskins

Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:



Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify that the above foregoing Resolution No. 2025-1296 was duly passed by the Council of the Town of Chino Valley, Arizona, at a regular meeting held on November 18, 2025, and that quorum was present thereat and that the vote thereon was 5 ayes, 2 nays, and 0 abstentions. 0 Council members were absent or excused.

Erin N. Deskins

Erin N. Deskins, Town Clerk

EXHIBIT A
TO
RESOLUTION NO. 2025-1296

[Town of Chino Valley Social Media Policy for Public Officials]

See following pages.

**TOWN OF CHINO VALLEY
SOCIAL MEDIA POLICY FOR PUBLIC OFFICIALS**

Effective Date: November 18, 2025

Approved by: Town Council

Applies to: All Town of Chino Valley public officials.

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Section 1. Purpose.

- 1.1 This policy establishes guidelines for the appropriate and responsible use of social media by elected and appointed public officials.
- 1.2 It aims to ensure compliance with Arizona laws, including the Arizona Open Meeting Law and the Arizona Public Records Law, and to promote transparency, civility, and ethical governance.

Section 2. Applicability.

- 2.1 This policy applies to official social media use by public officials on behalf of the Town for Town purposes and, where indicated, to their personal use of social media.
- 2.2 In terms of personal use, it is not the intent of the Town to restrict anyone's First Amendment rights, but rather to ensure that content posted by public officials clearly reflects that such content is personal and not created, posted, shared, distributed, or transmitted on behalf of the Town.

Section 3. Definitions.

- 3.1 Arizona Open Meeting Law. Arizona Open Meeting Law, codified in A.R.S. §§ 38-431 through 38-431.09, as may be amended from time to time.
- 3.2 Arizona Public Records Law. The Arizona Public Records Law (A.R.S. §§ 39-101 through 39-171) and the records retention schedule maintained by the Arizona State Library, Archives and Public Records in accordance with A.R.S. §§ 41-151 through 41-151.23.
- 3.3 Communications Manager. The person or persons responsible for monitoring, managing, supervising, or controlling Town communications as provided in this policy. This is either the Town Manager or the employee or employees expressly designated by the Town Manager.
- 3.4 Content. Any posts, writings, material, documents, photographs, graphics, or other information that is created, posted, shared, distributed, or transmitted via social media.
- 3.5 Official Account. A Town account used by a public official in their official capacity for the Town.
- 3.6 Public Official. Any person who serves on the Town Council or on a board, commission, or committee appointed by the Council, and is subject to Arizona Open Meetings Law requirements that government business be conducted in open and public meetings.
- 3.7 Social Media. An umbrella term that describes a variety of online platforms, applications, websites, centralized and decentralized networks, tools, and technologies for social networking, discussion, community forums, microblogging, photo and video sharing, live streaming, and messaging, with features that enable users to create, share, aggregate, and engage with digital content and connect with other users, with a focus on immediacy, interactivity, user participation, and information sharing. Social media does not include email, but may comprise other digital spaces generally regarded as social media, since the Town's use of social media will change over time as technology evolves.
- 3.8 Town Accounts. Official Town of Chino Valley social media accounts, digital identities, digital spaces, and other social media resources, pages, profiles, boards, channels, stories, and

more, created, used, or maintained by an employee or contractor authorized to do so on behalf of the Town.

Section 4. General Guidelines.

- 4.1 Confidentiality. Public officials must not disclose information that is proprietary, copyrighted, or any other intellectual property, attorney-client privileged, or information subject to state or federal privacy laws, and information not subject to disclosure under Arizona Public Records Law.
- 4.2 Laws and Policies. Other laws, ordinances, and policies may also apply to the use of social media, and this policy should not be interpreted to conflict with any of them. Public officials are responsible for ensuring that their use of official accounts complies with all federal, state, and local laws, regulations, and Town policies, including the standards of conduct and requirements outlined in this policy.
- 4.3 Arizona Open Meeting Law Compliance.
 - A. Under A.R.S. § 38-431.07, violations of the Arizona Open Meeting Law can lead to personal liability for the offending public official, including civil penalties, attorneys' fees, other costs, and removal from office. Arizona Open Meeting Law prohibits the Town from paying for such costs.
 - B. To avoid an Arizona Open Meeting Law violation, public officials, regardless of whether they are acting in an official or personal capacity, must not engage in social media activity that could be interpreted as:
 1. A deliberation or discussion among a quorum of the public body, even if occurring on a public or asynchronous platform.
 2. "Serial meetings" or "serial communications," where public officials respond to each other's posts, comments, or replies, or otherwise exchange a series of communications in a way that collectively amounts to a discussion, decision-making process, or meeting by a quorum or more of the public body.
 - C. To remain compliant:
 1. Do not "like," comment on, or share other public officials' content regarding Town business.
 2. Avoid posting replies to other public officials that continue a discussion on matters likely to come before the public body.
 3. When using social media to disseminate information, public officials should refrain from initiating discussions that could invite participation from a quorum of the body.
 4. Avoid joining any social media groups or communities meant only for certain people, where such involvement might look like an attempt to convey information to a quorum of the public body.
- 4.4 Arizona Public Records Law Compliance. Content on and social media interactions involving official accounts may constitute a public record subject to Arizona Public Records Law. Public officials must retain such records in compliance with Arizona Public Records Law.

4.5 The First Amendment.

- A. The First Amendment limits the government’s ability to exclude constituents from public forums, both in person and online, but public officials do not surrender their First Amendment rights by entering public service. They can, in their personal capacity, maintain personal accounts and block or delete followers and comments for any reason. However, if a public official uses social media in their official capacity—whether on their personal or official accounts—their actions are limited by the First Amendment.
- B. When a public official’s actions on social media constitute “state action,” blocking members of the public from viewing their social media pages or removing public comments both violate the First Amendment.
 - 1. Two-Part Test. The Court established a two-part test to determine when social media activity is deemed state action (acting in their official capacity):
 - i. Actual Authority. The official has real authority—by law, custom, or usage—to speak for the government on that topic. Mere appearance of authority is insufficient.
 - ii. Purported Exercise of Authority. The official must appear to act in an official capacity, judged by the content and function of the posts. Factors include disclaimers, use of government resources, invocation of state authority, or posts with legal effect. Other factors may be considered.
- C. First Amendment violations can result in personal liability for public officials.

Section 5. Separate Official and Personal Accounts.

5.1 Official Accounts.

- A. Official Use Only. Official accounts are available to public officials to support their social media use in their official capacity on behalf of the Town.
 - 1. Public officials must not use their official accounts to support social media use unrelated to their official capacity.
 - 2. Official accounts shall not be used for personal, partisan, campaign, or electioneering purposes or to communicate on matters unrelated to Town business or activities.
- B. Conduct.
 - 1. Public officials must conduct themselves as representatives of the Town, rather than in their personal capacities.
 - 2. While social media, with its use of popular abbreviations and shorthand, does not adhere to standard conventions of correspondence, the content and conduct of public officials should model the same professional behavior displayed during public meetings, maintaining professionalism, respect, and civility in all online interactions.

- C. Content Reflecting Official Positions. Content that purports to advance the official position of the Town shall be revised to be consistent with the official position if found to contain incorrect or misleading information. Official positions of the Town may be considered and decided only by the Council at an open and public meeting held in accordance with Arizona Open Meeting Law.
- D. Required Disclaimers for all Official Accounts. Official accounts must:
1. Clearly indicate the office held, e.g., “This is the official account of John Doe, Councilmember for the Town of Chino Valley.”
 2. Include a copy of, or link to, the Town’s Social Media Notice and Terms of Use and, space permitting, a clear statement of its intent, purpose, and subject matter, as well as whether the account accepts comments or other content from the public and, if so, any restrictions that might affect the nature of the forum as either limited or traditional. The Town’s Social Media Notice and Terms of Use is available at www.chinoaz.net
- E. Content Moderation (Removing Content that Does Not Comply with the Rules of the Limited Public Forum).
1. Official accounts are not intended to operate as traditional open public forums unless specifically designated as such. When an official account is opened for public comment, it is not opened for any and all purposes, but for limited discussion of only those topics specified by the public official. In some instances, social media may be non-public forums, that is, not open to public comment at all, and in other instances, social media may be designated limited public forums, and their purpose is only to advance the business purposes of the Town on those specific topics.
 2. When an official account has not been opened as a traditional public forum, or where an official account has been opened as a non-public or limited public forum, the public official, in consultation with the Communications Manager, if necessary, may remove, in a viewpoint-neutral manner, content or links to content that is harmful, discriminatory, or inappropriate, such as:
 - i. Personal attacks, harassment, insults, violent, or threatening language.
 - ii. Information that may compromise the safety, security, or proceedings of persons, public systems, or any criminal or civil investigations.
 - iii. Malware, or malicious or harmful software.
 - iv. Repetitive or duplicate posts that disrupt the communication thread.
 - v. Conduct or encouragement of illegal activity, including publication of an untrue statement that would harm a person’s reputation or livelihood, or violation of intellectual property or copyright laws.
 - vi. Profane, obscene, or racist language or content.

- vii. Content that promotes, fosters, or perpetuates discrimination based on race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, or sexual orientation.
 - viii. Sexual content or links to sexual content.
 - ix. Comments or links not meaningfully related to the topic.
 - x. Support for or opposition to political campaigns or ballot measures.
 - xi. Commercial messages, including advertisements, promotions, solicitations, and spam.
 - xii. Content that violates any term, condition, or policy of the social media platform on which it is posted.
 - xiii. Confidential, personal identifying, or private information.
- 3. Under no circumstances should this policy be interpreted to allow censorship based on viewpoint; content that complies with the rules of a limited public forum cannot be censored based on the views expressed.
 - 4. Any content removed or hidden must be archived in accordance with Arizona Public Records Law and promptly provided to the Communications Manager, who may contact the author of the removed or hidden account in accordance with applicable laws or other Town policies.

F. Security and Access.

- 1. Official accounts must use strong, unique passwords and enable multi-factor authentication where available.
- 2. Access to official accounts should be limited to the relevant public official and authorized Town staff.
- 3. Upon leaving the office or appointment, public officials must ensure that credentials, archives, and account control are properly transferred or archived in accordance with Town policy and Arizona Public Records Law.

5.2 Personal Accounts.

- A. Public officials are responsible for ensuring that their personal social media use and content clearly indicate that such content is personal and not created, posted, shared, distributed, or transmitted on behalf of the Town, and that their personal social media activity complies with this policy where applicable.
- B. Content related to Town business and shared by a public official that does not constitute an official position of the Town must clearly indicate that it belongs to the public official and does not reflect an official position of the Town, using a disclaimer such as, "Opinions are my own and not those of the Town of Chino Valley." A disclaimer is not required for content reflecting the official position of the Town.

- C. Public officials must use personal or campaign-specific accounts for political activity in accordance with Arizona's campaign finance laws under A.R.S. Title 16 (Elections and Electors) and A.R.S. § 9-500.14 (Use of City or Town Resources to Influence Elections).
- D. Public officials must not use their Town email address or password for personal social media accounts.

Section 6. Enforcement.

6.1 Violations of this policy may result in:

- A. Censure or formal reprimand by the Town Council
- B. Loss of access to official accounts or Town communication platforms.
- C. Referral to the Arizona Attorney General, County Attorney, or relevant ethics body in cases of Open Meeting Law violations

Section 7. Review and Amendments.

7.1 This policy shall be reviewed every five years or whenever there are changes to applicable law, social media practices, or relevant Town policies or procedures. Amendments require approval by the Chino Valley Town Council.

Section 8. Severability and Savings.

8.1 If any part or provision of this policy or the application to any person or circumstance is held invalid or unconstitutional, such declaration shall not affect the other parts or provisions or application of this policy, which can be given effect without the invalid or unconstitutional part or provision or application and are therefore deemed severable.