

**RESOLUTION
OF THE BOARD OF DIRECTORS OF
WHISPERING PINES METROPOLITAN DISTRICT NO. 1
ADOPTING A SOCIAL MEDIA POLICY**

WHEREAS, Whispering Pines Metropolitan District No. 1 (the "District") is a quasi-municipal corporation and political subdivision of the State of Colorado, duly organized and existing pursuant to Title 32, Article 1, C.R.S.; and

WHEREAS, pursuant to § 32-1-1001(1)(h), C.R.S., the Board of Directors of the District is empowered with the management, control, and supervision of all business and affairs of the District; and

WHEREAS, pursuant to § 32-1-1001(l)(m), C.R.S., the Board is authorized to adopt, amend, and enforce bylaws, rules, and regulations not in conflict with the constitution and laws of Colorado for carrying on the business, objects, and affairs of the Board and the District; and

WHEREAS, content posted by the District on various social media platforms, including, but not limited to Facebook, LinkedIn, Instagram, Twitter, or NextDoor (collectively, "Social Media") that relates to District business may be a public record subject to retention and disclosure under the Colorado Open Records Act, Title 24, Article 72, Part 2, C.R.S.; and

WHEREAS, the Board, as the governing body of the District, has historically and informally recognized a policy that Board and Committee members should and would generally refrain from posting matters to Social Media because no individual Board or Committee member is authorized to speak for the District without prior formal action by the Board, which informal policy the Board now wishes to make formal; and

WHEREAS, the Board desires to establish a policy to address the use of Social Media by the District, Board and Committee members, and District agents and representatives, to ensure that Social Media is used in a responsible manner and in accordance with applicable law.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE WHISPERING PINES METROPOLITAN DISTRICT NO. 1, AS FOLLOWS:

1. District Representative. This policy shall be applicable generally to the District, as well as all Board and Committee members, designated officers, and any other District agents and representatives (each a "District Representative"). This policy shall govern the use of Social Media by a District Representative to share information online about the District.

2. Prohibited Uses. District Representatives are prohibited from using Social Media to conduct District business, or to share official District information, except when directed by the Board or as assigned as the official duty of the District Representative by formal action of the Board. District Representatives shall not:

- a. Create Social Media accounts representing the District (other than described in Section 3);
- b. Post individually on behalf of the District; or
- c. Use the District name, logo, or status with the District on personal Social Media accounts to imply directly, or indirectly, that personal opinions or posts are an official position or opinion of the District or the Board as a whole.

3. District Social Media Accounts. District Representatives shall obtain approval from the Board prior to setting up Social Media accounts for the primary purpose of sharing information related to the District (a "District Social Media Account"). All District Social Media Accounts must adhere to all applicable laws (including copyright, records retention, records requests, e-discovery laws, the First Amendment, privacy laws, and the Americans with Disability Act). Each creator of a District Social Media Account must also establish guidelines to ensure compliance with applicable laws.

4. Use of Social Media. All District Representatives have First Amendment rights, including the freedom of speech when acting in their individual capacities using personal accounts; however, District Representatives do not have the authority to speak on behalf of the Board or the District, unless specifically authorized by the Board. District Representatives are discouraged from engaging with members of the public online regarding District business. When using Social Media in their individual capacities, District Representatives are encouraged to:

- a. Clearly identify themselves as District Representatives and to clarify that they are not discussing District business in an "official" capacity (alternatively identify themselves as expressing personal thoughts and opinions);
- b. Remember their positions involve public responsibility, trust, and transparency, and that they owe a fiduciary duty to the District and its constituents;
- c. Double check the facts before posting and post only accurate factual information;
- d. Refrain from posting confidential or other sensitive information, whether that of the District, its constituents or any other party;
- e. Maintain professionalism, honesty, and respect for all parties;
- f. To the extent any engagement involves the District, encourage other individuals to contact the District or attend District meetings for additional information or to resolve specific issues.

5. Severability. If any portion of this Resolution is declared by any court of competent jurisdiction to be invalid, void or unenforceable, such decision shall not affect the validity of any other portion of this Resolution which shall remain in full force and effect, the intention being that such portions are severable. In addition, in lieu of such void or unenforceable provision, there shall automatically be added as part of this Resolution a provision similar in terms to such illegal, invalid or unenforceable provision so that the resulting reformed provision is legal, valid and enforceable.

WHISPERING PINES METROPOLITAN DISTRICT NO. 1

ANNUAL ACKNOWLEDGMENT OF

SOCIAL MEDIA POLICY

The undersigned District Representative acknowledges receipt of the Whispering Pines Metropolitan District No. 1's Social Media Policy, a copy of which is attached to this Acknowledgment, and confirms that he/she has read the Social Media Policy, and that he/she agrees to adhere to the Social Media Policy while acting as a District Representative.

Signed this 5th day of July, 2022

By:

Claude P. Selitzennikoff

Signature

CLAUDE P. SELITZENNIKOFF

Printed Name

Board President

Title

Attachment: Social Media Policy