

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BEACH CITY TEXAS, ADOPTING A WEBSITE POLICY; AND PROVIDING FOR THE EFFECTIVE DATE THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BEACH CITY, TEXAS:

Section 1: That the City of Beach City is in favor of adopting a Website Policy for the publication of its website.

Section 2: That the Website Policy which is attached and marked Exhibit "A" for all purposes is hereby approved and adopted by the City Council.

Section 7: This ordinance shall take effect immediately from and after its passage by the City Council of the City of Beach City.

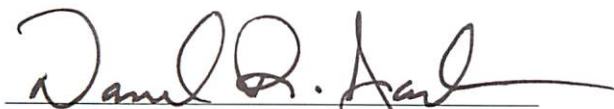
INTRODUCED, READ and PASSED by the affirmative vote of the City Council of the City of Beach City this the 24th day of November, 2009.


GUIDO PERSIANI, Mayor

ATTEST:


MARGARET GAINER, City Secretary

APPROVED AS TO FORM:


DANIEL R. JACKSON, City Attorney

CITY OF BEACH CITY
INTERNET WEBSITE POLICY

1. Purpose.

The purpose of this Policy is to establish regulations for the development, operation, and administration of the City website and to ensure that the City website remains a non-public forum subject to the City's exclusive use and control. The purposes of the City's website are as follows:

- a. To provide a convenient and information-rich resource for residents, visitors, businesses, non-profit organizations, other public agencies, and schools to access their City government.
- b. To provide information and resources that contributes to the health, safety and welfare of the citizens of, and visitors to, the City of Beach City.
- c. To contribute to the improvement of City services, foster economic development, and enhance the sense of community within the City.
- d. To establish and strengthen long-term partnerships between the City and individuals and entities in the public and private sectors where such partnerships further the public health, safety and welfare.
- e. To contribute to the provision of quality overnight accommodations for long- and short-term visitors, guests, and tourists in the City of Beach City. Support for those businesses providing quality overnight accommodations has a beneficial residual impact upon all tourist-oriented business sectors in the City.
- f. To provide information about the City and its local services in a manner that is as manageable, efficient, and organized as possible. Information or External Links may be excluded from the City website where such additional information or External Links would create visual clutter and disorganization.

2. Policy.

The City shall operate and maintain the City website as provided in this Policy.

3. Definitions.

The following definitions shall apply to this Policy:

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a. "City website" means the official City website available at www.beachcitytx.us, and any additional domain name(s) that the City acquires for official City use.

b. "Cookies" means files on the user's computer that enables a website to recognize the user on subsequent visits and possibly track the user's Internet use between visits.

c. "External Website" means a website maintained by a third party, and not by the City.

d. "External Link" is a hyperlink from the City website to a website maintained by a third party.

e. "Security Measures" means practices for protection of physical configuration and environment, software, information-handling processes, and user practices.

f. "User" or "Users" means an individual or individuals who access the City webpage through the Internet.

4. Non-Public Forum Status.

The City website is a non-public forum. While the City encourages the public to use the City website to access information and resources, the City expressly reserves the right to impose certain restrictions on the use of its website. The City website is reserved for the exclusive control of the City for the purposes of one-way communication to users of the City website. The City website shall not be used to facilitate a general debate, public discourse or the free exchange of ideas.

5. Authority of City Council or its Designee.

- The City Council or its designee shall have the authority and responsibility for the implementation of this Policy. The City Council or its designee may also make interpretations on issues that are not clearly articulated or not included in this Policy, so long as the City Council or its designee's discretion is exercised in a manner consistent with the stated purposes of the City Website.

This Policy will be posted on the City website for review by the public at any time. Questions or comments regarding any subjects or issues addressed in this Policy may be directed to:

City of Beach City
Attn: Mayor
12723 FM 2354, Beach City, Texas 77523
E-mail: Beachcity@teleshare.net

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6. Privacy.

The City is sensitive to the privacy interests of the users of the City website and believes that the protection of those interests is an important responsibility. The City's goal in collecting personal information online is to provide the user with the most personalized and effective service possible. By understanding the user's needs and preferences, the City may provide users with improved service. The City strives to protect online personal information in the same manner that the City protects citizen and business information obtained through other means. The following information explains the City's policy regarding any personal information supplied when using the City website.

a. Website Privacy Policy: The City of Beach City Web site uses automated tools to log information about each visit. It processes this information in the aggregate to determine site performance issues, such as popular pages, most frequently downloaded forms, and other site performance characteristics. This information does not identify you personally. The City Web site does not track or record information about individuals and their visits.

b. Disclaimer: While every effort is made to keep information provided over the internet accurate and up-to-date, the City of Beach City does not certify the authenticity or accuracy of such information. No warranties express or implied, are provided for the content, records and/or mapping data herein, or for their use or interpretation by the User.

The City of Beach City, its elected officials, officers, employees, and agents assume no legal responsibilities for the information or accuracy contained in this data, including any action taken from reliance on any information contained herein and shall have no liability for any damages, losses, costs, or expenses, including, but not limited to attorney's fees, arising from the use or misuse of the information provided herein. The User's use thereof shall constitute an agreement by the User to release the City of Beach City, its elected officials, officers, employees and agents from such liability.

By using this information, the User is stating that the above Disclaimer has been read and that he/she has full understanding and is in agreement with the contents.

7. Security.

The City Website applies Security Measures to protect the loss, misuse and alteration of the information under the City's control. From time to time, Security Measures may be upgraded or otherwise modified to meet changing needs. While the City endeavors to keep secure all information it receives via the City website, the City cannot guarantee the security of the information.

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8. External Links.

The City has a legitimate interest in limiting persons or organizations that might be linked to the City website. The City may exercise discretion to ensure that the links to the City website are consistent with the purpose of the City website, as set forth in Section 1. Neither the City Website nor the External Links listed on the City website constitute a forum for expressive activity by members of the public.

a. Each proposed External Link on the City website shall be reviewed to determine its relevance and appropriateness to the purpose of the City website. The City Council or its designee shall review the merits of the proposed External Link based upon the stated purposes of the City website, as set forth in Section 1. e. A proposal for an External Link will not be denied based on the viewpoint espoused by the individual or entity.

b. The City website will not provide External Links to websites that:

- i. Promote or exhibit hate, bias, discrimination, pornography, libelous or otherwise defamatory content.
- ii. Have a primary purpose of furthering the agenda of a political organization or a candidate running for office (regardless of the political viewpoint), or defeating any candidate for elective office.
- iii. Violate any of the City's equal opportunity policies.
- iv. Consist of personal home pages operated by individuals.

c. The City may provide External Links to certain private commercial sites that maintain and display government-related information which fulfills the purposes of the City website as set forth in Section 1, and which is not generally available through a governmental agency due to the cost of compiling, maintaining and/or displaying such information. To support the cost of compilation and maintenance of this information, these private commercial sites may include advertising or promotional material in the information display. Accordingly, External Links to such sites which contain this information, but also display commercial advertising or promotional material, may be included within the City website when the City Council or its designee has made a good faith determination that:

- i. The City's independent replication of the information targeted for linkage is infeasible due to financial or other considerations;
- ii. No non-commercial site provides the information targeted for linkage; and,
- iii. The information targeted for linkage greatly enhances the usefulness of the City website and services it provides.

d. The City reserves the right to determine how and where External Links will appear on the City website.

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9. Application for External Link.

To request the addition of an External Link to the City website, the applicant shall send the relevant URL, address, website description and purpose, brief statement as to how the proposed website fulfills the purpose of the City website as set forth in Section 1, contact name, phone number and email address by email to beachcity@teleshare.net, or by mail to:

City of Beach City
Attn: Mayor
12723 FM 2354, Beach City, Texas 77523

10. Disclaimer of External Links and External Websites.

The information posted on the City website includes hypertext External Links to information created and maintained by other public and/or private organizations. The City provides these links solely for the user's information and convenience.

a. When the user selects an External Link to an External Website, the user leaves the City website and is subject to the privacy and security policies of the owners/sponsors of the External Website.

b. The City does not control or guarantee the accuracy, relevance, timeliness or completeness of information contained on an External Website accessed through the City website by External Link.

c. The City does not endorse or recommend any third party website, product, service, view, or opinion, unless otherwise noted.

d. The City does not authorize the use of copyrighted materials contained on External Websites.

e. The City is not responsible for transmissions from External Websites.

11. Final Decision.

The decision to post or not post content and/or links on the City website resides solely with the City Council or its designee. The decision of the City Council or its designee is final and binding. Under no circumstances will individuals or entities be entitled to compensation or damages in the event that the City Council or its designee directs the City to include or exclude the content or link.

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12. Links to the City of Beach City's Website.

Advance permission to link to the City website is not necessary. However, the party linking to the City website should be aware that its subpages may change at any time without notice. Individuals and entities linking to the City website shall not capture pages within frames, present the City website content as its own, or otherwise misrepresent the City website's content or misinform users about the origin or ownership of its content. Any link to the City website should be a full forward link that passes the user's browser to the City website unencumbered. The web browser's "back" button should return the user to the originating site if the user wishes to back out.

13. Posting of Events.

Information regarding community events may be posted on the City website, so long as the posting of such information is consistent with the purposes of the City website, as set forth in Section 1, and meets the criteria for External Links, as set forth in Section 8. While the City Council or its designee may consider suggestions of events to post on the City website, the decision of the City Council or its designee is final and binding.

14. Accessibility.

The City Website is intended to be accessible to people with disabilities. Requests for reasonable accommodations relating to equal access to communication, or other issues relating to City website accessibility, should be directed to: beachcity@teleshare.net, or by mail to:

City of Beach City
Attn: Mayor
12723 FM 2354, Beach City, Texas 77523

15. No Warranty or Representation.

The City's web server(s) are maintained to provide public access to City information via the Internet. The City's web services and the content of its web servers and databases are updated on a continual basis. While the City attempts to maintain the City website's information as accurate and timely, the City does not warrant or make representations or endorsements as to the quality, content, accuracy, or completeness of the information, text, graphics, hyperlinks, and other items contained on its server or any other server. Materials on the City website have been compiled from a variety of sources, and are subject to change without notice from the City as a result of updates and corrections.

16. Service Marks, Trademarks and Copyright.

To the extent allowed by the Public Records Act and otherwise legally permissible, commercial use of web materials is prohibited without the written permission of the City. All service marks and trademarks mentioned herein are the property of their respective owners. The City retains copyright on the City Seal, all text, graphic images, and other content, unless otherwise noted. No person or entity may use the City Seal without approval of the City Council. No person or entity shall engage in any of the following conduct without written permission from the City Council or its designee: a) modify and or use the text, images or other City website content from a web server, b) distribute the City's web content, and c) "mirror" the City's information on a non-City server.

17. Notice to the City.

Communications through the City website, by e-mail or otherwise, shall in no way be deemed to constitute legal notice to the City of Beach City or any of its agencies, officers, employees, agents, or representatives, with respect to any existing or potential claim or cause of action against the City or any of its agencies, officers, employees, agents, or representatives. No communication through the City website shall be deemed to constitute legal or official notice for any purpose.

18. Errors, Omissions, Warranty, Damages.

The City is neither responsible nor liable for any viruses or other contamination of a user's system due to access of the City website, nor for any delays, inaccuracies, errors or omissions arising out of the user's access of the City website or with respect to the material contained on the City website, including without limitation, any material posted on the City website. The City website and all materials contained on it are distributed and transmitted "as is" without warranties of any kind, either express or implied, including without limitation, warranties of title or implied warranties of merchantability or fitness for a particular purpose. The City is not responsible for any special, indirect, incidental or consequential damages that may arise from the use of, or the inability to use, the City website and/or the materials contained on the City website, whether the materials contained on the City Website are provided by the City of Beach City or a third party.

19. Indemnification.

To the extent permitted by applicable law, by using the City website, the user agrees to defend, indemnify, and hold harmless the City of Beach City, its agencies, officers, employees, representatives, and agents from and against all claims and expenses, including attorney's fees, arising out of the user's use of the City website or materials and information contained on the City website.

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