

Town of Chatham
MEDIA RELATIONS POLICY

Administrative Procedure
Distribution for Review:
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TMgr Approval:

I. PURPOSE

To improve media relations, preserve and enhance the image of the Town of Chatham and ensure that accurate, appropriate information is released to the news media.

II. POLICY

The Town of Chatham seeks to inform its residents, businesses and visitors by engaging in a pro-active communications program. This program recognizes that one of the most effective and quickest ways to communicate Town policies and activities to citizens is by working in partnership with the news media.

It is recognized that some aspects of Town business are routinely monitored and reported on by the media. Examples include board and commission agendas and applications as well as routine updates and information provided by departments. This policy is not intended to change the standard practices followed by the Town in communicating such matters with the media.

A. Priority

Inquiries from the news media should be given a high priority and be responded to as quickly and efficiently as possible. Every effort should be made to be sensitive of media deadlines and ensure that all information released is accurate.

The Office of the Town Manager is responsible for the Town's media relations, with the exception of most public safety issues. All Town employees should notify the Office of the Town Manager about media inquiries. The majority of Town media requests are initiated when the media contacts the Office of the Town Manager. Because the media often works on tight deadlines, it is important that all departments respond as soon as possible when the Office of the Town Manager requests department information or a spokesperson for the media. Specific guidelines for responding to media requests follow.

When communicating with the media, authorized employees and agents of the Town shall have the ethical obligation for observing the criteria of truth, clarity and fairness to help ensure that reporting of Town affairs is accurate and unbiased.

B. Public Information

Generally, the business conducted by the Town of Chatham is public and therefore is subject to the State Public Records Act. Exceptions include works in progress that have not been publicly distributed, matters involving pending litigation, issues that are subject to ongoing negotiation, and certain personnel-related information.

C. Sensitive and Controversial Issues

Employees and agents of the Town should review and be cognizant of recent Board of Selectmen actions in order to familiarize themselves with the position of the Board on issues related to their duties which may be of interest to the news media. The Board's position is established and communicated via a majority vote of the Board at a public meeting, and thus serves as the "official" Town position, not an employee's perspective.

The Town Manager must be informed immediately of inquiries from the news media that relate to sensitive or controversial issues, potential litigation, and ongoing negotiations or personnel matters; and must be made aware immediately of potentially sensitive issues when it is anticipated that those issues may reach the media. The Town Manager will communicate directly with the appropriate department head and other Town officials as necessary, including the Town Counsel and Human Resources Director on an as-needed basis, to develop strategies for each issue and determine an appropriate spokesperson.

Any Town employee who speaks to a reporter or editor about a sensitive or controversial issue without authorization and prior approval by the Town Manager and Department Head may be subject to disciplinary action. The Town Manager must be made aware of any such authorization or approval by Department Heads.

Examples of sensitive or controversial issues include, but are not limited to, performance evaluations related to any Town employee; legal claims or lawsuits filed against the Town of Chatham by any Town employee, Board of Selectmen member or other elected official, individual, business or organization; negotiations related to economic development or matters negatively affecting business relations or tourism; court appearances by any Town employee, member of the Board of Selectmen, or spouses or other families members of either; sensitive medical information pertaining to a Town employee or official; and hiring, disciplinary or termination processes related to any town employee.

D. Spokesperson

Unless otherwise authorized, the Town's spokespersons are:

- Chairman of the Board of Selectmen ("BOS")
- Town Manager
- Department Heads

- Division Heads
- Police Department and Fire Department Public Information Officers (Police and Fire have specific media policies that govern their procedures)
- Exceptions regarding departmental spokespersons may be made at the discretion of the Department Head with notification to the Town Manager.

E. Public Records Requests

Public records requests from the media for Town of Chatham records may be written or verbal. Such requests will be handled in compliance with the Massachusetts Public Records Act (MGL Chapter 66 as may be amended). For records other than standard documents (agenda reports, etc.) or documents not available on the Town's website, the Town Manager must be copied on the request and the response to ensure that compliance with the Act is met.

F. News Releases

Town departments may issue routine news releases as necessary. Department Heads must review and approve such releases prior to distribution. For any matter relating to a BOS policy or Town Manager operational directive, the Town Manager must approve the news release prior to distribution by any Town department, unless the Department Head communicates to the Town Manager in advance of distribution that such release relates to an immediate or time sensitive matter

G. Media Briefings

When necessary, briefings may be conducted to educate the news media about potentially controversial issues and provide reporters an opportunity to ask in depth questions. In most cases, appropriate Town staff and reporters review extensive background materials, distribute fact sheets and explanatory materials, or discuss at length a particular issue or upcoming report to the Board of Selectmen. The Office of the Town Manager will be responsible for scheduling any such briefings including Town staff to be present.

H. Press Conferences

When necessary, press conferences may be conducted to make extremely important announcements and facilitate the flow of immediate, accurate information when several reporters request information that Town officials cannot respond to on an individual basis. The Office of the Town Manager will be responsible for scheduling any press conferences including Town staff to be present. The Town Manager or designee will be available as needed for consultation with appropriate staff regarding the strategy, preliminary statement, materials, media alert and general set-up of the conference. Department Heads are responsible for notifying the Town Manager for any requests for a press conference. The Town Manager shall be responsible for notifying the Board of Selectmen of any press conferences.

III. EMERGENCY MEDIA RELATIONS

During a crisis or major emergency (i.e. hurricane) event, the procedure for handling the media is highlighted in the Town's Emergency Management Plan. The Plan designates a Town's Public

Information Officer as the main point of contact for the media. The Public Information Officer is assisted by alternates including the Police and Fire Public Information Officers, who prepare and disseminate emergency public information. In the event of a disaster or emergency and in coordination with the Emergency Management Director and Public Information Officer, Departments affected by the event may assign a spokesperson to be responsible for primary media relations. All inquiries should be made to the Emergency Management Director with copies to the Town Manager.

IV. DEPARTMENTAL MEDIA POLICIES

A. Development of Departmental Policies

Each department in the Town organization will establish a media plan for noncontroversial, day-to-day inquiries from the news media. The plan will include the appointment of a spokesperson(s) to represent the department to the media.

B. Filing of Departmental Policies

Department media policies must be on file in the Town Manager's Office.

Jill Goldsmith

From: John Clifford <John.Clifford2@comcast.net>
Sent: Monday, December 17, 2012 10:11 AM
To: Jill Goldsmith
Subject: RE: Media Relations Policy

Hi Jill,

I was asked to review the media relations policy, as it may have raised issues relating to bargaining obligations on the part of the Town. I reviewed the policy and found it to be legal, and reasonable, well within the bounds of what the Town may do to manage the flow of information to the public. I was not asked to issue a formal opinion, but to review the document, as is a common practice by the Town. For informational purposes, I will provide some additional insight on free speech and public employees. There is an 1892 Massachusetts Supreme Judicial Court case where Oliver Wendell Holmes stated "The petitioner (a police officer) may have a constitutional right to talk politics, but he has no constitutional right to be a policeman." The law has evolved since then, but it is still true that public employees do not enjoy unlimited free speech rights when it comes to matters that impact government. The law protects public employee speech for whistleblowers, and does allow for some protection when employees are commenting on matters of general public concern. The Supreme Court, however, applies a balancing test that considers the need of the government agency to maintain operational efficiency. If the employee's speech compromises the proper functioning of government offices, that speech may not be afforded any protection. The most relevant recent case, *Garcetti v. Ceballos* (2006), advanced the public agency's right to control speech even further by finding that "when public employees make statements pursuant to their official duties, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline." Discipline is a possibility under this policy, as it is a possibility under any policy issued by the Town. As is generally the case with discipline, I would not expect it to occur unless there were serious and/or willful violations of the policy.

The stated purpose of the policy "to improve media relations, preserve and enhance the image of the Town of Chatham and ensure that accurate, appropriate information is released to the news media." Again, my review of the policy found it well within any constitutional guidelines, consistent with the stated purpose of the policy, and a very reasonable attempt to manage the flow of the important information that town government disseminates. Hope this clarifies the issue.

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