

RESOLUTION 2003-354

ADOPTING THE WEBSITE INFORMATION AND EXTERNAL LINKS PROCEDURE

WHEREAS, the City of Tracy is frequently asked to provide hyperlinks to external websites; and

WHEREAS, external websites could potentially lead to material inappropriate and/or offensive in nature; and

WHEREAS, there is a need to avoid any perception that the City endorses or provides favorable treatment to persons, businesses or organizations; and

WHEREAS, it is necessary to adopt a procedure to identify acceptable criteria for posting only appropriate information and for establishing external Internet website links from the City of Tracy official website.


NOW, THEREFORE, BE IT RESOLVED, That the City Council hereby adopts the Website Information and External Links Procedure attached to this resolution.

The foregoing Resolution 2003-354 was adopted by the City Council of the City of Tracy on the 7th day of October, 2003, by the following vote:

AYES:	COUNCIL MEMBERS:	HUFFMAN, IVES, TOLBERT, TUCKER, BILBREY
NOES:	COUNCIL MEMBERS:	NONE
ABSENT:	COUNCIL MEMBERS:	NONE
ABSTAIN:	COUNCIL MEMBERS:	NONE



Mayor

ATTEST:


City Clerk

Website Information and External Links Procedure

SECTION 1: PURPOSE

The purpose of this procedure is to identify the types of information to be provided on the City of Tracy official website and to identify the acceptable criteria for establishing external Internet website links from such website.

SECTION 2: PROCEDURE

(a) In establishing and maintaining its official website, the City of Tracy is not, in any manner, creating a forum or other means by which public discourse, exchange of opinions, advertisement of commercial or non-profit businesses, or discussion on issues of any nature may occur. Rather, the City's website is maintained for the exclusive use and control of the City of Tracy such use and control including, but not being limited to, decisions on what content will be available on, or accessible from, the City's website. The sole and limited purpose of the City's website, and of any permitted external links from such website, is to provide non-political and non-religious factual information about the City of Tracy and matters of general public interest as may be determined by the City, including listing commercial properties available for sale and/or lease within the City and various services and resources available to the general public within and around the City, or as may be available from other governmental agencies.

(b) The City of Tracy posts information, and establishes links to external websites, on the City's official website solely in conformance with this procedure.

(c) To avoid any perception that the City endorses or provides favorable treatment to any private person or business enterprise, no corporate or commercial logos are allowed except for those reasonably necessary to establish an Internet hyperlink to entities that provide, free of charge to the public, software, software services or content services required to process or display content on the City's website.

(d) Consistent with the foregoing, it is the City's procedure to limit external links to the following kinds of entities and organizations:

- (1) Local and regional economic development organizations that assist the City in promoting businesses throughout Tracy including the Tracy Chamber of Commerce and the Downtown Tracy Business Improvement Area;
- (2) Other governmental agencies;
- (3) Hospitals;
- (4) Museums, libraries, historical organizations and similar kinds of established, bona fide organizations that provide cultural resources to residents and visitors of the City;
- (5) Public and private, bona fide educational institutions as defined in Education Code section 210.1, or as described in Education Code section 66010(a) and (b), located

within San Joaquin, Alameda, Stanislaus and Contra Costa Counties;

- (6) Entities and organizations whose primary purpose is to provide the location, telephone number and/or description of tourism events in the City of Tracy;
- (7) Sites providing maps, driving directions, and weather information;
- (8) Non-profit entities and organizations whose primary purpose is to provide access to legal or mediation services;
- (9) Non-profit entities and professional organizations whose primary purpose is to aid Cities and municipal employees in providing their services (e.g. the League of California Cities, California Society of Municipal Finance Officers, etc.);
- (10) Public Utilities and Private Utilities that have a franchise from the City by which the City regulates or monitors customer service issues;
- (11) Entities with which the City has an existing formal, contractual relationship through direct funding, co-partnership, or co-sponsorship on programs or events which are related to the City's governmental purpose; and,
- (12) Entities that provide, free of charge to the public, software, software services or content services required to process or display content on the City's website.

(e) Entities and organizations wishing to establish external links on the City's official website must submit an application on a form provided by the Information Services division and shall provide all information necessary to verify the facts stated and as may be necessary to establish that the proposed link is in compliance with this procedure.

(f) The City of Tracy, through the City Manager's designee, shall have the right to:

- (1) Deny an external link application as to any person, business or organization when it is determined, following review of a complete application, that the entity or organization for which application is made does not meet the criteria set forth in this procedure;
- (2) Deny an external link application as to any person, business or organization which fails to provide all required information, or fails to provide truthful information;
- (3) Remove any external link if the nature of the organization or business to which the link relates no longer complies with the City's external link procedure;
- (4) To discontinue an external link at any time

- if the entities' websites provide or promote false, slanderous, illegal, immoral, or incorrect information at any time; or
- (5) To revise this procedure without prior notice when to do so is deemed to be in the best interests of the City.

(f) The City of Tracy official website, and this policy, shall be updated from time to time to incorporate improvements and to address changes in technology.

(g) The City of Tracy official website shall, in addition to posting this website procedure, provide the following warnings and disclaimers:

(1) Unless a copyright is indicated, information on the City of Tracy website may be reproduced, published or used with the City of Tracy's permission. We request only that the City of Tracy be cited as the source of the information and that any photo credits, graphics or byline be similarly credited to the photographer, author or City of Tracy, as appropriate.

(2) If a copyright is indicated on a photo, graphic, or any other material, permission to copy these materials must be obtained from the original source.

(3) Using or modifying this site's materials and information for commercial or profit making purposes is prohibited and may violate the copyrights and/or other proprietary rights of the City of Tracy or third parties

(4) The following acts or activities are prohibited without prior, written permission from the City of Tracy:

(A) modifying text, images or other web content from a City server; or

(B) "mirroring" the City's information on a non-City server.

(5) While the City attempts to keep its website accurate and timely, the materials and information contained on or obtained from the City of Tracy website, 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. Information contained on this website, including information obtained from external links thereon, is provided without any representation of any kind as to accuracy, completeness, or quality of content and should be verified by the user.

(6) The City of Tracy is not responsible for any special, indirect, incidental or consequential damages that may arise from the use of, or the inability to use, the website and/or the materials contained on the site whether the materials contained on the website are provided by the City of Tracy, or by a third party.

(7) Messages transmitted via the Internet are not always reliable. Thus, although the City will make every effort to maintain the reliability of communications via the City's website, the City is unable to guarantee that any such communications will be received by the City. Therefore, if you want or need to communicate to the City, the City strongly recommends that you confirm the City's actual receipt of your communication via telephone. If you have any question as to the appropriate City official to whom a

communication should be addressed, please contact the City Clerk's Office at 209-831-4113.

(8) Communications made through this website shall in no way be deemed to constitute legal notice to, or public comment to, the City of Tracy or any of its agencies, officers, employees, agents, or representatives, with respect to any existing or potential claims or cause of action against the City or any of its agencies, employees, agents, or representatives, where notice to the City is required by any federal, state or local laws, rules, or regulations.