



RISK MANAGEMENT INFORMATION
SOCIAL MEDIA AND CITIES
QUESTIONS AND CONSIDERATIONS

Social media is changing the way we work, connect and communicate. In a world of social media, the lines between employees' personal and work lives are blurring, and in some ways, being erased. How cities might choose to use these tools to support city work still is emerging as cities consider possibilities and pitfalls. This memo talks about social media considerations for cities, including who in the city should use social media, whether to use a centralized or decentralized approach, things to think about if the city wants a formal social media presence, issues related to elected officials and staff who use social media personally, "etiquette" considerations, and legal issues that can cause concern.

Defining Social Media

Social media primarily are Internet- and mobile-based tools for sharing and discussing information. Social media users can post photos, video, comment and post links to other information to create content on any imaginable topic. Sometimes this is referred to as "user-generated content" or "consumer-generated media."

Social media tools include:

- Social networking sites such as Facebook, LinkedIn and MySpace.
- Blogs.
- Microblogs such as Twitter.
- Video sharing sites such as YouTube and iReport.
- Photo sharing sites such as TwitPic and Flickr.
- Wikis, or shared encyclopedias such as Wikipedia.
- RSS feeds.
- Mobile phone content uploaded to the Internet, and ever-emerging technological tools.

How cities choose to use social media still is being pondered at the same time that developers are adding new tools, applications are merging, and favorites are emerging. It's exciting to watch, and to consider the potential of all these tools to support the work of cities – especially during tight budgets. But to plunge in headlong without talking through the potential reasons and risks of using social media is setting a city up for difficulty down the road.

Social media, while accessible through the Internet, is generally thought of differently than a city website. A city website is the official voice of the city, and is recognized as such. Cities typically assign website content development and posting duties to staff as part of their official job duties. Sometimes those duties include a supervisor's review of content before it is posted to the website.

This material is provided as general information and is not a substitute for legal advice.
Consult your attorney for advice concerning specific situations.

Where content sign-off isn't required, communications or other guidelines usually direct staff in the city's standards and expectations for acceptable and unacceptable website communications.

Social media largely is perceived as a less formal method of communication. Cities that are using social media to communicate official city-sponsored messages should be managing that official social media content in much the same way it manages the city newsletter or web site.

Because of the prevalence of social media outlets such as Facebook and Twitter – all accessible through an internet connection – city employees may be participating in social media on a personal level, which could mean they occasionally make a post about their work.

Social Media Considerations

Because social media are relatively new, understanding of liability issues only now is beginning to emerge. Cities should be mindful that any forays into social media – whether as an official voice of the city, voice for elected officials or as personally used by staff – could create an embarrassing situation for the city. In some instances, the city could face legal challenges if incorrect, false or non-public information is posted on a site used officially by the city or personally by employees or elected officials. In other settings, the city may face data requests that could include content posted to social media sites on city and/or personal computers, depending upon who and where content was posted.

Before considering social media use as a tool for city business, a city should weigh benefits against risks. Answering the following questions will help set a course for identifying who should speak for the city, when the city wishes to use social media, where it wants to engage, and more.

Is social media different than the city website? Yes. The city website functions as an official voice of the city. Often, city websites include formal communication about city events, projects, policies and ordinances. City websites primarily are one-way forms of communication where cities “push” information out to the public, and websites rarely offer opportunities to directly comment on information on the site. Most sites offer email addresses for visitors to send comments to.

Social media can be used as an official voice of the city, but it's different. Social media can be accessed simply, through the Internet. One of the primary goals of social media is to encourage two-way communication. Information shared in a social media setting typically happens in real-time. Social media information is “pulled” by followers. Simply put, in social media people choose who they want to connect with by deliberately “following” or “friending” them. The act of following someone on a microblogs or friending someone on FaceBook means that when they visit their accounts, they will see information posted by the people, groups and organizations they

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Read more about risks related to electronic communications between council members, social media and cities, and more in the following materials from the League:

[*Developing a Computer Use Policy*](#)

[*Electronic Communications Between Council Members*](#)

[*Managing Your City's Electronic Records*](#)

[*Complying with the Minnesota Government Data Practices Act*](#)

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follow, and can comment right away on what they see, hear and read – they can have a conversation in real time.

Should the city use social media? Determining whether social media is a good way for the city to communicate with residents is an individual city decision. Factors that may impact a city's decision could include staffing levels, communications needs, overall city goals, technology support, staff interest (or lack of interest) in social media, and other unique considerations.

In some instances, social media may complement current communications vehicles such as newsletters and the city web site, reach audiences the city otherwise wouldn't connect with, or partially or fully replace some existing communications tools. It might even help the city gather valuable input from residents about programs and services, or communicate emergency messages.

When considering how to integrate social media, the city should consider whether electronic media can actually replace print media. It's likely that not all residents have access to electronic forms of communication, so eliminating some of the city's existing communications tools could actually decrease its ability to connect with residents. It's also important to think about what types of communication to distribute via social media as each is developing a niche. Currently, microblogs are emerging as a tool for making announcements such as for upcoming meetings and events, communicating with people in real time and on the go, learning what others are doing or saying; blogs are being used as places for information more subjective in nature; and sites such as Facebook are being used for sharing information and photos.

When should the city use social media? There are many opportunities for a city to use social media in an official manner. Ultimately, the answer depends upon each city.

Some cities might choose to use social media to announce upcoming changes to services such as swimming pool hours or additional ball fields; provide updates on projects such as street improvements and skate park construction; announce city-related festivals; provide in-depth information on policy decisions on topics such as assessments, zoning; gather feedback and input from residents on projects, services and ordinances; or any number of other city-related topics.

What social media tools should the city use? The tools a city chooses to use will depend upon the type of information the city wants to communicate. Generally speaking, different tools work well for different types of things.

- **Microblogs** such as Twitter work well for taking the pulse of current events such as breaking news and legislative policy issues. Microblogs also work well for sharing announcements about projects such as a street being closed for resurfacing, reminding residents about parking rules during snow emergencies, and registration opening for parks and recreation programs. The value of microblog comments is enhanced when links are included to more information about the projects, policies and programs that already is posted on the city website. Microblogs also can work well for getting a snapshot of what people are thinking about at the moment, in other words, to get a sense for a trend. Carefully cultivating who a city follows can help increase the visibility of the city among groups such as the media, political leaders, and residents.

- **Social networks** such as Facebook and MySpace work well as a gathering place for people interested in the city, and for building affinity for the city. Social networks can serve as a place to post information and pictures of the community celebration, a project that succeeded because of volunteer efforts, or even of various city staff performing interesting aspects of their jobs. These spaces also could be used to gather input and ideas from residents on projects, services and ordinances.
- **Video sites** such as YouTube and iReport allow users to post, rate and comment on videos. Posting video can be a way to provide a comprehensive picture of a city event such as awards and even be a virtual way to show residents the range of work done by city staff. (Videos shouldn't be posted of any individual without that person's knowledge and consent.)
- **Photo sharing sites** such as Flickr and TwitPic allow users to post, rate and comment on photos can help create a comprehensive picture of a city event such as awards and even be a virtual way to show residents the range of work done by city staff. (Photos shouldn't be posted of any individual without that person's knowledge and consent.)
- **Wikis**, such as Wikipedia, can be used to develop information on a range of topics such as about the city's founding residents, historic sites and so on. Wikis are encyclopedia-like applications in which entries are created and edited by multiple people.

Should the city take a centralized or decentralized approach to social media? A city should consider whether it wants an official social media presence and, if so, in what social media venues. The city should think about when and how it wants to use social media, whether to have an official city voice, and whether to use a centralized or decentralized approach. The manner in which social media fits with other official forms of communication also should be considered.

It may be the case that having multiple city social media users – or a decentralized approach – makes sense for a city because it allows subject matter experts to talk about issues related to their areas of expertise.

For example, the city clerk might blog about changes to polling sites and announce openings for various committees and commissions, while the police officer talks about the city's K-9 officer. Microblogs might be used by public works staff to alert residents to snow parking emergencies, while parks and recreation staff announce enrollment openings for new programs.

A consolidated – or centralized – approach assigns social media responsibilities to one or two people. Depending upon the city, this approach could create a significant workload for those individuals, who may not have the time to support such a task.

On the other hand, a centralized approach probably would provide the city with a more controlled, consistent and uniformed social media presence.

Are postings to social media government data and/or subject to records retention? A city must determine whether the information communicated is about official or unofficial city business before determining whether it is subject to the Minnesota Government Data Practices Act.

Some information posted to social media is likely to be conversational, much like e-mail. Information of this variety likely does not need to be kept unless it serves as official record or government action.

For example, consider a posting that announces upcoming registration for a city program and that includes a link to the city web site where people can download the registration form. If the city is linking from social media to an official government record posted on the city website, the records retention schedule likely applies to the record itself and not the website or the social media outlet in which the link was posted. The communications medium doesn't change the nature of a government record.

It's important that cities remember that if they keep something not required under records retention such as a transitory email or Facebook message that is NOT an official government record, it would still be considered government data and probably classified as public. So, to the extent a city keeps more than it is required to keep, the city may have to produce that information.

Not all information posted will be conversational, of course. Some information will be official in nature and, therefore, need to be maintained.

An example might be taking public comment via the city's Facebook page or Twitter account on a proposed development in the city.

Considerations for cities that want an official presence in social media: An official city presence in social media probably would be dedicated to communicating information only on official city business such as upcoming city council meetings and events, programs in the parks and recreation department, public works projects such as road closures, and so on.

The city would determine whether it wanted a centralized or decentralized social media strategy. Communication probably would be integrated into the city's existing communications policies, and staff would be assigned social media duties as part of their regular work. The people chosen officially to use social media might expect their efforts to be part of their annual performance review. Among other expectations, staff with social media responsibilities would be expected to avoid posting information or comments that are critical, false or disparaging, or could be damaging to the city's reputation.

Staff with official responsibility for social media might include the top appointed official in a smaller city or a communications staff person in a larger city, or even multiple department heads and line staff.

Access to social media sites through city technology and during regular work hours would be approved, and may even be considered from personal technology so that timely postings to social

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Read about issues related to managing electronic records and data practices:

[*Managing Your City's Electronic Records*](#)

[*Complying with the Minnesota Government Data Practices Act*](#)

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media can happen in accordance with the city's guidelines. For instance, an employee in charge of using social media for snow emergency plowing notices might need to access the city social media sites after normal hours and so may do so from home or from a web-enabled phone. When staff are assigned to serve as the official voice and required to access social media after hours, the city should consider what posting official city business from personal technology means in the context of the city's records retention policies. It might make sense to encourage that any communications related to official city business be retained in a separate file so that it is easy to produce all city-related business information posted to social media should there be a request made under the Minnesota Government Data Practices Act for all communication related to a particular topic.

It also would be helpful to provide etiquette guidelines for expected behavior by staff charged with using social media on behalf of the city. Etiquette guidelines might include:

- **Account Names.** Social media account names should be clearly tied to the city so it is apparent to visitors, friends and followers that they are choosing to receive information from the city. For example, the city of Mosquito Heights would name its Facebook page "City of Mosquito Heights," its Twitter account "MosquitoHeights," and so on.

Staff charged with representing the city could be expected to clearly illustrate on their account that they work for the city. This could be done by requiring all staff who use social media to include a city-designated prefix on their account names, much like the conventions set up for email years ago. For example, if John Doe, the public works director, is maintaining a public works Facebook page for the city, the page might be named "Mosquito Heights Public Works John Doe" and his Twitter account might be "MH-JohnDoe." Sally Deer, the clerk, might be "Mosquito Heights Clerk Sally Deer" on Facebook and "MH-SallyDeer" on Twitter. Profile information for pages maintained by designated staff should include staff's city job title, and could include the city's web site address, street address, and other relevant information.

- **Transparency.** Personal opinions don't belong in an official city social media communication unless the city has asked a person to share personal views and comments. If that's the case, the person sharing his or her comments should clearly identify the comments as the poster's own opinions, not those of the city. A good precautionary principle for the city and its official communicators to follow – regardless of the city policy on posting opinions – is that if you'd be embarrassed to see your comment appear in the news, don't post it.
- **Honesty.** Individuals should be honest, straightforward and respectful while being mindful of the need to maintain confidentiality and privacy when appropriate. Individuals should be sure that efforts to be honest don't result in sharing non-public information related to coworkers, personnel data, medical information, claims or lawsuits, or other non-public or confidential information. Where questions exist, staff should consult with their supervisor or city attorney.
- **Mistakes.** If an individual makes a factual mistake, they should correct it as soon as they are aware of the error. Corrections should be upfront and as timely as possible. If the individual is correcting a blog entry, the author may choose to modify an earlier post, and make it clear the posting has been corrected.

The web contains a permanent record of mistakes, so attempting to disguise a mistake likely will make things worse.

To help prevent errors, official communications should be fact-checked before being posted in social media. Potential errors could create city issues ranging from minor to significant, and some may create unforeseen liability issues.

For example, posting to Facebook the wrong opening date for enrollment in a parks and recreation program likely will create confusion, inconvenience and even frustration among residents who try to enroll their kids in a program too early and essentially end up wasting their time, or who find a program full because they tried to enroll their kids too late for a program. It's unlikely this type of mistake would create city liability.

But posting incorrect information about a new city ordinance related to land use zoning stands a greater chance of creating liability if someone acts based upon that incorrect information, and later is penalized for the action they took based upon the incorrect information officially posted by the city.

- **Mind the law, existing city policies and guidelines.** Do not upload, post, transmit or make available content you know to be false, misleading or fraudulent. All statements should be true and not misleading. Do not post photos that infringe on trademark, copyright or patent rights of others.
- Non-public and confidential information such as information related to coworkers, personnel data, medical information, claims or lawsuits against the city should never be shared. Posting such information could create liability issues for the city and the person posting the information.

Do not post content that violates existing city policies, that exhibits hate, bias, discrimination, pornography, libelous or otherwise defamatory content.

Only post content that is suitable for readers and viewers of all ages. Do not post content that a reasonable citizen may not consider to maintain the dignity and decorum appropriate for government. Do not post information that affiliates the city with or advocates for a political party or candidate running for council.

Do not post any photo or video without permission of each person in the photo or video. Do not post the name of any individual without permission from that person.

- **Posting to third-party sites.** Only post to third-party sites when it is relevant to the city.
- **Contact by media.** Employees who are contacted by the media should follow city media relations/communications protocols.

What about city staff who use social media for personal reasons? City staff without official social media responsibilities likely use social media to keep in touch with friends, family, colleagues and groups with mutual interests. As part of their personal use of social media, it's not

difficult to imagine that sometimes city staff may comment on city-related issues. Such a scenario often starts out innocently enough, but can lead to problems down the road.

An example of use of a personal social media account that crosses the line from strictly personal to city related could be of the public works director who has a personal Twitter account. The public works director created the account to talk about and follow others with shared interests on topics such as hobbies, raising kids, and professional sports.

After being on Twitter a while, the public works director finds an official account for a professional group that he belongs to – the American Public Works Association. He already regularly visits the APWA website, but following the APWA on Twitter means he gets real-time updates about things that impact his job – national wastewater rule changes, upcoming conferences, and job openings. He’s now started to merge his personal and professional lives.

Now consider that he’s developed a following on Twitter that includes his friends who live in the city, and some of their friends start to follow him. One day the public works director realizes he has a broad network of people interested in what he has to say, and some folks are following him just because he works for the city.

He starts to see Twitter as a way to communicate important information to residents about snow emergencies or ice rinks opening, and he does so. His following grows because people know they can get important city-related news when it matters most. At first, the city information being communicated is straightforward, doesn’t bear any real negative impact for the city, and actually helps the city do its work – residents are moving their vehicles before plowing begins!

But the city still should consider what it means that the public works director has started to use personal social media for official city business. The city could determine it would like to make use of social media part of the public works director’s official job duties. Some questions to consider in this scenario include: What happens if the public works director is disgruntled because a new equipment request is denied and he posts information blasting the council? What if he comments negatively about a staff member, or shares non-public information about that person in his personal social media accounts? What happens if the city faces a data request and a personal computer or other technology has been used to communicate on the topic of interest? What happens if he takes a job in another city and the city loses those connections to the public that he developed via social media?

Staff without explicit job duties detailed in a job description should be expected to follow the city’s existing computer use policy when it comes to using city technology to access social media sites. A city computer use policy should outline when and how staff can use city technology for personal use, employee privacy expectations, reference other policies that might come to bear such as harassment prevention policies, and discipline for violating the policy.

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Read more in the following materials from the League:

[*Developing a Computer Use Policy*](#)

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City staff generally has the right to speak publicly as private citizens on “matters of public concern.” Such speech, even if made in the workplace or as part of official duties, may be constitutionally protected if the interests of the employee, in commenting upon matters of public concern, outweighs a city’s interests in promoting the efficiency of the public services it performs through its employees. Be careful to balance these interests before taking any action against an employee for the content of the speech he/she publicizes on social media sites. Of course, not everything is defined as a matter of public concern – comments on private matters with no impact on the greater public generally are not considered protected speech. Cities should consult with their city attorneys as appropriate on this issue. Staff never has the right to reveal non-public or private data.

Etiquette guidelines for staff who use social media on a personal basis might include:

- **Account Names.** Personal social media account names should be not be tied to the city. This will help clarify that the individual is not speaking officially on behalf of the city. For example, the personal Twitter account for John Doe, the Mosquito Heights Public Works Director, should be just “JohnDoe,” his Facebook page “John Doe’s” and so on.

Staff interested in using social media officially on behalf of the city should talk with their supervisor.

- **Mind the law, existing city policies and guidelines.** Individuals who use personal social media accounts are not immune from the law, or from the need to follow existing city policies and guidelines related to harassment prevention, media relations, computer use and other policies the city may have adopted.

Individuals should be encouraged to refrain from uploading, posting, transmitting or making available content known to be false, misleading or fraudulent. They should be encouraged not to post photos that infringe on trademark, copyright or patent rights of others.

Individuals never have the right to post non-public and confidential information such as information related to coworkers, personnel data, medical information, claims or lawsuits against the city.

Individuals should not use city-owned equipment to post to personal sites content that violates existing city policies, that exhibits hate, bias, discrimination, pornography, libelous or otherwise defamatory content.

Individuals should be encouraged to post to personal sites only that content which is suitable for readers and viewers of all ages.

What about elected officials who use social media? Some elected officials already use blogs, microblogs, Facebook and other social media to connect with constituents and to promote political agendas. This is a reasonable use of social media, but elected officials should not use official city social media sites for campaigning purposes, just as they would not use the official city website or newsletter for campaigning.

It would be useful for elected officials to consider the effect personal comments about official city business can have on the city as a whole. Just as with face-to-face comments, electronic comments via social media can serve to “stir the pot” when an official speaks in opposition to an official city position adopted by a vote of the council. The city council might consider voluntary policy language to prevent this kind of awkward situation.

Elected officials should also be mindful of the risks of electronic communication in relation to the Minnesota Government Data Practices Act and the Open Meeting Law, and should consider adopting a policy on electronic communications between council members, and consider adopting a computer use policy for elected officials. Remember, two way communications amongst elected officials should be strictly avoided due the possibilities of serial meetings in violation of the Open Meeting Law.

- **Account Names.** Personal social media account names should be not be tied to the city. This will help clarify that the individual is not speaking officially on behalf of the city. For example, the personal Twitter account for Jane Deer, the Mosquito Heights Mayor, should be just “JaneDeer,” her Facebook page “Jane Deer’s” and so on.
- **Transparency.** Elected officials who use personal social media accounts should be encouraged to complete profiles on those sites, and to reveal that they are elected officials for the city. They should be encouraged to include a statement that any opinions they post are their own, not those of the city. They should be aware that – even though they are revealing their affiliation with the city – they will inherently create perceptions about the city among visitors to their personal account sites. Individual actions, whether positive or negative, will impact how the city is viewed. A good rule of thumb to encourage them to follow is that if they would be embarrassed to see their comment appear in the news, they shouldn’t post it.
- **Honesty.** Encourage elected officials who use personal social media accounts to be honest, straightforward and respectful. Educate them that if they choose to comment on city issues, they are personally responsible for what they post. They should be mindful of the need to abide by privacy and confidentiality laws in all postings. Individuals should be sure that efforts to be honest don’t result in sharing non-public information related to coworkers, personnel data, medical information, claims or lawsuits, or other non-public or confidential information.
- **Mistakes, liability and claims against the city.** If an elected official makes a factual mistake, it should be corrected as soon as the official is aware of the error. Corrections should be upfront and as timely as possible. If the elected official is correcting a blog entry, she may choose to modify an earlier post, and make it clear the posting has been corrected. If correcting

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an error in Twitter, the posting might include something designating the corrections, such as “Fixed link” or “Fact correction” before the corrected information.

The web contains a permanent record of mistakes, so attempting to disguise a mistake likely will make things worse.

To help prevent errors, elected officials should not post official information about the city. Potential errors could create city issues ranging from minor to significant, and some may create unforeseen liability issues.

An example discussed earlier in this document applies here. Posting the wrong opening date for enrollment in a parks and recreation program likely will create confusion, inconvenience and even frustration among residents who try to enroll their kids in a program too early and essentially end up wasting their time, or who find a program full because they tried to enroll their kids too late for a program. It’s unlikely this type of mistake would create city liability. But posting incorrect information about a new city ordinance related to land use zoning stands a greater chance of creating liability if someone acts based upon that incorrect information, and later is penalized for the action they took based upon the incorrect information officially posted by the city.

If an elected official makes an error related to official city business, she should contact the top appointed official to divulge the error and consult on the best manner in which to communicate the correct information. Depending upon the type of error, the city may choose to correct the information in a range of official city communication vehicles such as the city newsletter, website, during a council meeting and, potentially even with the local media to ensure the corrected information is broadcast as widely as possible.

Elected officials also should recognize that using personal technology to communicate on official city business could become inconvenient if a request for data is made on a particular topic, and that elected official has commented through his own equipment, including computers and phones. The official could be in a situation where his hard drive is subpoenaed during an investigation of a claim or lawsuit against the city. Such a situation would be inconvenient at best. Elected officials should consider maintaining a separate file on their personal technology for maintaining city-related communications so they can easily produce any requested public information on their personal technology.

- **Add value.** There may be times when elected officials use social media to promote a position on a city issue such as a controversial ordinance being considered, land use discussion, gather feedback from constituents or to campaign.

When this occurs, elected officials should be encouraged to add value to the conversation by staying focused on the issue. They should not post comments that amount to name-calling or ridiculing of colleagues, staff or residents.

While it’s common and even natural to seek to respond to attacks on their viewpoints or personality, elected officials should be encouraged to avoid conversations that clearly add no value to discussion of city issues.

For instance, the elected official who essentially is called an “idiot” or some other baited term, should ignore the comment regardless of whether it happens in the social media realm or not, and regardless of who says it. Responding to such comments only serves to inflame discussions, makes all the participants look silly and petty, and casts a long shadow on the view the public has of the city and its elected leaders. Elected officials should seek to elevate conversation, and to be leaders by being respectful, thoughtful and open-minded.

- **Mind the law, existing city policies and guidelines.** Elected officials who use personal social media accounts are not immune from the law, or from the need to follow existing city policies related to electronic communication among council members, and guidelines related to use of city-owned technology. In addition, any information posted or responded to by elected officials should be done so in a manner that does not violated the letter or spirit of the Open Meeting Law. Remember, two way communications amongst elected officials should be strictly avoided due the possibilities of serial meetings in violation of the Open Meeting Law.

Elected officials should be encouraged not upload, post, transmit or make available content known to be false, misleading or fraudulent. They should be encouraged not to post photos that infringe on trademark, copyright or patent rights of others.

Elected officials never have the right to post non-public and confidential information such as information related to coworkers, personnel data, medical information, claims or lawsuits against the city.

Elected officials should not use city-owned equipment to post to personal sites content that violates existing city policies, that exhibits hate, bias, discrimination, pornography, libelous or otherwise defamatory content.

Elected officials should be encouraged to post to personal sites only that content which is suitable for readers and viewers of all ages.

- **Stop discussing city issues if asked to do so by the City.** There may be instances in which an elected official should not comment on city issues. This could occur, for example, if the discussion might violate laws, regulations or confidentiality, or if a claim or lawsuit has been filed against the city.
- **Contact by media.** Elected officials who are contacted by the media on a topic of official city business should follow city media relations/communications protocols.

Your LMC Resource

General questions about social media can be directed to Stephanie Weiss, public relations consulting manager, at (651) 215-4039 or (800) 925-1122. Email can be sent to sweiss@lmc.org.

Legal questions can be directed to the Research Department at (651) 281-1200 or (800) 925-1122.