

CITY OF RANCHO PALOS VERDES

SOCIAL MEDIA POLICY

(As adopted by the City Council December 21, 2021)

1. Purpose

Recognizing that the internet has transformed the way individuals, companies, and governments communicate and obtain information online, City departments are authorized to utilize social media tools, consistent with this policy, to reach a broader audience of residents.

The purpose of the City of Rancho Palos Verdes' Social Media sites (e.g., Instagram, Facebook, Twitter, YouTube, Google My Business, LinkedIn, etc.) is to provide content and information to community members about City services, events and activities. Questions, comments, and concerns from the public are welcome and encouraged on the City's Social Media sites; however, except as provided in Section _8 of this Policy, these social media sites are intended to be established as *limited public forums* pursuant to applicable law.

The City's Social Media sites are meant to further the goals of the City and the missions of its departments. The City has an overriding interest and expectation in deciding what is posted on City Social Media sites. This Social Media Policy establishes guidelines for City staff's use of the Social Media sites as a means of conveying information to and communicating with members of the public and to set forth standards by which the public may comment/post on City Social Media sites.

To promote respectful discussion, courtesy, respect, and the use of polite language is encouraged.

2. Definitions

"Social Media" means content created by individuals, using accessible, expandable, and upgradable publishing technologies, through and on the Internet.

"City Social Media" means Social Media owned, maintained, or operated by the City or a City-affiliated entity and whose postings the City controls.

"Department" means a department or division of the City such as the Recreation, Parks, and Open Space Department or the City Clerk Department.

"Department Head" means a City employee who is in charge of a Department such as the Director of the Recreation, Parks, and Open Space Department.

"Employee" includes without limitation full-time and part-time employees, contractors, contract workers, interns, and volunteers of the City.

"Social Media Coordinators" means City employees who have been appointed by the City Manager or Department Heads and given authority to use social media on behalf of the City or

department and responsibility to ensure the appropriateness of content.

“Social Media Provider” means a provider of a Social Media service, including but not limited to, Facebook, Twitter, Instagram, blogs, RSS feeds, YouTube, Snapchat, LinkedIn, Nextdoor, Google My Business, and Flickr.

“User” refers to a member of the public, or an Employee acting solely in their private capacity, who view, use, or comment on City Social Media sites.

“Posts” or “Comments.” For purposes of this policy, the terms “posts” and “comments” include information, articles, pictures, videos or any other form of communicative content posted on a City Social Media site.

3. General Policy and Guidelines

3.1 The City’s official website (<https://www.rpvca.gov/>) will remain the City’s primary and predominant internet presence.

3.2 The City’s intention is to use City Social Media sites for the sole purpose of City business.

3.3 Except as provided in Section 8 of this Policy, all City Social Media sites are limited public forums.

3.4 The City has an overriding interest and expectation in protecting the integrity of the information posted on its social media sites and the content that is attributed to the City or its officials.

3.5 The City Manager, Department Heads, and/or Social Media Coordinators will monitor content on City Social Media sites to ensure adherence to this Social Media Policy.

3.6 The City Manager may, in his or her sole discretion, remove a City employee’s status as a Social Media Coordinator at any time. Similarly, in relation to the Department Head’s own Department, a Department Head may, in his or her sole discretion, remove a City employee’s status as a Social Media Coordinator for their respective Department at any time.

3.7 These guidelines must be displayed on the City's Social Media sites or made available by hyperlink.

3.8 The City will approach the use of Social Media tools as consistently as possible, enterprise-wide.

3.9 The intended purpose of City Social Media sites is to disseminate information from the City about the City's mission, services, meetings, and current issues to members of the public.

3.10 To promote respectful discussion, it is requested that Users be courteous

and productive.

3.11 The City reserves the right to restrict or remove any content that is deemed in violation of this Policy or applicable law. Additionally, comments on topics or issues not within the jurisdictional purview of the City may be removed. Any content removed based on these guidelines must be retained by the City for a reasonable period of time, including the time, date, and identity of the poster, when available. The City further reserves the right, in its sole and unfettered discretion, to discontinue any City Social Media site, or portion thereof, if it determines such action is in the City's best interest in meeting its goals of communicating with the community, as technology and social media platforms change and evolve.

3.12 All City Social Media sites shall adhere to applicable federal, state, and local laws, regulations, and policies, including without limitation the following:

a. City Social Media Sites shall be managed in a manner consistent with the Ralph M. Brown Act, located at California Government Code Section 54950 et seq.

b. City Social Media sites are subject to the California Public Records Act. Any content maintained in a Social Media format that is related to City business, including a list of subscribers, posted communication, and communication submitted for posting, may be a public record subject to public disclosure or subject to discovery under pending litigation.

c. City Social Media sites shall comply with usage rules and regulations required by the site provider, including without limitation applicable privacy policies.

d. The City's Social Media sites shall comply with any existing City's conflict of interest code, applicable ethics rules and related policies.

3.13 This Social Media Policy may be revised at any time in the City's sole and absolute discretion.

4. Policies and Standards for City Social Media Sites

4.1 Establishment Guidelines

a. The establishment of any City Social Media site is subject to approval of the City Manager. Upon approval, City Social Media sites shall bear the name and/or the logo or seal of the City and contain a link back to the City's official website (<https://www.rpvca.gov/>).

b. All City Social Media sites shall utilize authorized City contact information for account setup, monitoring and access. The use of personal email accounts or phone numbers by any City employee is not allowed for the official purpose of setting up, monitoring, or accessing a City Social Media Site.

c. City Social Media sites shall clearly state that such sites are maintained by the City and that the sites comply with the City's Social Media Policy, and such site shall contain a link to this Social Media Policy.

d. Wherever possible, City Social Media sites should link back to the official City of Rancho Palos Verdes website for forms, documents, online services and other information necessary to conduct business with the City of Rancho Palos Verdes.

e. From time to time, a City Social Media account may receive a private or direct message from members of the public. When responding to private or direct messages to City Social Media accounts, responses to such messages shall be in compliance with the City's Administrative Instruction 8-07 (First Revision, March 6, 2001), as it may be amended from time to time, to the extent that such administrative instruction applies to electronic mail (i.e., "email").

f. The City's Social Media Policy shall be displayed to users or made available by hyperlink to the City's website where the Social Media Policy will be posted.

4.2 Conduct of Department/Employees

a. While On-Duty

(i) City of Rancho Palos Verdes employees and designees representing the City on City Social Media sites shall conduct themselves at all times as a professional representative of the City and in accordance with all City policies, such as those relating to City standards of appropriateness, style, and decorum.

b. While Off-Duty

(i) One of the primary purposes of an employee's personal social media account should not be to communicate City business. The only social media accounts that have a primary purpose of communicating City business, on behalf of the City, should be the authorized City Social Media accounts.

(ii) Employees who post on their personal social media accounts content related to City business occasionally, and not as a primary purpose, to communicate to their private or public followers, should do so in a way that aligns with City standards of appropriateness, style, and decorum.

c. Not Intended to Improperly Restrict

(i) This policy is not intended to and will not be applied to improperly restrict Employees from engaging in non-City social media conversations and postings during non-City time, so long as these postings do not violate government policies intended to prevent workplace discrimination, safety or harassment policies. Employees conducting social networking discussions related to City business matters in off-City time shall indicate that viewpoints are personal and do not necessarily reflect City opinion. Further, this Policy is not intended to restrict Employee recognized free speech rights or interfere with their federally and state protected concerted labor activities and this Policy shall not affect Employees' right to act with co-workers to address work-related issues. Examples of federally and state protected concerted labor activities include: talking with one or more co-workers about wages and benefits or other working conditions, circulating a petition asking for better hours, participating in a

concerted refusal to work in unsafe conditions, openly talking about pay and benefits, and joining with co-workers to talk directly to City management, to another government agency, or to the media about problems in the workplace; however, this does not permit Employee(s) to post content that the Employee(s) knows is false or is posted in reckless disregard for the truth or falsity of the same, or the Employee(s) publicly disparages City products or services unrelated to wages, hours, or conditions of employment.

(ii) Opportunity to Cure.

(1) If an Employee allegedly violates this Section 4.2(c), the City may give notice to the Employee and the applicable Employee organization of such alleged violation. This notice shall include (1) evidence of the alleged violation (e.g., a screenshot of the alleged violation) and (2) a timeframe in which Employee may cure the alleged violation, which shall be at least 7 days from the date of receipt of the notice by the Employee (“Cure Period”).

(2) Prior to the end of the Cure Period, the Employee may request in writing that the City and the applicable Employee organization review the alleged violation. The applicable Employee organization may provide a representative to conduct this review. If the City and Employee organization mutually agree that the Employee did not violate this Section 4.2(c), then the Employee shall not be subject to discipline pursuant to the City’s code of conduct policies. Otherwise, the Employee will be subject to discipline pursuant to the City’s code of conduct policies.

(3) If the Employee does not cure the alleged violation or request a review as provided above before the end of the Cure Period, then the Employee will be subject to discipline pursuant to the City’s code of conduct policies.

(4) Notwithstanding the forgoing, this Section 4.2(c)(ii) shall not apply where (1) misconduct is an immediate threat to public health and safety (including, but not limited to, immediate bodily or other severe harm) or (2) misconduct is a clear violation of law.

(iii) Failure by the City to monitor Employees for compliance with this Section 4.2(c) shall not constitute any waiver by the City of Employees’ obligations to comply with this Section 4.2(c).

d. If the City receives a Public Records Act request for content that is posted on a private page regarding content that is potentially related to City business, the City may ask the employee to provide the content. It is the employee’s responsibility to provide the content if available. With that in mind, employees posting content related to City business on personal accounts, should archive said content, according to the guidelines in this policy, before considering deleting from their account for any reason. For the purposes of this Section 4.2(d), “potentially related to City business” shall mean that the content relates in some substantive way to the conduct of the public’s business; however, this does not include every piece of information the public may find interesting. For example, communications that are primarily personal, containing no more than incidental mentions of City business, generally will not constitute public records (e.g., content

showing that not all Employees enjoy the company of their colleagues, or hold them in high regard would not be a public record). Nevertheless, this Section 4.2(d) shall be interpreted in a manner consistent with the holding in *City of San Jose v. Superior Ct.*, 2 Cal. 5th 608 (2017) and its progeny.

4.3 Content of City Social Media Sites

a. The City makes every attempt to ensure content is thoroughly reviewed and approved before posting on City Social Media sites.

b. Social Media Coordinators may be appointed by the City Manager or Department Heads and given authority to use social media on behalf of the department and responsibility to ensure the appropriateness of content.

c. The content of City Social Media sites should only pertain to City-sponsored or City-endorsed programs, services, and events. Content includes, but is not limited to, narrative information, photographs, videos, and hyperlinks.

d. Content posted to the City's Social Media sites must contain hyperlinks directing users back to the City's official website for additional or more in-depth information, forms, documents or online services necessary to conduct business with the City of Rancho Palos Verdes, whenever possible.

e. The City shall have full permission or rights to any content posted by the City, including photographs and videos.

f. Postings shall be made during normal business hours. After-hours or weekend postings shall only be made in disaster/emergency situations or with approval of the City Manager or his/her designee(s).

g. Any employee authorized to post items on any of the City's Social Media sites on behalf of the City shall not express his or her own personal views or concerns through such postings. Instead, postings on any of the City's Social Media sites by an authorized City employee on behalf of the City shall only reflect authorized, accurate and timely content consistent with City Council actions, City policy, the goal of disseminating information, and providing municipal services to residents.

h. Postings must contain information that is freely available to the public and not be confidential or privileged as defined by any City policy or state or federal law. Sharing or posting content owned by others shall be performed in accordance with copyright, fair use and established laws pertaining to materials owned by others. This includes, but is not limited to, quotes, images, documents, links, etc.

i. Postings shall NOT contain any personal information, except for the names and titles of employees whose job duties include being available for contact by the public and the employee(s) authorized to post the information.

j. Under the authority of the City Manager, the City reserves the right

to remove content if deemed offensive or not within the Social Media Guidelines. Postings to City Social Media sites shall NOT contain any of the following:

- (i) Comments that are not topically related to the particular posting being commented upon;
- (ii) Comments in support of, or opposition to, political campaigns, candidates or ballot measures;
- (iii) Profane language or content;
- (iv) Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, or status with regard to public assistance, national origin, physical or mental disability or sexual orientation, as well as any other category protected by federal, state, or local laws;
- (v) Sexual content or links to sexual content;
- (vi) Solicitations of commerce or advertisements including promotion or endorsement;
- (vii) Conduct or encouragement of illegal activity;
- (viii) Information that may tend to compromise the safety or security of the public or public systems; or
- (ix) Content that violates a legal ownership interest of any other party.

4.4 The City reserves the right to implement or remove any functionality of its Social Media sites, when deemed appropriate by the City Manager or his/her designee. This includes, but is not limited to, information, articles, pictures, videos or any other form of communication that is posted on a City Social Media site.

4.5 Replies to comments on Facebook posts by the City Manager or his/her designee, Department Heads, and Social Media Coordinators (as applicable) shall be timely and limited to providing factual information that might clarify or answer resident questions, consistent with existing protocols.

4.6 Except as expressly provided in this Policy, accessing any social media site shall comply with all applicable City policies pertaining to communications and the use of the internet by employees, including email content.

4.7 City Social Media pages shall not “like” any other comments or posts. Additionally, City Social Media pages shall not share or re-post (e.g., “retweet”) any content posted by another social media account without approval of the City Manager or his/her designee.

4.8 Violations of this Section 4 may subject employees to discipline pursuant

to the City’s code of conduct policies.

5. Use of Social Media by Members of the City Council

Use of Social Media by Members of the City Council, City commissions, City committees, and other City legislative bodies, shall comply with all applicable laws, including, without limitation, the requirements of the Ralph M. Brown Act (“Brown Act”). The requirements of the Brown Act include, without limitation, Government Code Section 54952.2(b)(3), which currently provides as follows:

“(1) A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

(2) Paragraph (1) shall not be construed as preventing an employee or official of a local agency, from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency, if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.

(3)

(A) Paragraph (1) shall not be construed as preventing a member of the legislative body from engaging in separate conversations or communications on an internet-based social media platform to answer questions, provide information to the public, or to solicit information from the public regarding a matter that is within the subject matter jurisdiction of the legislative body provided that a majority of the members of the legislative body do not use the internet-based social media platform to discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body. A member of the legislative body shall not respond directly to any communication on an internet-based social media platform regarding a matter that is within the subject matter jurisdiction of the legislative body that is made, posted, or shared by any other member of the legislative body.

(B) For purposes of this paragraph, all of the following definitions shall apply:

(i) “Discuss among themselves” means communications made, posted, or shared on an internet-based social media platform between members of a

legislative body, including comments or use of digital icons that express reactions to communications made by other members of the legislative body.

(ii) “Internet-based social media platform” means an online service that is open and accessible to the public.

(iii) “Open and accessible to the public” means that members of the general public have the ability to access and participate, free of charge, in the social media platform without the approval by the social media platform or a person or entity other than the social media platform, including any forum and chatroom, and cannot be blocked from doing so, except when the internet-based social media platform determines that an individual violated its protocols or rules.”

6. Use of City Social Media by Members of the Public

6.1 SCOPE AND APPLICABILITY

This Section 6 shall only apply to members of the public who use the City’s Social Media sites (i.e., “users” as defined above).

6.2 POST/COMMENT POLICY

Except for the City Social Media sites provided in Section 8 of this Policy, all City Social Media sites shall conspicuously display to its users, or make available by a conspicuously displayed hyperlink to its users, and all users shall comply with the following policy:

“Policy for Public Use of City Social Media Sites

For the purposes of this Policy, the terms “posts” and “comments” include information, articles, pictures, videos or any other form of communicative content posted on any City Social Media site.

By posting or commenting on the City of Rancho Palos Verdes’ Social Media sites, you agree to the terms of use of the City of Rancho Palos Verdes’ Social Media post/comment policy as provided herein.

1. As a public entity the City must abide by certain standards to serve all its constituents in a civil and unbiased manner.

2. The intended purpose behind establishing City of Rancho Palos Verdes Social Media sites is to disseminate information from the City, about the City, to its citizens regarding City services, events and activities. The City has an overriding interest and expectation in deciding what is posted on or communicated on behalf of the City on City Social Media sites. Questions, comments, and concerns are

welcome and encouraged, but please note that this is a limited public forum.

3. To promote respectful discussion within this forum, we request that you be courteous and productive. By interacting with the City through any and all City Social Media sites, you agree to abide by this policy.

4. Posts and comments including, but not limited to, any of the following forms of content shall not be permitted on City of Rancho Palos Verdes Social Media sites and are subject to removal and/or restriction by the City:

- Posts or comments that are off topic;
- Posts or comments that contain obscene, inflammatory, unlawful, threatening, harassing, illegal, or defamatory language towards any individual or entity;
- Posts or comments that contain personally identifiable information (other than your own name or username). This refers to information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. To protect your privacy, please do not share personal information;
- Posts or comments that contain remarks that perpetuate discrimination on the basis of race, creed, color, age, religion, gender, marital status, or status with regard to public assistance, national origin, physical or mental disability or sexual orientation, as well as any other category protected by federal, state, or local laws;
- Posts or comments that are defamatory or personal attacks;
- Threats of violence directed to any person or organization;
- Posts or comments that promote or endorse particular commercial services, products, political organizations, campaigns, candidates, or ballot measures;
- Posts, comments, or conduct in violation of any federal, state or local law;
- Encouragement of illegal activity;
- Content that infringes upon intellectual property.

5. A post or comment posted by a member of the public on any City of Rancho Palos Verdes Social Media site is the opinion of the commentator or poster only, and publication of a post or comment does not imply endorsement of, or agreement by, the City of Rancho Palos Verdes, nor do such posts or comments reflect the opinions or policies of the City of Rancho Palos Verdes.

6. City Departments shall monitor their social media sites for posts and comments in violation of this policy.

7. All posts and comments posted to Instagram, Facebook, Twitter, Google My Business, LinkedIn, or any other social media site are also bound by the respective social media site's specific use policy, and the City reserves the right to report any violation of any other social media sites use policy with the intent of taking appropriate and reasonable action.

9. By posting any content (e.g., a comment or post), a user agrees to indemnify and hold harmless the City of Rancho Palos Verdes, its officials, officers and employees, against any damages, losses, liabilities, judgements, causes of action, costs or expenses (including reasonable attorneys' fees and costs) arising out of any claim by a third party relating to any material that the user has posted on the City of Rancho Palos Verdes' Instagram, Facebook page, Twitter, Google My Business, LinkedIn, or any other social media site.”

7. Public Records and Records Retention

City Social Media sites contain communications sent to or received by the City and its employees, and such communications are therefore public records subject to Government Code §§ 6250 *et seq.* and 34090 *et seq.* Further, these record retention requirements apply regardless of the form of the record (for example, digital text, photos, audio, and video). Such public records shall be preserved pursuant to the City's records retention policy for the required retention period in a format that preserves the integrity of the original record and is easily accessible.

8. City Social Media Sites that are not Public Forum

Certain City Social Media sites are established for the sole purpose of one-way communication to members of the public. All City Social Media sites established on the following social media platforms shall not be public forums and are established for the sole purpose of one-way communication to members of the public:

- Nextdoor

As such, the City shall disable all post or comment functionality on such sites that would allow any posting or commenting except by the City.