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Item No. 13

MAY 3 2021

City of South Gate

CITY COUNCIL

CITY OF SOUTH GATE
OFFICE OF THE CITY MANAGER

11:05am

AGENDA BILL

For the Regular Meeting of: May 11, 2021

Originating Department: Administration

Management Assistant:


Giselle Marès

Interim City Manager:


Chris Jeffers

SUBJECT: RESOLUTION APPROVING ADMINISTRATIVE REGULATION 109 ESTABLISHING THE CITY'S SOCIAL MEDIA POLICY TO PROMOTE THE GOAL OF THE CITY AND EXPAND TRADITIONAL COMMUNICATION METHODS.

PURPOSE: To adopt a Resolution establishing the City's Social Media Policy to promote the goals of the City and expand traditional communication methods.

RECOMMENDED ACTION: The City Council will consider adopting the Resolution approving Administrative Regulation 109 establishing the City's Social Media Policy, effective immediately.

FISCAL IMPACT: None.

ANALYSIS: The proposed Social Media Policy establishes guidelines for the use of Social Media by the City as means of conveying information, while enhancing transparency through the dissemination of information, about the City, its events, activities, projects and general information to its residents and the public. It is intended to enhance transparency through the dissemination of information about the City and its events, activities, projects and general information to the public. Nothing in this proposed Social Media Policy shall be applied to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor laws or other applicable laws.

BACKGROUND: On January 1 2021, Assembly Bill 992 (AB 992) became effective, clarifying how public officials may communicate on internet-based social media platforms. Before AB 992 was signed into law, the Brown Act was silent regarding communications on social media. AB 992 prohibits a member of a legislative body from responding directly to any communication on an internet-based social media platform regarding an agency matter if the communication is made, posted, or shared by any other member of the legislative body.

To address the fast-changing landscape of the Internet and the way residents communicate and obtain information online, City departments may consider using social media tools to reach a broader audience. The City encourages the use of social media to further the goals of the City and the missions of its departments, where appropriate. The City has an overriding interest and

expectation in protecting the information posted on its social media sites and the content that is attributed to the City and its officials. City staff reviewed policies adopted by other local government agencies and discussed their relevance to the City and input from team members was taken into consideration in drafting this policy.

An effective policy will allow the City to share what we do and how we do it, and provide the public the opportunity to know, trust and engage with us.

This policy was drafted with the assistance of the City Attorney and adheres to all City policies and procedures. It will be a priority of the City to ensure staff who have access to the City's social media accounts are trained on best practices and compliance with the social media policy or standards and procedures to ensure that the risk or liability to the City with the adoption of this program is minimized.

ATTACHMENT: Proposed Resolution (including Administrative Regulation 109)

RESOLUTION NO.

**CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE,
CALIFORNIA, APPROVING ADMINISTRATIVE REGULATION 109
ESTABLISHING THE CITY'S SOCIAL MEDIA POLICY,
EFFECTIVE IMMEDIATELY**

WHEREAS, the City Council ("City Council") of the City of South Gate ("City") desires to have a presence on social media websites and platforms to provide an additional method for the City to engage with citizens;

WHEREAS, the City Council recognizes that social media is a valuable tool, and an efficient method to deliver information to the public;

WHEREAS, the Mayor and City Council desire to establish a policy for communications within and by the City;

WHEREAS, the City Council desires to encourage the use of social media to further the goals of the City and the missions of its departments and affiliated boards, commissions and employees;

WHEREAS, social media is a proven way to engage the community by distributing information about city services and events, recreational opportunities, and has become the number one way to communicate alerts in the event of an emergency;

WHEREAS, social media reaches a wide range of audiences in our community including residents, visitors and businesses, much more so than traditional media;

WHEREAS, the City Council also recognizes that there are risks involved in the use of social media;

WHEREAS, to ensure that elected officials, appointed officials and employees of the City are fully informed of all relevant City activity, and to enable them to be as effective as possible in their role;

WHEREAS, social media is a useful tool to use as an informational channel to increase the City's ability to broadcast the City's messages to the widest possible audience while the City's website will remain the City's primary and predominant internet presence;

WHEREAS, due to the constant changing availability and popularity of the different social media platforms, the City Manager retains the authority to authorize the use and termination of any social media platform;

WHEREAS, a mechanism must be in place to safeguard First Amendment Constitutional considerations, to ensure that published content is in line with the defined goals and expectations for the City's social media presence;

WHEREAS, 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, its officials and employees;

WHEREAS, policy is intended to help the members of City Council, Commissions and/or City-affiliated Boards comply with legal requirements and limitations that may arise from their use of their private individual social media sites;

WHEREAS, the purposed social media policy is intended to help guide such individuals to comply with California laws that regulate the communications of elected and appointed officials;

WHEREAS, City staff may not represent themselves as formally speaking for the City unless identified previously by the City Manager as official spokespeople;

WHEREAS, proposed Administrative Regulation 109, attached hereto as Exhibit "A" and made a part hereof, will approve the Social Media Policy for the City and is intended to enhance transparency through the dissemination of information about the City and its events, activities, projects and general information to the public;

WHEREAS, identified City spokespeople shall conduct themselves on social media only within the scope defined in proposed Administrative Regulation 109 and in compliance with all City policies, practices, and user agreements and guidelines.

NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF SOUTH GATE DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council does hereby declare that the above recitals are true and correct and incorporated herein by reference.

[Remainder of page left blank intentionally.]

SECTION 2. The City Council does hereby approve Administrative Regulation 109 establishing the City's Social Media Policy, effective immediately.

SECTION 3. The City Clerk shall certify to the adoption of this Resolution which shall be effective upon its adoption.

PASSED, APPROVED and ADOPTED this 11th day of May 2021.

CITY OF SOUTH GATE:

By: _____
Al Rios, Mayor

ATTESTED:

By: _____
Carmen Avalos, City Clerk
(SEAL)

APPROVED AS TO FORM:

By:  _____
Raul F. Salinas, City Attorney

Effective: May 11, 2021

Administrative Regulation 109
Resolution No. 2021- -CC

ADMINISTRATIVE REGULATION

SOCIAL MEDIA POLICY

I. INTRODUCTION.

The City of South Gate ("City") endorses the appropriate use of social media to promote the goals of the City and expand traditional communication methods.

Social media allows individuals and/or organizations to create, share and exchange information and ideas with the public. The use of social media, when used in local government, presents opportunities and limitations. Guidelines are needed to direct the appropriate use of social media. A mechanism must be in place to safeguard First Amendment Constitutional considerations, to ensure that published content is in line with the defined goals and expectations for the City's social media presence.

Establishment of a social media policy creates a positive social media presence and will assist the City in:

- Developing and observing privacy guidelines;
- Developing clearly defined usage terms and conditions;
- Maintaining brand consistency; and,
- Complying with all applicable laws including, but not limited to, the Public Records Acts and City retention policies.

II. PURPOSE.

The purpose of this Social Media Policy ("Policy") is intended to enhance transparency through the dissemination of information about the City and its events, activities, projects and general information to the public.

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, its officials and employees.

This policy is not intended to govern employees' general use of social media sites and does not replace the Employee Use of City Computers and Computer Network Policy (Administrative Regulation 319, Revised October 2007).

III. BACKGROUND.

On January 1 2021, Assembly Bill 992 (AB 992) became effective, clarifying how public officials may communicate on internet-based social media platforms. Before AB 992 was signed into law, the Brown Act was silent regarding communications on social media. AB 992 prohibits a member of a legislative body from responding directly to any communication on an internet-based social media platform regarding an agency matter if the communication is made, posted, or shared by any other member of the legislative body.

IV. DEFINITIONS.

“Social media” - any platform used to create publicly viewable content, using accessible, expandable, and upgradable publishing technologies, through and on the Internet. Examples of social media include, but are not limited to, Facebook, Twitter, Instagram, YouTube and LinkedIn.

“City social media sites” - any social media sites officially designated and managed by the City to disseminate information about the City and its events, activities, projects and general information to the public. City social media sites may supplement, but shall not replace, the City’s required notices and standard methods of communication (i.e., agenda posting requirements).

“Posts/postings” - any information, articles, pictures, videos, or any other form of communication posted on a City social media site.

“Stories”- Social media stories are mobile, full-screen, vertical videos and images that appear outside of your regular feed and only last for 24 hours before they disappear. They are temporary, with a small caveat: they can be organized into collections on some applications like Instagram for later viewing.

“Live streaming”- a live transmission over the internet

“Official Social Media Account”- Any social media account owned by any Elected Official or Appointed Official that is used to promote, discuss, carry out, or reference City related business and / or activities. Any such Official Social Media Account is considered to be a public forum, subject to First Amendment requirements. Further, content posted on Official Social Media Accounts are considered to be a public record subject to the provisions of the California Public Records Act

V. SCOPE.

This Policy applies to City Elected/Appointed officials, employees, volunteers, or contractors of the City or any of its departments and divisions to cover social media use. The Content Guidelines in Section VII apply both to internal users (e.g., City employees and any individuals subject to the Brown Act and/or Public Records Act), as well as to

external users (e.g., the general public not subject to the Brown Act and/or Public Records Act) of the City's website and social media.

VI. AUTHORIZED CITY USERS.

The City Manager shall designate employees as persons authorized to establish, monitor and publish information to social media sites. Authorized users will be trained to use social media both appropriately and effectively, in accordance with this policy, to achieve the City's goals and improve communication to the community.

VII. GENERAL POLICY FOR AUTHORIZED CITY USERS.

1. The City's official website (www.cityofsouthgate.org) will remain the primary means of internet communications. Public safety information will be provided on the City website and cityprotect.com. Official City communications on social media sites are considered an extension of the City's information networks.
2. Facebook, Twitter, Instagram, YouTube, and TikTok are the only authorized social media outlets for use by the City. Other social media platforms may be added subject to City Manager approval.
3. The City Manager will approve department requests to create new social media sites, using a City-owned email address only. The City Manager and/or his/her designee shall have access to and ultimate control over all City social media sites.
4. City social media sites may be created by each department consistent with its focus and programming (e.g., Economic Development, Park & Recreation Services, Police Department, etc.). Department-level City social media sites are to be managed by a department designee approved by the City Manager. Said sites shall be managed and moderated in accordance with this City Social Media Policy.
5. City employees in charge of managing City social media shall be trained regarding the terms of this Policy.
6. The City reserves the right to restrict or remove any content that is deemed to violate the social media policy, City policies or any applicable law.
7. Any and all information posted, or pages created, on behalf of the City must:
 - a. Pertain to City business.
 - b. Contain information that is made generally available to the public and not restricted by law.
 - c. Wherever practicable, link back to the City's official website for more information, forms, documents, online services and other information necessary to conduct business with the City.
 - d. Have appropriate departmental review and approval before publishing.
 - e. Follow general social media guidelines outlined in this Policy.
8. Prior to posting any publicly held event, the City shall first obtain written permission or rights to any content including photographs and videos, or place a disclosure notice that the event is being videotaped and may be placed on social media.
9. Violation of these standards will result in the removal of any posting from social media sites.

10. When in doubt, City employees should consult their immediate supervisor before posting content to any City social media site, and or the City Manager and/or his/her designee.

VIII. CONTENT GUIDELINES FOR ALL USERS.

This section pertains to acceptable and non-acceptable content on city managed social media sites, across all users, including external users.

1. The content of the City social media sites shall only pertain to City sponsored or City endorsed programs, services and events or other content as approved by the City Manager or designee. Content includes, but is not limited to, information, photographs, videos and hyperlinks.
2. The City reserves the right to restrict or remove any content that is deemed to be inappropriate or inconsistent with this policy. The City's social media site shall not contain:
 - a. Personal information.
 - b. Comments not topically related to City business.
 - c. Content that promotes, fosters, disparages or perpetuates discrimination on the basis of race, creed, color, age, religion, sexual orientation, gender, marital status, status with regard to public assistance, disability status, national origin, physical or mental disability or veteran status.
 - d. Content which threatens physical violence or property damage, or slanders or defames any person or organization.
 - e. Content that is hateful or incites violence.
 - f. Non-City approved solicitation of commerce including, but not limited, to advertising of any business or product for sale.
 - g. Information that may compromise the safety or security of the public or public systems.
3. Unaffiliated Advertising, Banners, and Static Content: City of South Gate social media sites may contain content including, but not limited to, advertisements or hyperlinks over which the City has no control. The City does not endorse any hyperlink or advertisement placed on City social media sites by the social media sites owners, vendors, or partners (i.e., Facebook, Twitter, etc.)
4. These guidelines shall be posted on the City's website.

IX. ELECTED OFFICIALS, COMMISSIONS AND/OR BOARDS' SOCIAL MEDIA USE.

The purpose of this section of the Policy is intended to help the members of City Council, Commissions and/or City-affiliated Boards comply with legal requirements and limitations that may arise from their use of their private individual social media sites. By adopting this Section, it is not the City's intention to unnecessarily restrict the ability of a member to have a personal online presence or mandate what they shall or shall not say. At the same time, this Section is intended to help guide such individuals to comply with California laws that regulate the communications of elected and appointed officials.

1. Elected/Appointed officials are encouraged to maintain separate social media sites that distinguish content which relates to City business from content of a purely personal nature.
2. As it relates to social media sites, Elected/Appointed officials are strongly discouraged from discussing or responding to posts on social media sites relating to a topic within the subject matter jurisdiction of the City Council, Commissions and/or Boards. Based on current Brown Act regulations and legal opinions forming as regulations meeting in connection with this evolving technology platform, Elected/Appointed officials shall follow these guidelines:
 - a. 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. Given the uncertainty relating to the use of social media sites by Elected/Appointed officials, not more than one elected or appointed official of the same body, and preferably none, shall post, comment or respond to a post on the same subject within the jurisdiction of that body, or respond with a digital icon (e.g., "like").
 - c. When matters are pending before the City Council, council members shall refrain from sharing viewpoints or facts on social media, and particularly prior to a decision to be made by the City Council.
 - d. If an Elected/Appointed official uses a personal social media account to discuss or disseminate information regarding a matter that is within the subject matter jurisdiction of the legislative body, the Elected/Appointed official may be asked by City staff to provide copies of the social media posts that relate to matters of City business.
 - e. All posts or comments by an Elected/Appointed official that relate to matters of City business shall, to the extent the official has the ability to control the retention of their posts or comments, be retained for thirty (30) days unless otherwise provided in the City's Records Retention Policy. Copies of the City's Records Retention Policy (Resolution No. 7783) may be obtained from the City Clerk's Office.
 - f. Elected/Appointed officials shall not express viewpoints on social media sites relating to quasi-judicial matters (e.g., public hearings) that are pending before the City Council.
 - g. City social media sites shall not be used by Elected/Appointed officials for campaigning for office, to advocate for or against ballot measures, or for personal purpose
 - h. Elected/Appointed Officials are prohibited from blocking anyone attempting to access the Official Social Media Account because of an individual's viewpoints or perspectives.
 - i. Elected and Appointed Officials are prohibited from deleting any comments on the Official Social Media Account because of an individual's viewpoints or perspectives.

X. CITY STAFF SOCIAL MEDIA USE.

City staff may not represent themselves as formally speaking for the City unless identified previously by the City Manager as official spokesperson. Identified City spokesperson shall conduct themselves on social media only within the scope defined herein and in compliance with all City policies, practices, and user agreements and guidelines.

While an employee’s personal use and comments made at social media sites are subject to First Amendment protections, as well as permissible restrictions, any personal use made of social media sites outside of work must not be attributable to the City or the employee’s job function at the City. For example: (a) do not use your work email address to register for social media and other sites unless the purpose is directly related to your job; (b) do not provide the City’s or another's confidential or other proprietary information; or (c) do not state or imply that you speak for the City, for a City department, or for City officials. Employees are personally responsible for the content they publish on social media sites. The City is not responsible for the personal content of your social media sites.

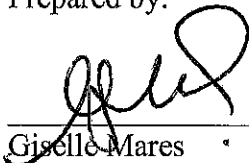
XI. RECORDS MANAGEMENT.

City social media technologies are subject to the California Public Records Act. The City Clerk’s Office shall have primary record management responsibility over public records. All public records requests must be filed with the City Clerk’s Office.

XII. ADOPTION.

On May 11, 2021, the City Council adopted Resolution No. 2021- -CC approving this Social Media Policy.

Prepared by:



Giselle Mares
Management Assistant

Approved by:

Chris Jeffers
Interim City Manager

Dated: 5/4/21

Dated: _____