

City of Los Alamitos

Administrative Regulation

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| Regulation: | 7.4 | <small>DocuSigned by:</small>  <small>040A80B8E29D4FE...</small> Chet Simmons, City Manager |
| Title: | Social Media Policy | |
| Authority: | City Manager | |
| Date: | | |
| Revised: | | |

1. Purpose: The City of Los Alamitos’ use of social media enhances communication and engagement with the public. It is being employed to advance the goals of the City and its departments in efficient operations, inclusion, and transparency.

2. Application: The City shall utilize and manage Official City Social Media Accounts in a consistent manner across all of its departments and divisions to advance the City’s vision.

3. Regulation:

A. Official City Social Media Accounts

The City’s overriding interest and expectation in deciding what is spoken, published, or broadcasted on behalf of the City requires that Official City Content be limited to Official City Social Media Accounts.

A list of the Official Accounts shall be maintained by the City Clerk’s Office (the “Office”). The Office shall also maintain a list of the login and password information for each Official Account, so the City can immediately edit or remove content in accordance with this policy.

Departments are allowed one Official Account per division for each social media platform. The Official Account must comply with all provisions of this policy.

Official Accounts that violate this policy may be removed or closed without notice, at the sole discretion and authority of the City Manager or designee.

Official Accounts shall comply with all applicable federal, state, and local laws, regulations, and policies. This includes adherence to established laws and policies regarding copyright, records retention,

California Public Records Act, First Amendment, privacy and information security policies established by the City.

B. Authorized Social Media Publishers

Authorized Social Media Publishers shall:

- Regularly review, be familiar with, and comply with the City's policies on use of Official Accounts.
- Monitor, use, and interact on Official Accounts only during regular work hours; however, this restriction does not apply to employees that are exempt, in public safety, or in the City Manager's Office.
- Regularly monitor and manage all comments to their respective Official Accounts.
- Provide original and updated logins, passwords and other information needed to access their division's Official Accounts to the City Clerk's Office.

C. Communications on Official City Social Media Accounts

Only Authorized Social Media Publishers and the City Manager may post, edit, delete, or modify information on Official Accounts.

4. Generally:

When using Official Accounts, Authorized Social Media Publishers shall:

- Be respectful, professional, ethical, and comply with all City policies, local, state, and federal laws.
- Use proper grammar and avoid technical terms or abbreviations unless there is a common understanding of its meaning.
- Ensure the information communicated is accurate and complete. If a mistake is made, it should be disclosed and promptly corrected.
- Be transparent and truthful. Your honesty—or dishonesty—will be quickly noticed in the social media environment. Remember, you may be personally responsible for your content. Always be careful and considerate. Once the words are posted, they can't be retrieved.
- Be judicious. What you publish is widely accessible and will be around for a long time, so consider the content carefully. A social media post could be used in a legal action against the City or its employee.
- Stay current and be consistent with the goals of the City.

5. Authorized Social Media:

When using Official Accounts, Authorized Social Media Publishers shall not:

- Post personal information, except for names of City employees whose job duties include being available for contact by the public, or as specifically authorized by the City Manager
- Post something that makes you even the slightest bit uncomfortable. Ultimately, what you post is your responsibility.
- Post comments, photographs, or videos that could discredit or embarrass the City.
- Express personal views or concerns through postings.
- Reveal confidential information as defined by any City policy, or local, state, or federal law.
- Post anything that would infringe upon another's property rights, such as copyrighted material.
- Post anything that would injure another person's or entity's professional or personal reputation.
- Post any content that engages in political or religious advocacy or commentary, or supports or opposes any ballot issue or candidate for office.
- Post any content that is prohibited on Official City Social Media Accounts.

6. Prohibited Content

The following is prohibited on Official Social Media Accounts:

- Comments not topically related to the particular post being commented on;
- Profane or obscene language or content;
- Sexual content;
- Threats;
- Defamatory statements;
- Encouragement of illegal activity;
- Violations of a legal ownership interest of any other party;
- Solicitations of commerce;
- Statements in support of or opposition to political campaigns, candidates, or ballot measures;
- Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, or sexual orientation; and
- Information that may tend to compromise the safety or security of the public or public systems.

7. Integrating with the City's Website

The City's website, www.cityoflosalamitos.org, will remain the City's primary and predominant means of internet communication. Official City Social Media Accounts shall supplement, but not replace, the City's required notices and standard methods of communication.

All Official Social Media Accounts shall link back to the City's official website for forms, online services, and other information necessary to conduct business with the City.

8. Interacting with Other Social Media Accounts

Interacting with other social media accounts can be a useful tool in informing residents about City activities, policies, and issues. However, Authorized Social Media Publishers should use sound judgment when interacting with other social media accounts because those interactions may easily be misinterpreted. 'Interacting', as used here, includes, but is not limited to, "like(s)," "post(s)," "tweet(s)," or "following" on social media platforms. For example, "liking" or "re-posting" on Facebook and "following" or "re-tweeting" on Twitter can be perceived as an endorsement of that person, account, message, or thing. And those things can change over time. Similarly, "un-liking" or "un-following" can be perceived as a rejection of that person or thing.

Authorized Social Media Publishers must do the following when considering interacting with non-City social media accounts:

- Read all information in the original and any other relevant post, tweet, or link thoroughly before interacting with it to ensure that it enhances community knowledge about City activities, issues, policies, and priorities. If the content does not specifically address the City, it should be of interest to the particular Official Account's audience.

For example, a post about a regional police department's investigation of animal cruelty might be shared by the Long Beach Animal Control's Facebook account.

- Interact with information that is consistent with the City's goals.

In the above example, the Authorized Social Media Publisher should only share the police department's post if it promotes the Animal Shelter's interest.

- Clearly identify the external source of the information (post, tweet, link, etc.). Authorized Social Media Publishers are encouraged to interact

with other social media accounts operated by the City, other government agencies, or businesses that are promoting the City's projects or goals. The following are some examples of appropriate account interactions:

- Other Official Accounts.
- Other governments or quasi-government agencies relevant to the subject matter of the particular account.
- City-related organizations, such as the Museum and Chamber of Commerce.
- Art Museum.
- Businesses
- Relevant media outlets (local, regional, state, trade)

9. Managing Public Comment

Public comments are allowed on Official Accounts. An appropriate legal disclaimer shall be posted on an Official Account or a link provided to the Social Media Policy. (See Procedures.) The Authorized Social Media Publisher shall delete any comment that contains prohibited content as described in section 6 of this policy.

Individuals shall not be blocked and content on Official Accounts shall not be deleted simply because they are critical of the City, its officials, or employees, or because the agency or Authorized Publisher otherwise dislikes what the content says or represents. Content may be deleted only when it violates this Policy.

Any content removed from an Official Account must be retained in accordance with the City's Records Retention Policy, and the time, date, and identity of the poster shall be noted, if that information is available.

10. Social Media Posts Are Public Records

Any content published on an Official Account, including but not limited to lists of subscribers, posted communications, and communications submitted for posting, may be considered a public record for purposes of the California Public Records Act and the City's Records Retention Policy. The department responsible for maintaining the Official Account shall preserve and maintain records in an accessible format so that the records can be reviewed and, when appropriate, produced in response to a request for public records. Include a statement on the Official Account clearly indicating that any content posted may be subject to public disclosure upon request.

11. City Employee's Personal Use of Social Media

City employees are not prohibited from using social media platforms to express their opinions and views. However, if it can be reasonably interpreted from the content of the post (e.g., photo, comment, tweet, following, sharing, or video) or from other details provided on the City employee's social media account that the City employee is speaking on behalf of the City on their personal account, the employee shall provide a disclaimer on the account or in the same post stating that their opinions and views do not reflect the opinions and views of the City of Los Alamitos.

This disclaimer aids in protecting City employee's lawful rights. However, the use of this disclaimer does not shield against discipline for violations of this policy. The City reserves its right to regulate what is spoken or expressed on its behalf.

The following are two real-world examples where public employees were disciplined for posts made on their personal social media accounts. In both cases, the discipline imposed was upheld or determined to be lawful as it was reasonable to infer that the employees were speaking on behalf of the city. Please note that the following is not comprehensive. Determining what content could be reasonably interpreted to be protected is highly fact-sensitive and will be determined on a case-by-case basis.

Example A

The discipline of a public employee for making critical remarks on her personal Facebook account regarding a certain community group was lawful because the employee's comments brought into question her fitness for their position and reflected adversely on their employer. The employee identified her position and place of employment on her personal Facebook account. (*Shepherd v. McGee* (2013) 986 F. Supp. 2d 1211.)

Example B

The discipline of a public safety officer for posting negative comments about a co-worker's job performance and a superior officer's integrity on their personal Facebook account, set to private, was lawful because the employer's interest in establishing and maintaining discipline and good working relationships amongst its employees was of greater importance. (*Gresham v. City of Atlanta* (2013) 542 Fed. Appx. 817.) Public safety officers are "classic positions of public trust" and are held to a higher standard than most other public employees.

- Keep in mind that if your conduct on social media platforms adversely affects your job performance or the performance of your co-workers, is detrimental to the mission and function of the City, or otherwise adversely affects members of the public served by the City, people who

work on behalf of the City, or the City's legitimate business interests, the City may take disciplinary action against you, up to and including termination.

- Utilize non-work email addresses and phone numbers when establishing personal social media accounts.
- Nothing in this policy inhibits your right to engage in protected concerted activities as specified in the Meyer-Milias Brown Act. Protected concerted activities include the right to form, join, and participate in the activities of employee organizations of the employee's choice for representation on all matters of employer-employee relations.

12. Procedures

A. Establishing an Official City Social Media Account

To establish an Official City Social Media Account, you must obtain department director approval and submit a Social Media Form to the City Clerk's Office. The establishment of an Official Account shall only be approved if the social media platform is an appropriate channel of communication for the City and the use of it is consistent with the vision and mission statements in this Policy. Upon approval and set up of the account, log-in information shall be provided to the City Clerk's Office in accordance with Section 3A of this Policy.

B. Setting up an Official City Social Media Account

Use the following to set up an Official City Social Media Accounts:

- i. Account Information
 - Use authorized City contact information for account set-up, including the Authorized Social Media Publisher's work email address and direct or department telephone number.
 - Do not use personal email accounts or telephone numbers for the purpose of setting-up Official Accounts.
 - If a social media account requires an indirect "personal account" to be accessed, (e.g. Facebook) then the social media publisher is required to provide access to a Citywide Master Admin account.

ii. Branding

Because social media is freely available to anyone, branding Official Accounts is required. Include the following text statement on all Official Accounts:

"This is the official [Name of Social Media Platform] account for the [Department Name] of the City of Los Alamitos, California."

For example, use one of the following naming conventions for the URL of the official city social media account

- Twitter.com/LosAlCityClerk
- YouTube.com/LosAlCity
- Facebook.com/CityofLosAlamitos

For official Accounts existing before the adoption of this Policy, department directors must submit in writing the deviation from the above branding conventions and demonstrate that the convention can't be followed.

iii. Legal Disclaimers

The following disclaimer or a link to this policy shall appear on every social media official City account.

This account is intended to be a limited forum for communication and discussion between the City of Los Alamitos and members of the public about specific topics. The City of Los Alamitos reserves the right to remove inappropriate comments including those comments that are not topically related, comments that include profane or obscene language, sexual content, threats, defamatory statements, the encouragement of illegal activity, violations of the legal ownership interests of another party, solicitations of commerce, statements in support or opposition to political candidates or ballot propositions, content that promotes, fosters, or perpetuates discrimination, or information that may compromise the safety or security of the public or public systems. Any content posted may be subject to public disclosure upon request. Activity on this account is subject to all applicable federal, state, and local laws regulations and policies.

C. Authorized Social Media Publishers

To become an Authorized Social Media Publisher:

Submit the Social Media Request Form to the City Clerk's Office, signed by you, your division manager (if the account is applicable to the division), and the department director.

13. Definitions

Authorized Social Media Publisher(s)

A City employee who has been authorized, pursuant to the procedures contained in this document, to use Official City Social Media Accounts.

City

City of Los Alamitos.

Communications on Social Media

Includes, but is not limited to, ideas, photos, videos, news, links, responses, and other content expressed on social media.

Defamatory Statement

Includes, but are not limited to, untrue statements that are presented as fact about another individual which damages their reputation.

Legal Ownership

Refers to intellectual property rights.

Official City Social Media Account or Official Account

A City account on a social media platform that has been approved pursuant to the procedures contained in this document.

Social Media Platform

An online platform through which users can establish an account and create online communities to share information. Examples of social media platforms are Facebook, Instagram, LinkedIn, Nextdoor, Twitter, Periscope, Vine, and YouTube.

Official City Content

Content that is published on social media platforms consistent with this policy on behalf of the City by department, division, program staff, or consultants at the direction of City employees.

Exhibit A – Social Media Form



CITY OF LOS ALAMITOS

SOCIAL MEDIA FORM

City Clerk's Office
3191 Katella Ave., Los Alamitos, CA 90720-5600
Phone: (562) 431-3538 Fax: (562) 493-0678

This form is submitted in compliance with Administrative Regulation 7.4, Social Media Policy.

<https://cityoflosalamitos.org/your-government/administrative-rules-and-regulations/>

SOCIAL MEDIA PLATFORM: _____

Registration of Existing Account New Account New Authorized Social Media Publisher

Department/Division: _____

Official Branding Naming Convention: _____

User Name: _____

Password: _____

City Contact Information Used for Account set-up: _____

Authorized Social Media Publisher's work email address: _____

Direct or department telephone number: _____

Department Director: _____

Department Director Signature: _____

ADD AUTHORIZED SOCIAL MEDIA PUBLISHER

Employee Name: _____

Employee Signature: _____

Department Director: _____

Department Director Signature: _____

By submitting this form, I acknowledge I have that I have read, understand, and agree to abide by Administrative Regulation 7.4, Social Media Policy.

City Clerk Office's Use Only Approved Denied Registration of Existing Account

Comments: _____