



SOCIAL MEDIA POLICY

COUNCIL POLICY
Adopted: 3/1/2022

The City of Laguna Niguel utilizes social media sites to post matters of public interest regarding City and community programs, activities, news stories and photos, and to provide members of the public with a platform to engage with the City of Laguna Niguel. The City's social media sites are not the primary method of communication with the City, and any questions, notices or requests for City services must be made via official communication methods identified on the City's website, or by traditional methods of notification recognized by the City.

A. Purpose

The Social Media Policy ("Policy") serves to establish the appropriate use of online social media sites, (including, but not limited, to Facebook, Twitter, Instagram, and Nextdoor), for City related communication, business, and marketing, as well as guidelines related to social media commenting.

B. Scope

The City Council adopts this Social Media Policy. This Policy shall apply to members of the City Council, all City appointed officers, employees, all members of City commissions, committees, contract personnel, and members of the public, as is appropriate.

C. Social Media Use by Members of City Council and City Commissions and Committees

This Policy is intended to help members of the City Council and members of City Commissions and Committees (hereinafter referred to as "Members" and individually referred to as "Member") address issues related to their use of social media in connection with their activities as public officials of the City while complying with legal requirements and limitations that arise from their membership on the City Council or on a City Commission or Committee.

1. By adopting this Policy, 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 Policy is intended to help guide Members to comply with legal restrictions imposed by California laws, and specifically the Brown Act, that regulate the communications of Members of the City Council, City Commissions, or City Committees.

2. Two or more Members shall not discuss or respond to posts on social media sites relating to a topic within the subject matter jurisdiction of the City Council, Commission, or Committee. To comply with this requirement, Members shall follow these guidelines:
 - a. Except as provided in Paragraph “b” below, and for compliance with amendments to the Brown Act related to social media posting (Government Code Section 54952.2 (b)(3)(A), two or more Members of the same body (City Council, Commission, or Committee) shall not post or respond to a post that has been made, posted or shared with any other member of the same body on the same subject within the jurisdiction of that body. If the post has not been made or shared with any other members of the same body, then less than a quorum of the body may respond to the post. If a Member notices that another Member of the same body has already made, posted or shared information about a matter of City business before that body prior to postings on that topic, the Member shall not provide his or her own post on that same topic or respond with “like” or similar responses that convey a viewpoint about another post or posts on that same site and on the same topic. Similarly, if the post was not made by or shared by a member of the same body, then less than a quorum of the members of the body may respond to the post.
 - b. Notwithstanding the limitations of Paragraph “a” above, any Member may respond to any post from a person who is not a Member of the same body by merely acknowledging that he or she has read it, or by providing basic factual information or a referral to documents if that information has already been provided to the Member at a prior meeting of the body or if the information is publicly available on the City’s website or in City Hall. In addition, any Member may respond to a post by providing a referral to the responsible City staff person or persons who may provide information on the subject or by forwarding or otherwise transmitting the post or the connects thereof to City staff for purposes of suggesting a City response to the post. If a Member is asked why only two Members have responded to posts and other Members have not, any Member may post a response that explains that this Policy and the Brown Act precludes additional Members from posting on the same topic.
 - c. When posting a response on social media, Members should be mindful that other Members may read his or her post. For this same reason, posts by a Member on the same topic should not be forwarded to other Members of the same body.

- d. When matters are pending before the City Council or before a Commission, or Committee, Members of that body shall refrain from sharing viewpoints or facts on social media that have not already been shared at a meeting of that body, and particularly prior to a decision to be made by the City Council, Commission, or Committee.
3. Members should avoid communications on their personal social media accounts that may be construed as official City Business. Members should limit their personal social media accounts to personal relationships but then also refrain from posting about City activities, cross-posting between personal and official accounts, sharing their official positions, and communicating with constituents on their personal social media accounts.
 - a. If a Members uses a personal social media account, the Member should be careful not to inadvertently include references to issues within the subject matter jurisdiction of their respective body of the City Council, Commission, or Committee.
4. If a Member uses a personal social media account, or a social media account owned by a third party such as his or her employer, the Member may be asked by City staff to provide copies of the Member's social media posts that relate to matters of City business. The Member shall only be required to provide copies of the Member's social media posts to City staff when those posts are sought by a member of the public in a request for public records and only when those posts are within, or potentially within, the scope of the request for public records. When requested by City staff, the Member is required to forward those requested posts to City staff within the time periods specified by City staff. Any questions about the City's policy and practices for responding to public records requests should be directed to the City Clerk, City Manager, or City Attorney.
5. All posts by Members that relate to matters of City business shall, to the extent the Member has the ability to control the retention of their posts, be retained for two (2) years unless otherwise provided in the City's Record Retention Policy. Copies of the Records Retention Policy may be obtained from the City Clerk.
6. Members should avoid sharing facts, opinions, or viewpoints on quasi-judicial matters that are presented to the body on which the Member serves (City Council, Commission, or Committee) through social media posts or responses to posts before, during or after the public hearing on the matter. A "quasi-judicial" matter is, for example, an application or request for a variance, CUP, or other type of

decision in which the City Council, Commission, or Committee must base its decision on whether the application or pending matter satisfies criteria or meets required findings or approval.

7. City-established and managed social media sites shall not be used by Members for campaigning for office, to advocate for or against ballot measures, or for personal purposes.
8. Members shall not use City-sponsored or managed social media sites to conduct activities related to their own businesses.

D. Comment Guidelines

The City of Laguna Niguel welcomes engagement, discussion and questions, and seeks to maintain an online community that is civil and appropriate for all ages. Comments posted to a City's social media site by a Member, or by a member of the general public, will be monitored to ensure that they adhere to the guidelines stated below.

1. The City disclaims any and all responsibility and liability for any materials that the City deems inappropriate for posting which cannot be removed in a timely manner.
2. Comments made by members of the public on any City social media sites are the opinion of the commenter only, and publication of a comment does not imply endorsement of, or agreement by, the City of Laguna Niguel, nor do such comments necessarily reflect the opinions or policies of the City of Laguna Niguel.
3. The City reserves the right to restrict or remove any content that is deemed in violation of this Policy or any applicable law. Any articles, messages, posts, comments, images, videos or other content containing, but not limited to, any of the following, shall not be allowed and may be removed as soon as possible:
 - a. Comments not related to the original topic or containing random or unintelligible information.
 - b. Profane, obscene, violent, or sexual content.
 - c. Comments which promote or foster 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.

- d. Threats to any individual or organization.
- e. Comments in support of, or in opposition to, any political candidate, campaign, ballot measure, or proposition.
- f. Advertisement or solicitation of business for any service or product.
- g. Encouragement of illegal activity.
- h. Information that may compromise the safety, health, or security of the public or public systems.
- i. Content that violates a legal ownership right or interest.

All social media sites that the City participates with are owned and operated by third party entities not affiliated with the City of Laguna Niguel. The City of Laguna Niguel does not endorse any link or advertisements placed on social media platform by the social media site or its vendors or partners.

Any comments or content posted or submitted on a City social media site or personal identifying information for the page's users and visitors may be public records subject to disclosure pursuant to GC 6250 et. Seq. Public disclosure requests must be directed to the City Clerk's Office.