



## **CITY OF CERRITOS DIGITAL COMMUNICATIONS POLICY**

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### **3.06.010 OVERVIEW**

The City of Cerritos ("City") has an overriding interest in protecting the integrity of the information posted online and the content that is attributed to the City or its officials, while at the same time, mitigating and/or eliminating associated risks from the use of such technology.

Digital communication tools and channels enable the City to efficiently inform and engage residents, businesses and visitors. They also enable greater public access to City information and services. Digital communication tools and channels include, but are not limited to, social media platforms, websites, blogs, photo and video sharing sites, e-newsletters, wikis, and mobile content.

City officials, staff and others who share and receive information on behalf of the City shall use digital communication channels and tools in ways that are professional, consistent and coordinated, maximize transparency and clear communication, maintain the security of the City network, further the fiduciary duties or similar obligations inherent when communicating in an official capacity for the City, and adhere to all other applicable laws and City Council ("Council") and administrative policies.

### **3.06.020 PURPOSE**

The purpose of this document ("Policy") is to establish citywide policies, guidelines, protocols, and procedures regarding the proper use of digital communication tools and channels by City staff, public officials, and members of the public. This Policy is divided into the following Chapters:

- Chapter 1: Policy for Public Officials
- Chapter 2: Policy for City Staff
- Chapter 3: Policy for the Public
- Chapter 4: Management of Official City Pages

### **3.06.030 SCOPE**

This Policy applies to all City employees as well as all other persons, such as employees of independent contractors, consultants, elected officials, appointed officials, authorized volunteers, and special committee members acting in an official capacity and when communicating with the public on behalf of the agency. Chapter 1 of this Policy articulates special considerations for public officials relative to their digital communications. Additionally, Chapter 3 of this Policy applies to all members of the public who choose to access, interact with, or make use of the City's digital communication channels and tools.

### 3.06.040 DIGITAL COMMUNICATIONS AND INTENT OF USE

Digital communication tools and channels operated by the City are generally **Nonpublic Forums** to facilitate **Government Speech**. This means that, unless the City has designated a specific digital communication tool or channel as a Limited Public Forum (described below), the City's use and operation of digital communication tools and channels are *solely* to facilitate the dissemination of official City information, projects, and programs *vis-à-vis* technology and platforms available for the dissemination of information, such as the City's official internet website, email notification services, and social media platforms.

In certain circumstances, digital communication tools and channels operated by the City may be **Limited Public Forums**. This means that the City intends for its use of digital communication tools and channels, which shall relate *solely* to official City information, projects, and programs, to provide a limited forum for comment or response. In such circumstances, the City shall have the right to establish and enforce time, place, and manner regulations that would apply to such digital communication tools and channels.

Finally, in no event shall digital communication tools and channels operated by the City be, or be deemed or intend to be, general public forums.

### 3.06.050 DEFINITIONS

Unless otherwise stated, the vocabulary used within this Policy shall refer to the following:

- A. Authorized Users: Any individual authorized by the City Manager or the Department Head of a City Department to post on, administrate, and moderate City Social Media Sites.
- B. Brown Act: The Ralph M. Brown Act, codified in Government Code section 54950 *et seq.*, as may be amended from time to time.
- C. California Public Records Act and Public Records Act: The California Public Records Act, codified in Government Code section 7920.000 *et seq.* (formerly Gov. Code, § 6250 *et seq.*), as may be amended from time to time.
- D. City Assets: Resources owed or employed by the City, which Public Officials may use in Digital Communications related to their official capacity with the City. City Assets include a City email account, the City logo, designated City staff assistance, the City's business expense budget, the City's computer equipment, and the City's subscriptions to third party platforms which assist the City in its Digital Communications, such as the Social Media Sites defined herein.
- E. Code of Conduct: The City's code of conduct set forth in the Employee Handbook, as adopted by the City Council and revised and amended.
- F. Digital Communications: Online communication tools and channels, including, but not limited to, Social Media Sites, websites, blogs, photo and video sharing sites, e-newsletters, wikis, and mobile content.
- G. Public Official: Any individual who serves on the City Council or a Council-appointed City Board or Commission, and who is subject to the Brown Act's

requirements that government business be conducted at open and public meetings.

- H. Records Retention Schedule: The City's records retentions schedule available at the City Clerk's Office in City Hall for the City.
- I. Social Media Site(s): Those certain third-party websites and applications not under the direct control and management of the City's technology system such as (by way of example only): Instagram, Facebook, Twitter, blogs, RSS (Rich Site Summary), YouTube, LinkedIn, Flickr, TikTok, Snapchat, Nextdoor, Wechat, etc. Social Media Sites are platforms and/or accounts used by individuals to create publicly viewable content using accessible, expandable, and upgradable publishing technologies through and on the internet.
- J. Terms of Use: The City's terms of use outlined in Chapter 3 of this Policy.
- K. Use of Social Media Sites: Any use of Social Media Sites, including but not limited to publishing, or republishing any publicly viewable content, including but not limited to text, photos, videos, and audio; commenting, "liking", "following", "subscribing", quoting, and reposting.

### **3.06.060 RESERVATION OF THE RIGHT TO MODIFY**

Technology, social media capabilities and scope, and online behaviors are changing constantly. Because of this constant adjustment and adaptation, the City reserves the right to change, modify, or otherwise amend all or part of this Policy at any time.

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CHAPTER 1  
POLICY FOR PUBLIC OFFICIALS

**A. Scope**

This Policy applies to all Public Officials acting in an official capacity and/or communicating on matters related to the business of the City.

**B. Responsibility**

It is the Public Official's responsibility to ensure compliance with this Policy.

**C. Use of City Assets**

City Assets are available to Public Officials in support of their Digital Communications related to their official capacity with the City.

Public Officials may not use City Assets in support of Digital Communications unrelated to their official capacity with the City. City Assets shall not be used for personal and campaign Digital Communications, including for paid advertisements therefor.

When using City Assets in support of any Digital Communication it will be required that Public Officials conduct themselves as representatives of the City, rather than in a personal or political capacity. City Assets shall not be used for partisan purposes, or to communicate on matters unrelated to City business and/or activities. As representatives of the City, Public Officials using City Assets for Digital Communications must do so in a manner that maintains the integrity of the City, including in its relationships to other public entities, and service providers.

**D. Disclaimer**

A Public Official's Digital Communications related to the business of the City shall **clearly** identify such communication as belonging to the Public Official, and not representative of the official views of the City. Such disclaimer shall be used on any Digital Communication identifying the Public Official as connected with the City, even on personal or campaign Digital Communications.

The disclaimer shall read as follows:

"Content on/in this (website/newsletter/blog/page/correspondence/social media page/etc.) does not represent any official position of the City of Cerritos, only that of (NAME) in (HIS/HER) personal capacity."

A disclaimer is not required for content reflecting the official position of the City.

**E. Confidentiality**

Public Officials have access through their position with the City to matters which are privileged or confidential. Public Officials shall respect and maintain the confidentiality of information concerning the property, personnel or affairs of the City, including matters concerning the deliberative process of Public Officials and internal drafts of City policies, ordinances, and presentations. No confidential information discussed during any closed session of the Council or any Board or Commission, held in accordance with the Brown Act and not subject to being reported-out in open session, shall be disclosed or discussed in any Digital Communications.

Additionally, Public Officials shall neither disclose confidential information nor records without proper and legally required authorization, and Public Officials shall not use such information or records to advance their personal, financial or other private interests, or the private gain or advantage of others. Public records may be requested through the City Clerk's Office consistent with any member of the public under the California Public Records Act.

#### **F. Digital Communications Reflecting the Official Position of the City**

Digital Communications which purport to advance the official position of the City shall be revised to be consistent with the official position if found to contain incorrect or misleading information. Official positions of the City may be considered and decided only by the Council at an open and public meeting held in accordance with the Brown Act.

#### **G. Compliance with the Law and City Policies**

Public Officials shall be responsible for ensuring their Digital Communications comply with all federal, state, and local laws, regulations, and City policies, including but not limited to the laws and policies below:

##### **1. First Amendment**

In *Packingham v. North Carolina*, the United States Supreme Court prescribed social media platforms as "the modern public square," and opined that such social media platforms afford users with the opportunity to "petition their elected representatives and otherwise engage with them in a direct manner."

Federal courts have found that, when a Public Official uses a Social Media Site "in an official capacity," including to promote, discuss, carry out, or reference City-related business and/or activities, they must abide by the First Amendment. This includes situations in which a Public Official utilizes a personal, campaign, or other unofficial Social Media Site to promote, discuss, carry out, or reference City-related business and/or activities.

The requirements in this Section do not apply on purely personal Social Media Sites which are not open or accessible to the general public; are not used by a Public Official in their official capacity, but rather as a private citizen; and employ the Disclaimer provided above where necessary. Public Officials are advised that courts decide on a case-by-case basis whether a Public Official was acting in an official capacity, thus subjecting a particular Digital Communication and/or Social Media Site to First Amendment requirements. For this reason, it is highly recommended that Public Officials abide by the requirements detailed in this Section on any Digital Communication and/or Social Media Site where they promote, discuss, carry out, or otherwise reference City-related business and/or activities, even when the Disclaimer provided above is used.

To that end, content posted on Digital Communications and/or Social Media Sites by Public Officials in their official capacity, including content promoting, discussing, carrying out, or referencing City-related business and/or activities, is subject to the following provisions when the Digital Communication and/or Social Media Site is a Limited Public Forum:

1. Public Officials are prohibited from blocking anyone attempting to access the Digital Communication and/or Social Media Site because of an individual's viewpoints or perspectives.

2. Public Officials are prohibited from deleting any comments on the Digital Communication and/or Social Media Site because of an individual's viewpoints or perspectives.
3. Such content is considered to be an official public record, subject to the provisions of the California Public Records Act.
4. Such content posted subject to State and local record retention regulations, and the owner of the Digital Communication and/or Social Media Site shall retain all posts and comments for the length of time as required by State and local regulations.
5. All provisions related to the Brown Act shall apply, including but not limited to the prohibition of a "serial meeting" through the use of a series of communications by a quorum or more of the Council.

Deviations from the requirements immediately above, as they relate to content which can be removed from a Digital Communication and/or Social Media Site used in a Public Official's official capacity, are allowable in the following instances:

1. Comments not related to the topic being discussed in a post.
2. Profane language.
3. Discriminatory comments.
4. Solicitations of commerce.
5. Sexual content, or links to sexual content.
6. Encouragement of illegal activity.
7. Information that could compromise the safety or security of the public.
8. Content that violates a legal ownership of any party.
9. Speech that is not protected by either the United States or California Constitutions.

## **2. Ralph M. Brown Act**

Public Officials shall take extreme caution in any interaction with other individuals or entities via Digital Communications and/or Use of Social Media Sites, including "liking" a social media post, reposting, commenting, or using any other of electronic communication to respond to, blog, or otherwise discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the body on which the Public Official sits, because such response may create a meeting in violation of the Brown Act or result in disqualification based on prejudgment of issues, to be determined by due process. This requirement applies regardless of whether a Public Official is acting in an official, campaign, or personal capacity.

Public Officials shall be responsible for informing themselves of the requirements of the Brown Act on their Digital Communications and/or Use of Social Media Sites, but may use the following table as a non-exhaustive summary of the relevant provisions:

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PERMITTED USES	PROHIBITED USES
<ul style="list-style-type: none"> <li>• Engage in separate conversations or communications on Digital Communications and/or Social Media Sites 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.</li> <li>• Use digital icons in discussions on social media.</li> <li>• Comment and interact, even with other officials, on private matters (i.e., NOT City official business).</li> </ul>	<ul style="list-style-type: none"> <li>• Communicate with a majority of the legislative body on Social Media Sites regarding official business, including “liking”, commenting, reposting, or any other interaction.</li> <li>• Respond directly to any communication within the subject matter jurisdiction of the City that is made, posted, or shared by any other member of the legislative body, including “liking”, commenting, reposting, or any other interaction.</li> <li>• Comment on the same official City topic or post within the city’s jurisdiction as another City Public Official, even in a manner that does not interact directly with the post or commentary of that other City Public Official from the same legislative body.</li> </ul>

**3. City Terms of Use**

When interacting with official City websites, Digital Communications, and Social Media Sites, Public Officials shall comply with and be subject to the City’s Terms of Use. Public Officials should be advised that official City websites, Digital Communications, and Social Media Sites are limited public forums, and that content outside the scope of the City’s Terms of Use may be removed or moderated by City staff under the procedures outlined in the City’s Terms of Use.

**4. Public Official’s Code of Ethics**

As Public Officials representing the City, Public Officials shall abide by the City’s policies and procedures adopted by the City Council, including but not limited to any and all professional, fiduciary, and ethical obligations of Public Officials.

Public Officials also shall conduct their Digital Communications and Use of Social Media Sites with honor and respect for the democratic process, and in a manner that safeguards public confidence in the integrity of government, and in compliance with any and all applicable federal, state, and City laws, regulations, and policies.

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CHAPTER 2  
POLICY FOR CITY STAFF

**A. Scope and Application**

This Policy does not govern or regulate the use of Digital Communications by City employees in their non-work capacity or associated privacy rights. Neither employees nor contractors need to obtain permission from the City to participate in Digital Communications in their personal capacity. City employees may have their own personal social networking accounts. These social networking accounts should remain personal in nature and be used to share personal opinions or non-work-related information.

**B. General Rules for Personal Use of Social Media Sites**

Employees and contractors are cautioned, however, that there may be restrictions on the receipt of compensation, disclosure of non-public information, and improper use of an agency title or official capacity that may apply to Use of Social Media Sites – even when employees or contractors think they are acting in a personal capacity. Agency principles, guidelines, and standards of conduct that apply to employees and contractors acting in their official capacities and carrying out their official duties for the agency also apply to an employee's and contractor's Use of Social Media Sites. City employees must never use their agency e-mail account or password in conjunction with a personal Social Media Site. Employees and contractors are encouraged to check with the City Manager, Department Head, Information Technology Manager, or other Authorized User if there are any questions. Following these principles helps ensure a distinction between shared personal versus City views.

**C. Disclaimer for Use of Digital Communications in Personal Capacity**

When employees or contractors use Digital Communications in a personal capacity, they are doing so for themselves and they are not speaking nor communicating on behalf of the City. Employees and contractors should make certain that it does not appear they are speaking for or on behalf of the City unless authorized to do so. Although it is advisable for City employees to refrain from commenting on City issues through the Use of Social Media Sites, the decision whether to do so rests with the individual. The following guidance is for City employees or contractors who choose to comment on Social Media Sites about official City business:

- State your name, and, if relevant, your role when discussing City business; and
- Use a disclaimer such as: "The postings on this site are my own and don't reflect or represent the opinions of the City of Cerritos.

Employees and contractors should not use their position, title, or authority to endorse any product, service, company, non-profit organization, or any other enterprise, unless such endorsement is authorized by the City Manager after consultation with the City Attorney.

**D. Employee Posts on City Social Media Sites**

Only employees who are authorized by the City Manager, Department Head, or as an Authorized User may post on Social Media Sites on behalf of the City. Employees representing the City on Social Media Sites shall conduct themselves at all times as a professional representative of the City, and shall comply with all City policies and codes of conduct, including but not limited to this Policy and the City's Employee Handbook and other Policies and Procedures for City employees. City employees should be mindful that inappropriate usage of official Digital Communications can be grounds for disciplinary action.



### **E. Limitations on Disclosure of Non-Public Information**

Employees and contractors are bound by City policies applicable to staff. Further, employees and contractors must understand that non-public information (e.g., private personal information, proprietary information, confidential information, information pertaining to pending or threatened litigation, personnel matters, attorney-client and attorney work product information, or information subject to government privileges, among others) may not be conveyed through Digital Communications unless and until the release of such information becomes lawful and has been authorized by City Management and City Attorney in accordance with the law. No confidential information discussed during any closed session of the Council or any Board or Commission, held in accordance with the Brown Act and not subject to being reported-out in open session, shall be disclosed or discussed in any Digital Communications.

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CHAPTER 3  
POLICY FOR THE GENERAL PUBLIC

**A. City's Terms of Use**

The City's presence on social media and the Internet is to serve as a mechanism for communication between the City and the public for the City's official business and events only. The City seeks to maintain an environment on its Digital Communications and Social Media Sites which is relevant, civil, and appropriate for all ages. Please be advised that all comments and other content posted by users on the City's Digital Communications and/or Social Media Sites are subject to monitoring by the City. User-generated posts or comments may be rejected, removed, or hidden by City staff when the content violates these Terms of Use. By participating in any City Digital Communications and/or Social Media Site, members of the public agree to adhere to the City's Terms of Use. Communications made on the site do not constitute a legal or official notice or comment to the City and the City's established procedures for the submission of public records requests and official written correspondence as related to a public meeting must be followed.

**Prohibitions**

Comments on any and all City's Digital Communications and/or Social Media Sites that contain any of the following are prohibited and may be removed by the City:

- a. Comments not topically related to the particular social media article being commented on;
- b. Profane language or content;
- c. 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, sexual orientation or identity, or any other class or characteristic protected by federal, state, or City law;
- d. Content that promotes or advocates for or against a political candidate or ballot measure prohibited under any applicable state law, including but not limited to Government Code section 8314.
- e. Sexual content or links to sexual content;
- f. Content that promotes pornography, obscenity, indecency, or other material offensive to prevailing community standards or persons of ordinary sensibilities;
- g. Content that promotes adult-oriented businesses;
- h. Content that solicits commerce or funding from any source whatsoever, including but not limited to monetary contributions or credit transfer;
- i. Content that contains unsolicited business proposals or inquiries;
- j. Content that promotes or advocates for the sale or use of tobacco, alcohol, controlled substances, firearms or weapons;

- k. Content that contains religious messages or images or advocates or promotes religious beliefs;
- l. Content that contains, promotes, or encourages illegal activity;
- m. Content that contains information that may tend to compromise the safety or security of the public or public systems;
- n. Content that violates a legal ownership of any interest;
- o. Content that relates to confidential, private, or proprietary information;
- p. Spam (unsolicited messages that are usually intended as advertising or messages that are repeatedly posted on the same site);
- q. Content that contains links to malicious software or sites;
- r. Content that is intended to harass, threaten or abuse an individual or is defamatory or libelous, derogatory, or is a personal attack on any City official, employee, resident, business, or any other person;
- s. Content that contains specific or imminent threats; and/or,
- t. Content that violates any term, condition or policy of the Social Media Site on which it is posted.

## **B. Monitoring**

Comments or postings on City's Digital Communications and/or Social Media Sites may be monitored. The City reserves the right at any time to remove (which includes "hiding" – e.g., to remove from viewing) any and all comments and content, and to the extent permitted by law, to remove comments and/or content in violation of this Policy and/or Terms of Use. Any content shall be retained, including the time, date and identity of the user/poster when available, in accordance with the City's Records Retention Schedule.

## **C. Temporary or Permanent Blocking**

Two or more posts containing inappropriate content as outlined by this Policy, or posts from a spam account, may result in the account being blocked from the City's Digital Communications and/or Social Media Site, either temporarily or permanently. Blocking a user will be at the discretion of the City Manager, Department Head, or other Authorized User in accordance with the requirements of this Policy.

## **D. Notice and Review**

When a comment is removed for violating this Policy, that user will be notified of the reasons for removal, and that subsequent violations may result in being blocked from the City's Digital Communications and/or Social Media Sites.

When a user is blocked from the City's Digital Communications and/or Social Media Sites, that user will be notified of the reasons for being blocked and the duration of the block.

Questions regarding removed content or blocked users may be directed to the City Manager, Department Head, or other Authorized User.

#### **E. Authorization for Removal**

The City is authorized to restrict or remove any content that is deemed in violation of this Policy, including the above-listed prohibitions, these Terms of Use, or any other applicable law, policy, or regulation. The City will remove such offending posts and all comments related thereto.

#### **F. Accessibility**

It is the City's goal to provide maximum access for all users of the City's Digital Communications. Posts to City Digital Communications, including Social Media Sites, will meet the standards in Section 508 of the federal Rehabilitation Act (29 U.S.C. § 794d) and Accessibility Guidelines and Standards. The City's compliance statement may be accessed at the following Internet web link:  
<http://www.cerritos.us/main/accessibility.php>.

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CHAPTER 4  
MANAGEMENT OF OFFICIAL CITY PAGES

**A. Official City Pages**

The City's website [ [www.cerritos.us](http://www.cerritos.us) ] shall be the City's primary and predominant internet presence. Use of Digital Communications (as defined in the "Overview & Introduction" Section) shall only serve as an enhancement to the City's official website. Therefore, information and communications should be organized in a manner that avoids the posting of duplicate, misleading, or conflicting information.

**B. Administration of Official City Pages**

**1. In General**

The City recognizes that Digital Communications offer opportunities for the City to communicate with the community and perform public outreach while providing the public with instant access to news and events within the City. However, as with other interactive use of the internet, use of Digital Communications is not without risk. When using Digital Communications on behalf of the City, employees are making statements that reflect on the City. Therefore, all use of Digital Communications within the course and scope of an individual's employment with the City shall be done in accordance with the guidelines set forth in this Policy.

**2. Authorization for Use**

Only the City Manager, Department Head, and other Authorized Users are authorized to use Digital Communications on behalf of the City. Each Authorized User is responsible for the administration of the City's Digital Communications over which they have authorization. Such City Manager, Department Head, or other Authorized User is responsible for enforcement of this Policy, and for securing protection of information and technology assets against potential destructive technical incidents in the context and use of Digital Communications.

**C. Work by Non-Exempt Employees**

Work done in connection with use of Digital Communications by non-exempt employees shall only be done during scheduled working hours.

**D. Administration Responsibilities**

The City's Digital Communications shall clearly state that they are officially maintained by the City and provide a hyperlink directing a user to this Policy and the City's Terms of Use. It is the responsibility of the City Manager and Department Head to ensure all Authorized Users follow this Policy and all applicable laws.

The Authorized User assigned to use Digital Communications shall be responsible for reviewing the Digital Communications for which they are authorized to use, as directed by their supervisor and/or the City's Communications Division, in order to ensure compliance with this Policy. Authorized Users shall be trained regarding the terms of this Policy and their responsibilities to review content submitted for posting to ensure compliance with this Policy. (**Note:** See additional information under Section I. Moderation of Content.)

Each Digital Communication must provide a mechanism for the employee to remove posts, or prevent posting of messages that clearly violate this Policy including the City's Terms of Use. All posts that are deemed unsuitable for posting shall be retained pursuant to the City's applicable Records Retention Schedule, along with a description of the reason the specific content is deemed not suitable for posting.

The City Manager's Office will determine the minimum amount of moderation needed for Digital Communications by Authorized Users. The content should be moderated throughout scheduled work hours by Authorized Users, and during off-hours by Authorized Users who are exempt employees or by Authorized Users scheduled to work non-traditional hours, such as evenings and weekends. The moderation schedule will be set by the City Manager's Office in consultation with Department Heads and the manager of the City's Communications Division.

#### **E. General Posting Guidelines**

Use of Digital Communications shall be limited to the conduct of official City business. Digital Communications shall be conducted as a representative of the City in a professional manner in compliance with this Policy, and all local, state, and federal laws, regulations, guidelines, including the City's Code of Conduct. The City Manager, Department Head, or other Authorized User shall in no event use Digital Communications in a manner which discloses information that is made confidential by City policy or any other local, state, and federal law, regulation, or guideline. The City Manager, Department Head, or other Authorized User shall ensure no confidential information discussed during any closed session of the Council or any Board or Commission, held in accordance with the Brown Act and not subject to being reported-out in open session, is disclosed or discussed in any Digital Communications.

#### **F. Labelling of City Digital Communications**

To the greatest extent possible, the City's Digital Communications shall be consistently branded and contain visual elements/graphics clearly identifying such sites as official City sites, and distinguishing them from non-professional and/or personal use. Such identification of Digital Communications shall include the use of the City's logo, contact information including an official City email address, link to the official City or department website, and links to other pertinent agency Digital Communications, as applicable.

#### **G. External Links and "Following" of Other Accounts**

The City Manager, Department Head, or other Authorized User shall maintain sole discretion over the external links posted to official Digital Communications and other sites that Social Media Sites use, including "liking," reposting, or "following." It is the City's general policy to limit external links and entities that are either "liked" or "followed" to:

- (1) Other government agencies;
- (2) Firms with franchise agreements with the City, such as for utilities, cable TV and/or internet service, waste removal and other similar companies which provide service to residents of the City under agreement with the City;
- (3) Links to corporate or company sites that provide web-based automated solutions specifically designed for use by the City and/or the public through the City website;
- (4) Organizations in a direct contractual relationship with the City, that receive funding in the form of either monetary or in-kind contribution from the City to promote the

economic and cultural development of the City, in areas such as commerce, dining, and arts and entertainment within the City;

- (5) Local businesses, community entities, or organizations who have entered into a sponsorship agreement with the City, to the degree that the contract and/or agreement includes social media support, or in conjunction with a presentation and announcement by the City of a milestone reached as a member of the City's community; and
- (6) The City may wish to highlight or promote new businesses and/or established businesses with a unique City-based event, within the community as part of the City's Economic Development program.

The linked content of embedded hyperlinks shall be evaluated to determine if the content is acceptable prior to posting. Any posted hyperlinks shall be accompanied by a disclaimer stating that the City does not guarantee the authenticity, accuracy, appropriateness or security of the link, website, or content linked thereto.

#### **H. Use of City Social Media Sites**

Any usage of Social Media Sites by any City Department shall be approved, in advance, by the City Manager, Department Head or other Authorized User prior to posting any information or material on Social Media Sites. Consideration will be given to the overall nature and theme of the site, and its suitability for City use. Any and all Social Media Sites and information posted or created on behalf of the City must:

- (1) Directly pertain to the City and its official business.
- (2) Indicate that the posting is associated with the City and have the City's contact information prominently displayed.
- (3) Adhere to all applicable state, federal and local laws, rules, regulations and City policies including, but not limited to, copyright, fair use, anti-harassment, public records, document retention/destruction and use of technology.
- (4) Maintain content of posting for the required retention period in a format that preserves the integrity of the original record. Note, however, if posts are copies of records already retained pursuant to the department retention schedule (i.e., links to publications, memos, and documents), then the post may be considered a secondary copy and retention is not necessary since the primary document/content is being retained according to the document retention schedule.
- (5) Contain information that is freely available to the public and that is not proprietary or made confidential by City policies or any local, state, or federal law.
- (6) Not contain any personal information except the names of those employees whose job duties include being available for contact by the public.
- (7) Not include language of a nature that is profane, sexually explicit, lewd, obscene, racial, political, discriminatory, illegal, insulting, expresses an opinion, or that would not be acceptable in the City workplace.

- (8) Be created using the Authorized User's City email address or a City email address the Authorized User has access to. Personal email addresses cannot be used to create or moderate City Social Media Sites.

#### **I. Moderation of Content**

The City's Digital Communications are generally Nonpublic Forums for use to disseminate Government Speech, or if specifically authorized by the City, a Limited Public Forum. The City reserves the right to refrain from posting or to remove any content that is not consistent with this Policy and other City policies or that is in violation of applicable law(s). Such administration shall also include ensuring compliance by the City with all applicable federal, state, county, and local laws, regulations, and policies. If it is determined that any use of Digital Communications needs to be corrected, amended, or clarified, the City Manager, Department Head, or other Authorized User will determine what modification or supplement to the earlier social media communication is needed. Employees seeking a correction should raise any concern with the City Manager, Department Head, or other Authorized User.

#### **J. Right to Terminate City Social Media Sites**

The City Manager shall have the authority, and reserves the right, to terminate City Digital Communications at any time without notice. If the City Manager terminates a City Digital Communication that had broad usage and/or had been used by the City for multiple years, the City Manager shall report said termination of use and the reasons therefor to the City Council at its next Regular Meeting.

#### **K. Retention of User Information**

The City Manager, Department Head, and/or the manager of the Communications Division shall maintain a list of all City Digital Communications and Social Media Sites that are approved and operating. Login information, including user identification information and passwords, must be provided to the City Manager, Department Head, or other Authorized User. Social Media shall be treated as correspondence for purposes of record retention. The policies and procedures of the City's Records Management Policy and corresponding Records Retention Schedule shall be followed when destroying printed or electronic records related to Digital Communications.

#### **L. Disclaimer**

Use of Digital Communications by the City is not intended to create any contract with anyone at any time or in any way, nor is any use of Digital Communications by the City intended to create any expectation of action to be taken by the City. The public is hereby on notice that there is no reasonable expectation that the City, nor any emergency services of the City, will respond to any Digital Communication posting. The public is hereby on notice that use of any Digital Communications, including Social Media Sites, attaches no reasonable expectation of privacy or that any such Digital Communications are protected by any local, state, or federal privacy laws. The City's use of Digital Communications is not intended to, nor does it create nor may they be relied upon to create, any rights enforceable by law by any party in a civil or criminal action, nor do they create any obligation or duty of care.

The following disclaimer shall be prominently posted on the City's Social Media Sites' primary account information page, and by a hyperlink directing a user to the same, wherever reasonably possible:



"This account is intended to be for communication by the City of Cerritos to members of the public about specific topics. The City of Cerritos 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."

**M. Compliance with the California Public Records Act**

The City's Digital Communications are subject to the California Public Records Act. Any content maintained on an official City Digital Communication platform that is related to agency business – including a list of subscribers, posted communications, and communications submitted for posting – may be considered a public record and subject to public disclosure. California Public Records Act requests for the production of Digital Communications content shall be referred to the City Clerk's Office for review and further processing in accordance with City policies and procedures.

**3.06.070 APPROVAL OF POLICY**

This Policy was approved by City Council on February 9, 2023 and became effective immediately hereon.

Signed:

Date:



02/09/2023

Chuong Vo, Mayor

Signed:

Date:



02/09/2023

Art Gallucci, City Manager