

**[Proposed] Resolution by the Board of Neighborhood Commissioners
approving the Digital Communications Policy for the Neighborhood
Councils**

(Draft Version as of 7/1/2021)

WHEREAS, the Board of Neighborhood Commissioners (Commission) is charged with policy setting and oversight regarding the Neighborhood Council system (Charter § 902);

WHEREAS, the Department of Neighborhood Empowerment (the Department), is charged with, among other things, arranging training and assisting Neighborhood Councils and implementing and overseeing the compliance with City ordinances and regulations relating to a system of neighborhood councils. (Admin. Code § 22.801; Charter § 901);

WHEREAS, pursuant to the City’s Charter, neighborhood councils have an advisory role to the City on issues of concern to the neighborhood (Charter § 900);

WHEREAS, neighborhood councils increasingly utilize websites, social media, electronic and online newsletters, as well as other forms of digital media in accordance with their Chartered role;

WHEREAS, neighborhood councils have requested guidance on the use of their websites, social media, and newsletters to allow them to engage with their stakeholders without infringing on the rights of the public;

WHEREAS, neighborhood councils have requested guidance on the permissible discussion of neighborhood council matters by individual neighborhood council members on private social media and websites;

WHEREAS, the Department presented the Commission with a draft digital communications policy based upon the City’s Information Technology Agency policies;

WHEREAS, the Commission discussed the digital communications policy at a public meeting held on _____.

NOW, THEREFORE, BE IT RESOLVED that the Board of Neighborhood Commissioners hereby adopts the attached “Digital Communications Policy” for Neighborhood Councils.

Adopted this __ day of _____, 20__.

MOVED BY: _____
Member, Board of Neighborhood Commissioners

SECONDED BY: _____
Member, Board of Neighborhood

Commissioners WITNESSED BY: _____

VOTES

Ayes: _____

Nays: _____

[Proposed] **Board of Neighborhood Commissioners' Digital Communications Policy for the Neighborhood Councils**

Effective Date: _____

1. Overview: The Advisory Role of the Neighborhood Councils

Pursuant to the Charter of the City of Los Angeles (City), a citywide system of neighborhood councils and the Department of Neighborhood Empowerment (Department) were created “[t]o promote more citizen participation in government and make government more responsive to local needs.” (Charter § 900). The Charter further provides that “neighborhood councils shall include representatives of the many diverse interests in communities and shall have an advisory role on issues of concern to the neighborhood.” (Charter § 900).

Accordingly, in all respects, a neighborhood council’s online and electronic communications practices shall promote civic engagement *by and for the diverse interests of its communities*, with the aim of fulfilling a neighborhood council’s *advisory role to the City* on issues of neighborhood concern.

2. Purpose of this Policy

- 2.1. This policy was passed by the Board of Neighborhood Commissioners (Commission) in accordance with its Charter role of policy setting and oversight for the neighborhood council system.
- 2.2. This policy provides procedures and standards for neighborhood councils’ Digital Communications, including the use, management, design, development, and maintenance of websites, social media accounts, newsletters and other platforms as defined and described herein.
- 2.3. This policy also contains information and an attachment (Attachment A) regarding the Neighborhood Council System Commenting Policy.

The Department are authorized to create rules, regulations, forms, or guidelines to administer, implement and enforce this policy **as outlined below**.

3. Scope

- 3.1. This policy applies to all certified neighborhood councils and governs the use, management, design, development and maintenance of Digital Communications accounts, platforms, and tools utilized by neighborhood councils.
- 3.2. This policy applies to all individuals **appointed, elected, or assigned by a neighborhood council as responsible for its** Digital Communications accounts, platform, and tools

4. Terms and Definitions

- 4.1. Neighborhood Council Digital Communications: For purposes of this policy, Neighborhood Council (or Neighborhood Council's) Digital Communications means Neighborhood Council Website(s), Neighborhood Council Social Media, **Neighborhood Council SMS messaging**, **Neighborhood Council applications**, and Neighborhood Council **Digital** Newsletter(s).
- 4.2. Neighborhood Council Website: A Website established or administered by a neighborhood council using neighborhood council resources of any kind, such as the labor of neighborhood council board members, neighborhood council funds, and neighborhood council resources, to communicate and engage with the public about neighborhood council business.
- 4.3. Neighborhood Council Social Media: Social media accounts, tools, applications, and/or websites established or administered by a neighborhood council using neighborhood council resources of any kind, such as the labor of neighborhood council board members, neighborhood council funds, and neighborhood council resources to communicate and engage with the public about neighborhood council business.
- 4.4. Social Media: Online communications channels dedicated to community-based input, interaction, content-sharing, content-creation, and collaboration. These channels include social networking sites, platforms, and applications, weblogs (blogs, vlogs, or microblogs), podcasts, online chat sites, forums, and video/photo posting sites or any other such similar output or format. Examples include, but are not limited to Facebook, Medium, Twitter, Tumblr, LinkedIn, Instagram, Snap, TikTok, and YouTube.
- 4.5. Neighborhood Council Newsletter: A newsletter, bulletin, periodic publication, or other report established or administered by a neighborhood council distributed via email, online, or by automated or prerecorded phone call, using neighborhood council resources of any kind, such as the labor of neighborhood council board members, neighborhood council funds, and neighborhood council resources, to communicate and engage with the public about neighborhood council subject matter.
- 4.6. **Neighborhood Council SMS messaging**: An application that allows for mass distribution of SMS "text" messages on behalf of a Neighborhood Council.
- 4.7. **Neighborhood Council Applications**: Any application or "app" developed for the Google and Apple App Store that can be downloaded and utilized on a digital device to share information about the Neighborhood Council.
- 4.8. Account Administrators: Individuals designated by a neighborhood council, **either by election, appointment, or assignment** to administer Neighborhood Council Digital Communications.

5. Account Administrator and Account Moderator Responsibilities

- 5.1. Neighborhood Council **Boards** are responsible for ensuring that the content is consistent with the neighborhood council system's mission pursuant to the Charter, professionally presented, accurate, and respectful to their diverse communities.
- 5.2. Each neighborhood council is responsible **for appointing, electing, or assigning at least one** Account Administrator to implement and ensure compliance with this policy. Absent designation, the Account Administrator will be the president or chair of the neighborhood council. **An Administrator may also assign and be responsible for a content writer or comment moderator.**
- 5.3. Account Administrator(s) are responsible for managing and maintaining Neighborhood Council Digital Communications and **it is recommended that they** : (1) ensure that a Neighborhood Council's Digital Communications are regularly maintained and **comments are regularly** checked; (2) ensure that the neighborhood council board is informed about Neighborhood Council Digital Communications activities **through regular reports**; (3) review content posted to the Neighborhood Council's Digital Communications to ensure the content is timely, professional, and relevant to neighborhood council's activities and resources, and is consistent with the neighborhood council's bylaws and standing rules, City policies, including policies set forth by the Board of Neighborhood Commissioners, Department of Neighborhood Empowerment, , and applicable law; and (4) ensure that the neighborhood council is in compliance with the rules, guidelines, and policies of the third-party websites, social media sites, newsletters, platforms, and accounts being used.

6. Establishment of a Neighborhood Council Website, Social Media, or Newsletter

- 6.1. **The Neighborhood Council must set up a digital media administrator email address** for account setup, monitoring, and access. The use of personal email accounts or personal phone numbers is not allowed for the purpose of setting up a Neighborhood Council Digital Communications account. When the social media platform requires an individual's name or other personal information associated with the account, the creator of the account must obtain approval from the Department.

The Administrator must provide access, login, and password information to the Neighborhood Council President/Chair and Vice-President/Vice-Chair, upon the effective date of this policy. They may also choose to share with their NEA or the designated employee of the Department. Any changes in login, password, or administrator access information must be reported immediately to all aforementioned persons. The security of this login information is also paramount to ensure there is no unauthorized access to the account. **(a). Failure to provide this information by Account Administrator or person currently designated with responsibility for digital media accounts could result in exhaustive efforts for the Neighborhood Council, as deemed necessary by the Department.**

- 6.2. The establishment of a Neighborhood Council Digital Communications account must

be approved by official action of the neighborhood council. A neighborhood council shall not establish or authorize Digital Communications accounts for its committees or any other groups. All Digital Communications shall originate from the neighborhood council, acting through its board, and not any committee or any other group.

- 6.3. A neighborhood council **should** have as few Neighborhood Council Digital Communications accounts as possible to ensure accuracy of content and regular moderation. A neighborhood council may have multiple accounts if it can be demonstrated that more than one account will effectively serve the neighborhood council's goals. **A Neighborhood Council should strive to remove, close, or delete dormant or unused accounts and report "spoof", "imposter", or unapproved accounts.**

7. Design of a Neighborhood Council Website, Social Media, or Newsletter

[MOVED TO SECTION 8]

- 7.1. All Neighborhood Council Digital Communications must provide links to City websites whenever a City service, activity, or event is referenced to ensure accuracy of that information.
- 7.2. All Neighborhood Council Digital Communications must clearly indicate that they are administered by the neighborhood council and must prominently display neighborhood council contact information.
- 7.3. **The Department will set up a public folder with logos, digital assets, fonts, and other City trademarks for Neighborhood Councils to use**
- 7.4. **Neighborhood Councils should follow all marketing guidelines established by the City for digital communications**

8. Content of a Neighborhood Council Website, Social Media, or Newsletter

- 8.1. Publication of Official Information. Neighborhood Council Digital Communications are for official use only. All information disseminated must be directly related to the official duties and responsibilities of a neighborhood council under the City Charter and Administrative Code.
These platforms are best used to promote neighborhood council membership and attendance at meetings and promotion of approved and authorized neighborhood council events. The development and use of Neighborhood Council Digital Communications for personal gain and use is strictly prohibited.
- 8.2. In a declared disaster or emergency situation, **the Administrator should coordinate and repost messaging, as much as reasonably possible**, from the Mayor's Office, Emergency Management Department, Los Angeles Fire Department, Los Angeles Police Department, and/or other relevant public safety and emergency management departments to ensure that emergency communications are timely and accurate for the

optimal safety of Los Angeles residents.

- 8.3. Prohibition of Discussion, Deliberation, or Taking Action on Neighborhood Council Matters. Although Neighborhood Council Digital Communications may contain relevant information concerning the neighborhood council's meetings, events, and activities, neighborhood council board members may not discuss, deliberate, or take action on any neighborhood council matters via Neighborhood Council Digital Communications, **as this could violate the Ralph M. Brown Act**. Neighborhood Council Digital Communications must promote civic engagement and open and transparent discourse, by directing that the public attend neighborhood council meetings. Therefore, whenever possible, the Neighborhood Council Social Media and Newsletters must link back to the Neighborhood Council Website and its section relating to agendas to encourage the public to attend and provide comment at neighborhood council meetings.
- 8.4. Prohibition of Confidential Information. Private, confidential, or sensitive information may not be published on Neighborhood Council Digital Communications.

[consolidated with 8.8 below]

- 8.5. Copyright-Protected and Trademark-Protected Material. Copyright-protected materials may not be reproduced, distributed, transmitted, displayed, or otherwise published without the prior written permission of the owners of these materials. This also applies to trademarks, which can be a word, phrase, symbol, or design, or a combination thereof, that identifies and distinguishes the source of the goods of one party from those of others. Those responsible for publishing content in Neighborhood Council Digital Communications must protect any City materials and comply with laws in the use of third-party materials. Resources on use of images can be found on the EmpowerLA website: <https://empowerla.org/outreach-tip-how-to-avoid-copyright-violations-that-can-cause-legal-issues-for-ncs/>
- 8.6. General Content Prohibitions. A neighborhood council may not, on its Neighborhood Council Digital Communications, publish any content:
 - (1) regarding any political candidate or ballot measure, except to the very limited extent permitted by law;
 - (2) **that requests for campaign funds or references to any solicitation of campaign funds.**
 - (3) **that references to the campaign schedule or activities of any candidate:**
 - (4) that contains obscene or sexual content or links to obscene or sexual content;
 - (3) that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, national origin, physical or mental disability, or sexual orientation;
 - (4) that is primarily commercial in nature;
 - (5) that condones or encourages illegal activity; or
 - (6) that violates City (including City Charter or Administrative Code), state, or federal law including, but not limited to, trademark and copyright law.
 - (7) that violates City policies, regulations, rules, directives, or procedures applicable to neighborhood councils.

8.7. No Neighborhood Council Digital Communications may include endorsement of private entities, including non-profit organizations, but may provide links as necessary to the operation of a neighborhood council-approved event, and in that circumstance, must also include the following disclaimer: “Acknowledgement of any entity or person(s) on this page does not constitute the neighborhood council’s support or endorsement of it or its products or services.”

9. Best Practices on the Use of a Private or Non-Neighborhood Council Website, Social Media, or Newsletter

9.1. Neighborhood Council members may maintain their own website and social media sites and have a Constitutional right to express their own opinions. While this policy in no way limits individual freedom of speech, Neighborhood Council members may face personal risk or penalties for the following activities and, as such, these are provided as recommended activities to avoid:

- a) any neighborhood council or City seal, logo, trademark, apparel, vehicle, badge, patch, or other official neighborhood council or City image **should only be used with the express written consent of that City entity** on any private, non-Neighborhood Council Website, Social Media, or Newsletter, including but not limited to, any website, social media, or newsletter
- b) **The** publishing of confidential, personal, private, or sensitive information obtained in their capacity as a member of a neighborhood council board or committee **may violate another individuals rights and may put you at risk for personal liability not covered by the City.**
- c) **According to Assembly Bill 922, “an individual member in separate conversations or communications on an internet-based social media platform to answer questions, provide information to the public, or to solicit information from the public regarding a matter that is within the subject matter jurisdiction of the legislative body provided that a majority of the members of the legislative body do not use the internet-based social media platform to discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body.”**

9.4.1.

- d) Identification of their neighborhood council position as part of a resume or biography is permissible. A neighborhood council board or committee member shall not publish inaccurate information regarding his or her title, position, or role on a neighborhood council.
- e) Neighborhood council board members or committee members **should not** attribute personal statements or opinions to the neighborhood council or the City. If a reasonable inference can be drawn that a personal statement or opinion is the neighborhood council’s or the City’s, the neighborhood council board member or committee member shall affirmatively use a disclaimer that establishes that the statement or opinion is personal and does not represent a statement of the opinion of the neighborhood council or the City.

- f) Neighborhood council board members and committee members **should** refrain from discussing or commenting upon any matter that is pending before or may come before the neighborhood council. Commenting may include "friending" or "liking." Violations may result in an individual or neighborhood council **being unable to participate** in a matter pending or that may come before the board, or actions by the City under Section 22.818(e) of the Los Angeles Administrative Code or remedies such as those listed at Section 22.818(e) of the Los Angeles Administrative Code.

9.2.

10. Best Practices on Comments

10.1. The Neighborhood Council System Commenting Policy Notice must be made available online and in context with any Neighborhood Council Digital Communications that permits comments. (Attachment A - Neighborhood Council System Commenting Policy Notice.

10.2. Comments from the public are allowed **and encouraged on Digital Media sites. Just like public comments, this forum should be open to individuals to freely express their opinions without infringing on the ability of others to do so. Comments that do not comply with the Commenting Policy Notice or the limitations of the Third Party platform, may be removed or hidden.** If further guidance is needed, please consult the City Attorney's Office, Neighborhood Council Advice Division.

10.3. The City Attorney's Office is available to provide legal advice on potential removal of content.

10.4. Illegal, or potentially illegal, activity should be reported promptly to the Los Angeles Police Department and the Third Party platform as a violation of their terms of service.

10.5. Account Administrators should make a good faith effort to respond to public and private messages and comments where appropriate.

11. Best Practices on Security and Privacy

11.1. The Account Administrator should protect confidential, personally identifiable information, or any other data that could potentially be used to identify or harm a particular person.

11.2. If a security breach is suspected to have taken place or is confirmed, the Account Administrator must notify the president or chair of the neighborhood council and the Department immediately, regardless of time of day or day of the week. If necessary, the Neighborhood Council Digital Communications account may be suspended or deactivated.

11.3. At the departure of an Account Administrator, passwords must be changed and reported to the Neighborhood Council president or chair and the Department.

12. Records Retention and Public Information

12.1. Content on all Neighborhood Council Digital Communications may be subject to disclosure as required by the California Public Records Act (CPRA), and therefore the public must be clearly informed that any information posted on Neighborhood Council Website or Social Media is subject to disclosure.

13. Attachments

13.1. Attachment A - Neighborhood Council System Commenting Policy Notice

This is recommended verbiage for posting on the about section or community standards section of any Digital Media platform.

ATTACHMENT A

Neighborhood Council System Commenting Policy Notice

The Neighborhood Council welcomes you and your comments

The purpose of the neighborhood council's website and social media is to present information from the neighborhood council to its stakeholders so as to encourage participation in the neighborhood council system's advisory role to the City.

Comments posted to the Neighborhood Council website or social media account are public. The Neighborhood Council therefore advises against posting sensitive personal identifying information, such as home addresses, phone numbers, and personal email addresses, on its website or social media account.

A comment or post by the public on any Neighborhood Council website or social media is the opinion of the commenter or poster only and does not imply endorsement of, or agreement by, the Neighborhood Council.

Comments containing any of the following are subject to potential removal and/or restriction by the Neighborhood Council **or by the platform for violation of its Terms and Policies and/or Community Standards :**

- Off topic comments, including comments outside the jurisdiction of the neighborhood council system or unrelated to the original post
- Obscene content
- Threats to any person or organization
- Solicitation of commerce, including but not limited to advertising of any business or product for sale
- Conduct in violation of any federal, state, or local law
- Encouragement of illegal activity
- Information that may tend to compromise the safety or security of the public or public systems, or
- Content that violates the privacy or security of an individual or a legal ownership interest, such as a copyright, of any party.