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# CITY OF POMONA COUNCIL REPORT

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June 17, 2019

To: Honorable Mayor and Members of the City Council

From: Linda Lowry, City Manager

Submitted By: Mark J. Gluba, Deputy City Manager

**SUBJECT: CITY SOCIAL MEDIA POLICY – RECEIVE AND FILE**

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## **RECOMMENDATION:**

It is recommended that the City Council receive and file this report and the attached Social Media Policy.

## **EXECUTIVE SUMMARY:**

The draft Social Media Policy establishes administrative guidelines for the use of social media sites by the City of Pomona as a means to disseminate information regarding the City's mission, meeting activities, events and current issues to members of the general public. This policy is intended to mitigate risks associated with, as well as govern use of all City Social Media accounts, regardless of whether the social media site(s) are accessed from City computers, computers outside the City or mobile devices. Because the Policy addresses a pervasive issue which has not previously been constrained by clear guidelines, and many individuals (employees, elected officials, appointees, agents) will be impacted by it, it is presented for Council to review prior to finalization by the City Manager.

**FISCAL IMPACT: NONE**

## **DISCUSSION:**

City of Pomona Administrative Policies and Procedures are drafted by Human Resources and/or other staff knowledgeable on the respective subject matter of a particular policy area and submitted to the City Manager for review and approval. Depending upon the subject matter governed by a particular policy, the Policy contents, responsibilities, procedures, etc. apply to various agents of the City, including, but not limited to, employees, elected and appointed officials, volunteers, contractors, etc. A copy or reference link of all Administrative Policies and Procedures is provided to all agents or representatives of the City when their relationship is established or as new Administrative Policies and Procedures are approved.

Content of the new Social Media Policy (Attachment) has been drafted for approval by the City Manager and is being submitted to the City Council to receive and file. This new Policy is taking effect subsequent to the Council's orientation as new office holders and the previous dissemination of other Administrative Policies and Procedures. Similarly, the approved Policy will be distributed to City Commissioners through the City Clerk's Office and/or the respective commission staff liaison(s). Additionally, the approved Policy will be disseminated to other applicable agents, representatives, volunteers and the general public via posting on the City website/intranet and other electronic means.

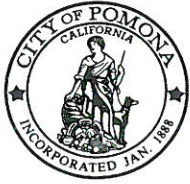
Human Resources staff have notified the employee associations/unions of the proposed Social Media Policy and its presentation to the City Council by providing a copy of the draft policy via email. The employee associations/unions have a responsibility to determine if the proposed policy may have an impact relating to wages, hours, and other terms and conditions of employment to their members. Should they request, City management and employee representatives have a mutual obligation to meet and confer in good faith on the impact of issues relating to wages, hours, and other terms and conditions of employment.

Prepared by:

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Mark J. Gluba  
Deputy City Manager

**ATTACHMENT:** Draft Social Media Policy



City Manager's Approval: \_\_\_\_\_

*Linda C. Perry*

## THE CITY OF POMONA

### ADMINISTRATIVE POLICIES AND PROCEDURES

### SOCIAL MEDIA POLICY

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#### I. PURPOSE

This Social Media Policy ("**Policy**") establishes guidelines for the use of Social Media Sites by the City of Pomona ("**City**") as a means to disseminate information regarding the City's mission, meetings, activities, events, and current issues to members of the general public. The City Social Media Accounts shall be used solely for matters of agency business. This Policy is intended to mitigate risks associated with, as well as govern use of, all City Social Media Accounts, regardless of whether the Social Media Site(s) is (are) accessed from City computers, computers outside the City, or mobile devices.

The City has an overriding interest and expectation in protecting the integrity of the information and content posted on or through City Social Media Accounts, as well as the Postings that are attributed to the City, its employees, volunteers, officials, and contractors/consultants on City Social Media Accounts.

The City Social Media Accounts include, but are not limited to:

**Facebook** – Facebook's mission is to "give people the power to build community and bring the world closer together," by allowing users to share a range of content and information.

The City's Facebook Handle: [www.facebook.com/TheCityofPomona](http://www.facebook.com/TheCityofPomona)

**Twitter** – Twitter allows users to share information in short, 280-character messages.

The City of Pomona's Twitter Handle: [@CityofPomona](https://twitter.com/CityofPomona)

**Instagram** – Instagram allows users to share stories with followers and other users through a series of pictures and short videos.

The City of Pomona's Instagram Handle: [@CityofPomona](https://www.instagram.com/CityofPomona)

#### II. APPLICABILITY

This Policy shall govern the use of City Social Media Accounts by all City employees, elected and appointed officials, volunteers, or any third party consultant, contractor,



## **SOCIAL MEDIA POLICY (Continued)**

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agent, or representative conducting business on behalf of the City of Pomona. All such persons shall be provided with a copy of this Policy and be directed to familiarize themselves with it.

This Policy is applicable to all forms of communication on Social Media Sites including, but not limited to, all Posts, or other pictures, videos, audio, third party applications on social networks, content published in blogs, chat rooms, or new services, and any other media that transacts or conducts City business on social networks.

### **III. DEFINITION OF TERMS**

**“City Handle”** means any username, user identification, or user page established and maintained by the City on a Social Media Site.

**“City Social Media Account(s)”** means all Postings under a City Handle over which the City has control of the content, information, articles, pictures, videos or other form of communication posted or published, except for advertisements or hyperlinks provided by the Social Media Site’s owners, vendors, or partners.

**“Posts”** or **“postings”** means all content, information, articles, pictures, videos or any other form of communication shared, posted, or published on a Social Media Site.

**“Social Media Site(s)”** means an electronic communication platform using accessible, expandable, and upgradable publishing technologies, through and on the Internet (such as websites for social networking and microblogging), by which registered users engage in community-based input, interaction, content-sharing and collaboration. Examples of Social Media Sites include, but are not limited to, Facebook, Twitter, Instagram, and LinkedIn.

### **IV. POLICY**

The City Social Media Accounts shall supplement, and not replace, the City’s official website ([www.ci.pomona.ca.us](http://www.ci.pomona.ca.us)), which shall remain the City’s primary source for online communication. To the extent possible, the City’s Posts on Social Media shall link back to the City’s official website for forms, documents, online services and other information necessary to conduct business with and/or in the City. However, in no event shall any Posting on any City Social Media Account page or Post be used in lieu of providing the City’s required notices and standard methods of communication.

The City’s Posts on Social Media Sites shall entail communications directed to provide information to the members of the public regarding the City and neighboring communities, subject to the provisions of this Policy. By facilitating such communication, however, the

SOCIAL MEDIA POLICY (Continued)

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City does not intend to create a public forum or a designated public forum on any City Social Media Account page, Post, or comment. Accordingly, the City establishes its Social Media Account pages, Posts, and comments as non-public forums.

A. Authorized Use of Social Media Sites

1. All City Social Media Accounts shall adhere to applicable Federal, State, and local laws, as well as City policies and regulations.
2. The establishment and use of any City Social Media Account is subject to approval by the City Manager or his/her designee. Upon approval, City Social Media Accounts shall clearly state that they are sponsored by the City and bear the name and/or official logo of the City. Wherever applicable, the City Social Media Account shall be classified and registered with the Social Media Site service provider as "Official" and/or governmental entity status.
3. The City Manager or his/her designee is responsible for (a) determining who is authorized to use and/or Post to any City Social Media Account on behalf of the City (the "**Authorized User(s)**") and (b) assigning staff to update and keep information current on City Social Media Accounts and to respond to inquiries, as needed.
4. Only the Authorized User(s) shall have permission to create or publish any content or Post, including in the form of a comment, on behalf of the City on any City Social Media Account.
5. Authorized Users shall be provided a copy of this Social Media Policy and are required to acknowledge their understanding and acceptance by signing and dating the attached Acknowledgement Form, returning the original copy to the Human Resources Department, and retaining a copy for their records. Authorized Users shall conduct themselves at all times as a professional representative of the City and in accordance with this Policy and all City policies.
6. Authorized Users shall not express personal views or concerns through any City Social Media Account and all Postings shall reflect the view of the City.
7. The City shall use best efforts to obtain a photo release/consent form, or verbal consent if a photo release/consent form is impracticable, in instances where an individual (not including City staff) can be identified and is the primary focus of a specific photograph. Notwithstanding the above, a photo release/consent form shall be required in the following circumstances:

**SOCIAL MEDIA POLICY (Continued)**

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- i. An individual who is the primary focus of a photograph taken in a non-public space is recognizable;
  - ii. An individual has been recruited specifically to serve as a subject/model for a photograph(s); or
  - iii. The photograph depicts minors, except where the photograph is taken at a public event, such as a concert in the park or a public meeting; provided, however, that in the absence of a signed release in such circumstances, verbal permission from the parent or guardian is advised.
8. Authorized Users may respond to comments or Posts through a City Social Media Account to the extent that such content relates to City business purposes. Postings from the public which ask fact-specific questions, or are a request for detailed information, will be directed to the relevant department head at the City for appropriate response. However, if the comment or question posed violates the City's Social Media Policy or any applicable law, the comment shall be reported to the Deputy City Manager/ Public Information Officer, who shall provide direction with respect to any response or action to be taken with respect to such comment, consistent with the provisions of this Policy.
9. No communications made with the City through any City Social Media Account shall be deemed to constitute public comment or legal notice to the City or any of its agencies, officers, employees, agents, or representatives where notice to the City is required by any Federal, State, or local law, rule, or regulation. Any such comment or notice shall be submitted to the City as ordinarily prescribed, and not through a City Social Media Account.
10. Any and all activities on behalf of the City on any City Social Media Account must comply with all of the following:
  - i. Directly pertain to the City and/or City business;
  - ii. Contain only content that is freely available to the public and that is not made confidential by any policy of the City, or by local, state, or federal law. Examples of prohibited content include, but are not limited to, actual or potential legal claims, lawsuits or other legal issues, personnel matters, crime investigations or content about crime scenes, budget planning and priorities, what an elected or appointed official might think about an issue or speculation about a potential decision they might have, or emergency situations (unless the Authorized User is expressly authorized to share emergency related information);

**SOCIAL MEDIA POLICY (Continued)**

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- iii. Not include content that is contrary or detrimental to the City's mission, values, image, and interests;
  - iv. Not express any Authorized User's own personal views or opinions;
  - v. Not contain any personal information, except for the names of employees whose job duties include being available for contact by the public; and
  - vi. Not contain any of the following:
    - a. Comments that are not topically related to the particular Posting being commented upon;
    - b. Comments in support of, or opposition to, political campaigns, candidates or ballot measures;
    - c. Profane or obscene language or content;
    - d. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, or status with regard to public assistance, national origin, physical or mental disability or sexual orientation, as well as any other category protected by federal, state, or local laws;
    - e. Sexual content or links to sexual content;
    - f. Solicitations of commerce;
    - g. Conduct or encouragement of illegal activity;
    - h. Information that may tend to compromise the safety or security of the public or public systems;
    - i. Content that violates a legal ownership interest, such as a copyright, of any other party;
    - j. Defamatory statements; or
    - k. Threats of violence or injury to any person, property, or organization.
11. All Authorized Users are hereby informed that using personal devices to access City Social Media Accounts, or private social media networks to conduct City-related business, could result in a loss of privacy.
12. The City reserves the right to terminate any City Social Media Account at any time without notice.
- B. Content Management**
- 1. The City is committed to serving the online community in a civil and unbiased manner.
  - 2. All comments or postings related to the City's Social Media Accounts will be subject to monitoring by the City Manager and/or his/her designee(s).



**SOCIAL MEDIA POLICY (Continued)**

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3. Any content by a member of the public sent to, published, or posted on or through any City Social Media Account, including without limitation a Post or a response to any City Post or comment, is the opinion of the commenter or poster alone, does not imply endorsement of or agreement by the City, and the City disclaims liability for any such content.
4. The City reserves the right to restrict or remove any content that is deemed by the City to be in violation of this Social Media Policy, the City's Public Use Social Media Policy or any other applicable law. Any City employee, volunteer, or official who finds content on or through a City Social Media Account that is potentially inappropriate or inconsistent with this Policy will notify the Deputy City Manager/ Public Information Officer, who will consult as needed with the City Manager and/or the City's legal counsel for direction on further handling of the potentially inappropriate or inconsistent content to ensure compliance with the Policy. The City disclaims any and all responsibility and liability for any materials that the City deems inappropriate for Posting that cannot be removed in an expeditious and otherwise timely manner.
5. For all City Social Media Accounts, the City shall post the following disclaimer on the respective City Social Media Account page: "The City of Pomona reserves the right to restrict or remove any postings or comments that violate the City's Social Media Policy, which can be found on the City's website."
6. Any content removed based on this Policy must be retained by the City for a reasonable period of time, and will include the time, date and identity (including username or screenname) of the poster, when available.
7. City Social Media Account pages may contain content over which the City has no control, including but not limited to, advertisements or hyperlinks. The City does not endorse any hyperlink or advertisement on or through a City Social Media Account by Social Media Site's owners, vendors, or partners.
8. The City may block specific users, but only to the extent that such users' comments are determined by the City to repeatedly be defamatory, obscene, or for purposes of posting spam or soliciting commerce. In no event shall a user be blocked for disagreeing with or providing a contrary opinion or point of view.

C. Public Records Act

1. The City's Social Media Policy shall be displayed to users through the City's Social Media Account or made available on the City's website.



**SOCIAL MEDIA POLICY (Continued)**

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2. All City Social Media Accounts are subject to the California Public Records Act. Any and all content maintained on or related to a City Social Media Account, including but not limited to a list of subscribers, posted communication and content, communication submitted for posting, and private messages may be considered a public record subject to public disclosure.
  3. All Authorized Users, City employees, volunteers, and officials, members of the public, and other third parties engaging in City business are hereby made aware of the following:
    - i. Public Record Requests on City Social Networks and Personal Devices: According to the California Public Records Act, Posts or other related content produced by or on behalf of the City that are created for or published to or on any City Social Media Account, whether such records are created, produced or maintained on a City computer or personal electronic device of the person posting on behalf of the City, may be the subject of a public record request pursuant to California Government Code §§ 6250 *et seq.* Accordingly, personal devices used for City-related business associated with City Social Media Accounts may be subject to review for disclosable public records.
    - ii. Custodian of Public Records on Work and Personal Devices: Authorized Users or other persons creating or posting content through or to City Social Media Accounts on behalf of the City are hereby advised that their respective personal devices, if used for work related activities associated with City Social Media Accounts, may be subject to review for such content in the event of a Public Record Act request, discovery request in a lawsuit, or internal investigation. Therefore, such persons may be considered a custodian of public records or other records and legally obligated to follow the preservation and other regulations defined under California Government Code §§ 6250 *et seq.* and other applicable laws.
- D. Ralph M. Brown Act
1. The Ralph M. Brown Act ("**Brown Act**") requires that public agencies deliberate and take action openly. Content and/or comments made by a City official via a Social Media Site on a City-related issue within their jurisdiction could be subject to the requirements of the Brown Act. Members of the City Council, Commissions, and standing committees should refrain from corporately discussing, deliberating, or expressing opinions including "liking," "sharing," or "retweeting" any published Postings on a Social Media Sites, which may be interpreted as expressing an opinion and could lead to

**SOCIAL MEDIA POLICY (Continued)**

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an inadvertent “serial meeting” on any issue(s) within the subject matter jurisdiction of the City on any Social Media Site. Brown Act issues also have the potential to arise on private Social Media Sites or pages. As such, City Officials should also refrain from corporately discussing, deliberating, or expressing opinions on any City-related issue on private Social Media Sites or pages.

E. Elected Officials and Appointed Boards, Commissions, and Committees Using Personal or Professional Social Media Platforms

1. While elected officials and City Council-appointed board, committee and commission members may maintain and use personal web pages and websites, blogs, and social networking sites, their status as elected/appointed officials requires that the content of any postings on those sites not be in violation of existing City by-laws, policies, directives, rules or regulations. Although the City acknowledges its officials have the First Amendment right to free speech, the right is not absolute when involving matters of official City business, issues or concerns.
2. If an elected or appointed official conducts any City business or communication as an official from a personal account, professional account, or an account created for a board/committee/commission/ council, including without limitation from any such account associated with a Social Media Site, officials should assume that such communications, comments, or other Postings will be subject to both the Public Records Act and the Brown Act.
3. To make a clear distinction between the Social Media Site accounts of (i) the City, (ii) a public official, (iii) a campaign, and (iv) a private individual (including a public official in his/her private capacity), it is recommended that, amongst other things, all accounts are appropriately titled. For example, the preferred title for a personal account would be “Jane/John Doe,” instead of “Jane/John Doe, Chair of Public Agency.” Where possible, public accounts on behalf of the City or public official would also be registered with the Social Media Site provider as “Official”; in that same vein, personal or campaign social media accounts should avoid being designated as “official” or official “governmental” pages.
4. Professional and Personal Conduct Standards:
  - i. Officials should be honest and accurate when posting information or news, and should quickly correct any mistakes, misstatements and/or factual errors in content upon discovery. Officials shall not post or share information known to be false about the City, its

**SOCIAL MEDIA POLICY (Continued)**

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- employees, constituents, other public officials, suppliers, vendors, or contractors.
- ii. Unless the official has been designated to serve as a spokesperson, officials should never expressly or impliedly represent themselves as a spokesperson for the City Council, a City board or committee, the City Administration, or any City department.
  - iii. Officials are expressly prohibited from using personal or professional Social Media Sites to engage in any activity or conduct that violates federal, state, or local law or any City rule or regulation. Officials are also prohibited from using professional social media accounts to circumvent election or campaign requirements, to campaign for re-election or endorse other candidates for public office.
  - iv. To avoid violating the California Public Records Act, officials are prohibited from deleting posts and related comments on any Social Media Site account controlled or maintained by the public official regarding any City-related matters.
  - v. Under California case law, Posts and private messages related to public business in personal accounts may be subject to the Public Records Act. As such, officials are encouraged to conduct any and all public agency business through official agency accounts. Officials shall forward to all City-related customer comments, complaints, or inquiries received on personal accounts to the City; the City shall thereafter retain such records in accordance with the City's retention policy. It is recommended that if a public official receives comments, Posts, or comments on his/her personal account related to City business, direct the commenter to the City's website and/or official accounts.
  - vi. Limit the use of public agency devices to maintain private accounts.
  - vii. Officials are prohibited from using City employees to operate and/or manage any campaign or personal account(s).
  - viii. Officials should be mindful that posting or responding to content regarding City-related matters could result, even inadvertently, in the violation of the Brown Act. City officials shall comply with the Provisions of Section IV.D of this Policy for all of his/her activity related to City business on any Social Media Site.
  - ix. Officials are prohibited from using Social Media Sites to engage in any activity that constitutes a conflict of interest.

SOCIAL MEDIA POLICY (Continued)

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F. City Employees and Social Media

The City of Pomona understands that its employees use Social Media Sites to share events in their lives, to communicate, and to discuss their opinions with others, including family, friends and co-workers. However, the use of social media may present certain risks, and carries with it certain responsibilities, that may impact an employee's job performance at the City.

Ultimately, all employees are responsible for what they post online. Before creating online content, employees should consider some of the risks and rewards that are involved. Employees must keep in mind that if any conduct (1) adversely affects one's job performance or the performance of fellow employees, (2) creates a substantial disruption to the community and/or work environment, or (3) 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 have an obligation to respond and take appropriate action in accordance with all relevant provisions of the City's personnel rules and regulations. Additionally, the City may not be able to protect or represent employees who incur legal action from a second party in response to the employee's behavior on or through a Social Media Site.

Accordingly, the purpose of this Policy is to provide guidelines for social media communications and use by employees to the extent such use may implicate an employee's work responsibilities or environment. The following are intended to instruct City employees on appropriate and responsible use of Social Media Sites:

1. Know and follow the rules

Use good and ethical judgement. To the extent your use of any Social Media Site may impact City employees, elected or appointed officials, residents, businesses, vendors, or contractors or otherwise cause a substantial disruption to the community and/or work environment, you should follow relevant City policies and regulations, including but not limited to, those that protect individual privacy rights, anti-discriminatory and harassment policies, and the anti-workplace violence policy.

2. Be respectful

Be respectful, fair, and courteous to fellow co-workers, City stakeholders and members of the public, or people who work on behalf of the City. If you decide to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be deemed malicious, obscene, threatening, intimidating, or defamatory, or that might constitute harassment or bullying of the City's residents, employees, or contractors/consultants, and that could be attributed to or viewed as relating to your employment with the City. Examples of such conduct might include offensive posts



**SOCIAL MEDIA POLICY (Continued)**

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meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or City policy.

Content that incites coworkers, the City's residents, or other members of the community as to a clear and present danger of the commission of unlawful acts on City property, violation of City rules or regulations, or substantial disruption of the City's orderly operation is prohibited.

3. Be honest and accurate

Strive for accuracy and full disclosure in any content posted on any Social Media Site. Make sure you are always honest and accurate when posting information or news, particularly as it may relate to the City or any persons associated with the City, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered.

Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the City, your co-workers, City residents, or people working on behalf of the City. This may give rise to, among other things, harassment claims or be reviewed as contributing to a hostile work environment.

4. Post appropriate content

To the extent you are privy to confidential, private, or privileged information that relates to the City, City-related business, or the City's residents or employees, maintain such confidential, private, or privileged information and do not disclose or post information that may violate the rights of the City, or City client, resident, or employee.

It is important to not conflate your professional and personal capacities on social media in such a way that expressly or impliedly indicates you are acting on behalf of, or otherwise representing, the City on any Social Media Site, without express authorization from the appropriate persons at the City to engage in such activity on any Social Media Site on the City's behalf. For example, (1) do not create a link from your blog, website or other Social Media Site to a City website or City Social Media Account page without identifying yourself as a City employee, and in such circumstances, do not indicate you are acting on behalf of or representing the City, unless authorized to do so; and (2) do not promote the City anonymously.

If the City or City-related business or people are a subject of the content you are creating, be clear and open about the fact that you are associated with the City and expressly note that your views do not represent those of the City, your co-workers, City residents, or people working on behalf of the

**SOCIAL MEDIA POLICY (Continued)**

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City. If you do publish a blog or post online related to the work you do or subjects associated with the City or City-related business or people, make it clear that you are not speaking on behalf of, or otherwise representing, the City. In such circumstances, it is best to include a disclaimer, such as “The postings on this site are my own and do not necessarily reflect the views of the City of Pomona.”

5. Using social media at work

All staff time on any Social Media Site, or while using equipment the City provides, shall be for purposes of conducting City business only. Do not use your City email addresses to register on, or otherwise affiliate such email addresses with, Social Media Sites, blogs, or other online tools utilized for personal use.

6. Understand the impacts of social media and posted content

Consider that your online reputation may follow you in your professional life. In an effort to keep your personal life separate from your professional life, you may wish to use privacy settings to restrict personal information on public sites. Consider who you invite or accept to join your social network as those individuals will have access to your profile, content, photographs, etc.

Understand that even if you utilize privacy settings, those you invite into your network can easily print, save, cut paste, modify or publish anything you post. Carefully consider what you post as material can be archived on the Internet even after you remove it.

Finally, consider the power of words and images you post and how they may represent you to others online.

7. Media contacts

Employees should not speak to the media on the City’s behalf without contacting the Deputy City Manager/Public Information Officer. Such media inquiries should be directed to the City Manager’s Office.

8. Any violations of the provisions herein contained concerning the use of the City’s Social Media sites shall constitute sufficient grounds for disciplinary action, up to and including termination of employment.