

**CATEGORY: Policy**

**LIAISON/DIRECTOR: Kathryn Wheeler, Data Liaison and At-Large Director**

**PURPOSE: Security Issues with DONE's Digital Media Policy**

**BACKGROUND:**

Currently, the Board of Neighborhood Commissioners (BONC) is discussing the adoption of the *Digital Communications Policy for the Neighborhood Councils* (see attached). There will be a *Digital Media Policy Info Session Workshop* on Wednesday, December 16, 2020 from 5:00-6:30pm. Visit [EmpowerLA.org/calendar](https://EmpowerLA.org/calendar) to register.

The Bel-Air Beverly Crest Neighborhood Council has submitted a Community Impact Statement (see attached) regarding the policy and raises several concerns including, "the requirement of handing over passwords and usernames for all accounts".

As Data Liaison, the MVCC should be made aware of the major negative consequences that will arise; affecting accounts, and possibly board members, if enacted. MVCC is all too familiar with the problems that DONE is trying to address, e.g., lost access to media accounts, forgotten passwords. However, the policy requires a Manual Certificates Exchange Policy that would remove least privilege, clean credential management, and good custody practices that the MVCC currently employs (and enjoys).

It is well known that the policy's proposed type of system is fraught with human error, not current when needed, open to various cyber threats, insider attacks, credential/account theft, and it simply does not work.

In contrast, a top-down management system following current industry best practices is to utilize one of the many enterprise credential account products/services that provide for the secure storage and exchange of credentials—which is how MVCC media accounts have been managed since July 2019—but, would be eliminated if the policy were adopted.

(Reference Sections: 2.4, 4.6, 4.7, 5, 6, 11, 14)

**THE MOTION:**

The MVCC respectfully requests that the *Digital Communications Policy for the Neighborhood Councils* be denied because its enactment would constitute an undue burden on the MVCC and its digital media accounts including the removal of security integrity, least privilege, chain of custody, and other problematic outcomes.



*Building a Better Community*

Bel Air-Beverly Crest Neighborhood Council  
PO Box 252007 Los Angeles, CA 90025  
[www.babcnc.org](http://www.babcnc.org) Office 310-479-6247 council@babcnc.org

October 30, 2020

Board of Neighborhood Commissioners  
Los Angeles City Hall  
200 N Spring St #2005  
Los Angeles, CA 90012

Re: Comments on the Digital Media Policy

Dear Commissioners:

We, the undersigned, Robin Greenberg and Ellen Evans, declare that we are the President and Vice President of Operations respectively of the Bel Air-Beverly Crest Neighborhood Council (BABCNC). On October 28, 2020, a Brown Act publicly noticed meeting was held by the BABCNC. With a quorum of 25 board members present, by a vote of 24 yes, 0 no and 1 abstention, the governing Board of the BABCNC approved a motion to submit this letter commenting on the Digital Media Policy recently proposed by BONC.

We at BABCNC appreciate the effort to set some parameters around proper use of social media. Best practices for administration of websites and social media accounts as well as special responsibilities of City entities are not always obvious so BABCNC appreciates guidance.

In general, we find two major issues with this policy. It is informed by too narrow a view of the neighborhood councils' chartered purpose, and it is too cumbersome to implement, taking valuable time and bandwidth away from the ability to implement councils' chartered purpose. neighborhood councils are run by volunteers and are meant to operate with a degree of autonomy, so we would like to register an objection to the presentation of this policy as a whole. We prefer two alternatives: 1) require NCs to develop digital media policies with this draft

**OFFICERS**

President  
**Robin Greenberg**  
Vice President of Operations  
**Ellen Evans**  
Vice President of Legislative Affairs  
**Jamie Hall**  
Secretary  
**Robert Ringler**  
Treasurer  
**Jacqueline Le Kennedy**

**COMMITTEES/CHAIRS**

Executive – **Robin Greenberg**  
Planning and Land Use – **R. Schlesinger & S. Savage**  
Bylaws, Rules and Elections – **Larry Leisten**  
Emergency Preparedness – **Chuck Maginnis**  
Outreach – **Ellen Evans**  
Public Works and Telecommunications – **Patricia Murphy**  
Traffic Committee – **Irene Sandler**  
Budget and Finance – **Nickie Miner, Asst. Treasurer**

**STAKEHOLDER GROUPS**

Bel Air Association  
Bel-Air Crest Master Association  
Bel Air Hills Association  
Bel Air Ridge Association  
Benedict Canyon Association  
Casiano Estates Association  
Doheny Sunset Plaza Neighborhood Association  
Holmby Hills Homeowners Assn  
Laurel Canyon Association  
Residents of Beverly Glen

**RESIDENTIAL DISTRICTS**

Bel Air District  
Bel Air Glen District  
Franklin-Coldwater District  
North of Sunset District

**NON-RESIDENTIAL REPRESENTATION**

At-Large Members  
Commercial or Office Enterprise Districts  
Custodians of Open Space  
Faith-Based Institutions  
Public & Private Schools

presented as a template or 2) have the City's Information Technology agency adapt current City policies to meet NC needs.

In the event that neither of these suggestions is implemented, we present the following specific feedback on the current draft of the policy:

#### Limited View Of NC Purpose

The policy states that "Proper use for a neighborhood council's website, social media, or newsletters/reports is the promotion of neighborhood council membership and attendance at meetings and promotion of approved and authorized neighborhood council events."

The actual chartered purpose of neighborhood councils is: "to promote more citizen participation in government and make government more responsive to local needs" and further to "monitor the delivery of City services." In our view, any communication that advances these goals or contributes to fulfillment of these purposes is proper use of digital media or any other type of media.

#### Overreach by DONE and BONC

Enforcement of these policies are delegated to DONE and the City Clerk who may, at what appears to be their discretion, suspend neighborhood councils' digital media accounts. The mechanism of this suspension would necessarily involve control of the accounts which the Department will have due to the requirement of handing over passwords and usernames for all accounts to them. This step is said to be "primarily for security purposes" and to "assist neighborhood councils in regaining access to their accounts" but this would also be the only way a suspension could be implemented. Given that there are already provisions in this policy to protect passwords, the Department has no reason other than exerting control over access to accounts to have passwords.

In addition, section 7.1 dictates that in an emergency communications must defer to various City agencies. This section does not say that information must match communications of those agencies but that the NC must DEFER to these agencies. This implies that NC Outreach teams led by volunteers will be responsible for contributing to the outreach efforts of City agencies. This is not acceptable. City agencies have substantial staff paid to get their messages out to residents. That these may be underdeveloped and inadequate should not confer responsibility on the neighborhood council. The neighborhood council's participation in and amplification of City-sponsored outreach efforts is at will and should not be required.

The policy dictates that no neighborhood council may include endorsement of private entities, including non-profit organizations. This should include an exclusion for announcements related to Neighborhood Purpose Grants. If the NC spends money supporting the work of a non-profit, stakeholders deserve to know about it.

#### Extra Administrative and Board Work

BABCNC finds many parts of this policy to involve extra, unnecessary work, which is particularly problematic since the neighborhood council is made up of volunteers and administration already takes enough volunteer and meeting time.

To require the board to vote on every digital media account wastes everybody's time, and to inform the board of all digital communications would also detract from other efforts. Most board members will have the ability to (and should be) consumers of the neighborhood council's digital media content and that should be sufficient for oversight.

The requirement for setting up separate email accounts for administration and keeping accounts attached to those email addresses would require substantial extra unnecessary work.

While posting of timely and accurate information is always optimal, this policy needlessly legislates that there be a "timely and accurate content review process" conducted by the neighborhood council. Codifying this is unnecessary and seems to serve as preparation for yet another extensive paperwork process that must be taken on by the volunteers that make up the neighborhood council and that would also then waste valuable meeting time.

Finally, the requirement that "all Digital Communications shall originate from the neighborhood council, acting through its board" seems to imply that the Board would need to approve all social media posts and newsletter and website content. If this were the case, then the NC would need to decide whether to substantially detract from board effectiveness or from outreach efforts. Further, the prohibition against committees having digital media accounts is unnecessary. Such accounts might well advance the neighborhood council's chartered purpose.

#### Policies that are contrary to a good outreach strategy

The policy states that the council shall have "as few neighborhood council Digital Communications accounts as possible". Since policy has already dictated requirements for digital media accounts, this would seem to be saying that the NC should operate on as few platforms as possible. Since each platform has a specific purpose and a specific demographic, adhering to this would limit the outreach capacity of the NC. For example, if BABCNC wanted to get a TikTok account to try to engage young people, we should presumptively resist the impulse because it would violate this principle? It's not imperative to provide a set and consistent level of activity on each platform. If an NC wanted to produce a series of YouTube videos this doesn't compel them to continue to keep producing YouTube videos in the future at the same rate.

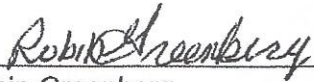
The compulsion to link back to the NC website and its agendas is also contrary to good strategy. Brevity is very important in certain social media communications. While these links are often an obvious and integral part of the communication, they are not always, and trying to fit them in every time would destroy the communications. City Council members aren't compelled to link back to council agendas and meetings. Why should neighborhood council's be?

The requirement that "All neighborhood council Digital Communication must ... display neighborhood council contact information" likewise is absurd. A Tiktok video is normally less than 30 seconds. A tweet is a small number of characters. Digital media communications come from accounts, and it's the account itself that is the contact information. If somebody wants to contact the council, any web search will lead to the ability to do so. To burden all communications with this responsibility is unnecessary.

Conclusion

Again, BABNC would support the requirement that we have a digital media policy. This would be an integral part of our standing rules. Procedures and policies, however, should be informed by applicable law and dictated by each council.

Best regards,



---

Robin Greenberg  
President  
Bel Air-Beverly Crest Neighborhood Council



---

Ellen Evans  
Vice President, Operations  
Bel Air-Beverly Crest Neighborhood Council

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

**(Draft Version as of 9/29/2020)**

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: \_\_\_\_\_  
Staff. Department of Neighborhood Empowerment

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.

Proper use for a neighborhood council's website, social media, or newsletters/reports is the promotion of neighborhood council membership and attendance at meetings and promotion of approved and authorized neighborhood council events.

**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.
- 2.4. The Department and the City Clerk's Office are authorized to create rules, regulations, forms, or guidelines to administer, implement and enforce this policy, including but not limited to, enforcement that results in suspension of a neighborhood council's Digital Media Communications account, disqualification of an individual or neighborhood council from participating in a matter pending or that may come before the board, or remedies such as those listed at Section 22.818(e) of the Los Angeles Administrative Code.

**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 utilizing a neighborhood council's Digital Communications accounts, platform, and tools, including board members, committee members, interns, other volunteers, and paid vendors and service providers.
- 3.3. Because many neighborhood council board members use social media and have created websites or newsletters in their personal lives and individual capacities, this policy (at Section 8)

also provides basic guidelines for neighborhood council board members who utilize websites, social media, newsletters, and the like as private individuals and in their individual capacities.

#### **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, and Neighborhood Council 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. Account Administrators: Individuals designated by a neighborhood council to administer Neighborhood Council Digital Communications.
- 4.7. Account Moderators: Individuals designated by a neighborhood council to moderate the content and comments posted on a Neighborhood Council Digital Communications platform, tool, or account.

#### **5. Account Administrator and Account Moderator Responsibilities**

- 5.1. Neighborhood councils 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 designating an 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.
- 5.3. An Account Administrator is responsible for managing and maintaining Neighborhood Council Digital Communications and must: (1) ensure that a Neighborhood Council's Digital Communications are regularly maintained; (2) ensure that the neighborhood council board is informed about Neighborhood Council Digital Communications activities; (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 City Clerk's Office, 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.

- 5.4. Each neighborhood council is responsible for designating an Account Moderator to implement and ensure compliance with this policy. Absent designation, the Account Moderator will be the president or chair of the neighborhood council.
- 5.5. An Account Moderator is responsible for ensuring that: (1) accounts are in active use; (2) content published by the neighborhood council is timely and accurate; (3) comments are checked and reviewed on a regular basis; and (4) comments are moderated according to this policy.
- 5.6. Although a neighborhood council may determine that only one person is needed to fulfill both the Account Administrator and Account Moderator roles, the neighborhood council shall always designate alternates to ensure access by more than one person. The neighborhood council shall also create distinct role-specific email accounts for shared use by its Account Administrator, Account Moderator, and their alternates.

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

- 6.1. All Neighborhood Council Digital Communications must utilize official neighborhood council contact information (e.g., a specially established neighborhood council 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.
- 6.2. Persons responsible for setting up or maintaining a Neighborhood Council Digital Communications account must securely provide each administrator's access, login, and password information to the Department and the president of the neighborhood council upon the effective date of this policy. 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. The Department would retain this information primarily for security purposes and to assist the neighborhood council in regaining access to their accounts.
- 6.3. 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.
- 6.4. A neighborhood council shall 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.

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

- 7.1. In a declared disaster or emergency situation, a neighborhood council's use of its Neighborhood Council Digital Communications must defer to 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.
- 7.2. 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.
- 7.3. All Neighborhood Council Digital Communications must clearly indicate that they are administered by the neighborhood council and must prominently display neighborhood council contact information.

## **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. Proper use for a neighborhood council's website, social media, or newsletters/reports is the promotion of 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. Publication of Accurate Information. Neighborhood Council Digital Communications must contain content that is current and correct. To ensure this, a timely and effective content review process must be conducted by neighborhood councils.
- 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. 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.
- 8.5. Prohibition of Campaign Information. Neighborhood Council Digital Communications may not be used for campaign-related purposes. Campaign-related purposes include but are not limited to, the following:
  - (1) Statements in support or opposition to any candidate or ballot measures;
  - (2) Requests for campaign funds or references to any solicitation of campaign funds.
  - (3) References to the campaign schedule or activities of any candidate:
- 8.6. 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.

8.7. 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 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.

8.8. 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. Uses of a Private or Non-Neighborhood Council Website, Social Media, or Newsletter**

9.1. No neighborhood council board or committee member is authorized to establish or administer a personal website, Social Media, or newsletter utilizing their title or position on a neighborhood council to publish information concerning the neighborhood council's meetings, events, and activities. If individual board members wish to encourage civic engagement through the neighborhood council, they may post a link to the Neighborhood Council Website, and shall, to the greatest extent that a given platform allows, block the ability of any posts and/or comments to avoid any discussion regarding neighborhood council matters.

9.2. No neighborhood council board or committee member is permitted to display or permit display of any neighborhood council or City seal, logo, trademark, apparel, vehicle, badge, patch, or other official neighborhood council or City image on any private, non-Neighborhood Council Website, Social Media, or Newsletter, including but not limited to, any website, social media, or newsletter they personally establish or administer.

9.3. No neighborhood council board or committee member is authorized to utilize or publish confidential, personal, private, or sensitive information obtained in their capacity as a member of a neighborhood council board or committee on any private, non-Neighborhood Council Website, Social Media, or Newsletter, including but not limited to, any website, social media, or newsletter they personally establish or administer.

9.4. Some uses of websites, Social Media, and newsletters may reflect on a neighborhood council or the City or appear to reflect a position or policy on behalf of a neighborhood council or the City. Further, some uses may risk interference with the public's rights under the Brown Act, risk converting a platform into a limited public forum protected by the First Amendment, or risk an appearance of a conflict of interest or bias. For those reasons, when using a private non-Neighborhood Council Website, Social Media, or Newsletter, including but not limited to, any websites, social media, and newsletters, administered by neighborhood council board members and committee members:

9.4.1. Neighborhood council board members and committee members shall not list or utilize their official neighborhood council title or email address, or create any other impression that there is an official relationship between their neighborhood council role and the website, Social Media, or newsletter. 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.

9.4.2. Neighborhood council board members or committee members are not authorized to 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.

9.4.3. Neighborhood council board members and committee members shall 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."

9.4.4. Neighborhood council board members and committee members shall refrain from discussing or commenting upon the parties and their representatives involved in a matter that is pending before or may come before the neighborhood council. Commenting may include "friending" or "liking."

9.4.5. Neighborhood council board members and committee members shall refrain from discussing or commenting upon the opinions or positions of other neighborhood council board members and committee members upon a matter that is pending or may come before the neighborhood council. Commenting may include "friending" or "liking."

9.5. Due to the risks that a neighborhood council board member or committee member's use of a private, non-neighborhood Council Website, Social Media, or Newsletter may appear to reflect on a position or policy on behalf of a neighborhood council or the City, interfere with the public's rights under the Brown Act, convert a platform into a limited public forum protected by the First Amendment, or create an appearance of a conflict of interest or bias, violations may result in disqualification of an individual or neighborhood council from participating 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.

## **10. Comments**

10.1. Comments from the public may be disallowed or disabled on Neighborhood Council Digital Communications, provided they are blocked at all times. In the event that comments are allowed on Neighborhood Council Digital Communications, they must be monitored daily (see Attachment A - Neighborhood Council System Commenting Policy Notice)

10.2. 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.)

10.3. The Account Moderator must monitor the comments posted by the public. With the approval of the Department, comments that are contrary to the rules identified herein may be removed or restricted. The general goal of comment moderation is to provide a forum where individuals can freely express their opinions without infringing on the ability of others to do so. The City Attorney's Office is available to provide legal advice on potential removal of content.

- 10.4. If comments do not otherwise violate this policy, then the content must be allowed to remain, regardless of whether it is favorable or unfavorable to the neighborhood council or to any neighborhood council member.
- 10.5. Users who repeatedly violate comment guidelines may be blocked. An account may only be blocked after multiple violations of this policy have been recorded and submitted to the Department and the action of blocking an account has been agreed upon by the Department. If further guidance is needed, please consult the City Attorney's Office, Neighborhood Council Advice Division.
- 10.6. Illegal, or potentially illegal, activity should be reported to the Los Angeles Police Department promptly.
- 10.7. Account Administrators or Moderators should make a good faith effort to respond to public and private messages and comments where appropriate.

## **11. Security and Privacy**

- 11.1. The Account Administrator is expected to 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 will be suspended or deactivated.
- 11.3. An Account Administrator is expected to be judicious in the third-party applications they use in the course of their duties and take regular inventory of the applications connected to official accounts and devices. This is critical for ensuring the security of accounts.
- 11.4. Passwords must be different for each account so as to minimize potential damage due to a security breach (i.e., unauthorized access to one account should not allow unauthorized access to other accounts).
- 11.5. Passwords to administer Neighborhood Council Digital Communications must be changed and recorded regularly to ensure proper security, including but not limited to, the following circumstances:
- 11.6. At the departure of an Account Administrator, passwords must be changed and reported to the Neighborhood Council president or chair and the Department.
- 11.7. Passwords and login information must be kept in carefully stored, secure places whether online, on hard disk, or in a physical space. It is recommended to store passwords and login credentials in separate files or locations to ensure security.

## **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).
- 12.2. The public must be clearly informed that any information posted on Neighborhood Council Website or Social Media is subject to disclosure. The Neighborhood Council must advise

the public against posting personal identifying information, including personal contact information such as residential addresses, telephone numbers, and email addresses.

### **13. Notice to Third-Parties**

- 13.1. Linking to, following or “friending” persons or organizations on Neighborhood Digital Communications platforms is not an endorsement by the neighborhood council and is only intended as a means of communication.
- 13.2. Any references or links to a specific entity, product, service, or organization posted by individuals on the Neighborhood Council Digital Communications should not be considered an endorsement by the neighborhood Council.
- 13.3. The Neighborhood Council does not review, sponsor, or endorse any other website linked to its Neighborhood Council Digital Communications. The views and opinions of authors expressed on those websites do not necessarily state or reflect the opinion of the City and may not be quoted or reproduced for the purpose of stating or implying any endorsement or approval of any product, person, or service.
- 13.4. The Neighborhood Council is not responsible for content that appears on external links.
- 13.5. The Neighborhood Council is not responsible for and does not guarantee the authenticity, accuracy, appropriateness, or security of any link, external website, or its content.

### **14. Other Laws, Regulations and Policies**

This policy is not intended to serve as the exclusive guidance for neighborhood councils in their use of Digital Communications. Other applicable laws, regulations, and policies include the following:

- 14.1. First Amendment: Websites and social media accounts that have been utilized for official government business have been considered to be public forums subject to the First Amendment. In addition, private or personal accounts containing discussion of neighborhood council business might be deemed public forums subject to the First Amendment.
- 14.2. Prohibitions against lobbying and political advocacy: Neighborhood Council Digital Communications are funded and/or developed with public funds and public resources and contain intellectual property owned by the City. Their use may not conflict with laws restricting the use of public funds for lobbying or advocacy.
- 14.3. Ralph M. Brown Act: The Brown Act requires that discussion, deliberation, or action by the neighborhood council occur at a public meeting. Neighborhood councils may not engage in “serial communications” in violation of the Brown Act.
- 14.4. California Public Records Act: The Public Records Act requires inspection or disclosure of public records to the public upon request. Websites, social media, or newsletters utilized to conduct neighborhood council business (whether on neighborhood or personal platforms), are subject to the California Public Records Act.
- 14.5. Conflicts of Interest laws: Certain provisions of the California Political Reform Act, Government Code § 1090, and common-law conflicts of interest rules, have been interpreted to apply to certain neighborhood council activities.
- 14.6. City Charter, laws, regulations, and policies: The City Charter, the Administrative Code, and City regulations promulgated by the City Clerk’s Office and City Clerk’s Office govern the role, authority, and conduct of neighborhood councils. Pertinent provisions of other City policies,

including but not limited to, the City's Information Technology Agency policies and the City's policies relating to volunteers such as neighborhood council board and committee members may also apply.

- 14.7. Other Commission Policies: This Policy does not supersede and is to be read in coordination with other Commission policies, including the Commission's code of conduct, censure, and removal policies.
- 14.8. Neighborhood Council By-Laws: Neighborhood councils are also governed by their respective by-laws. Therefore, when a neighborhood council establishes a website or social media account, the content therein must accurately reflect activities and events that have been approved by the governing body of each neighborhood council in compliance with its by-laws.

## **15. Attachments**

- 15.1. Attachment A - Neighborhood Council System Commenting Policy Notice

## **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.

The overarching purpose of comment moderation is to create a place online where users can engage in a discussion of ideas, policies, and topics without significantly infringing on the ability of other users to do so. Comments or responsive content (like an image or video) that are in violation of the policies set forth by the platform they are posted on (e.g., a comment posted on Facebook that violates Facebook's code of conduct for users) should be reported to the platform for review.

If comments or responsive content from users do not violate the platform's policies for use they are potentially eligible for moderation by the Neighborhood Council website or social media administrator.

Comments containing any of the following are subject to potential removal and/or restriction by the Neighborhood Council:

- 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.