

POLICY MOTION

LIAISON/DIRECTOR: Kathryn Wheeler, Data Liaison and Community Director

TITLE: BONC Digital Communications Policy

PURPOSE: Provide input regarding BONC Digital Media Policy dated 3/1/22

BACKGROUND:

In December of 2020 and August 2021, the MVCC weighed in on the Board of Neighborhood Councils' Drafts for a Digital Communications Policy.

The MVCC provided recommended changes to both versions as the "Policy's 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."

This "final" version is still deficient and was written by those who mean well, but do not have the expertise to create a policy that would work for all 99 neighborhood councils. Each neighborhood council should be responsible for its own media policy.

The Neighborhood Council System was designed so each community could be individual and meet the needs of its community and not Los Angeles as a whole.

This Policy is 8 pages long with 3,657 words that every director would be responsible to ensure that all digital media (e.g., websites, social media, electronic and online newsletters) "content is consistent with the Neighborhood Council Systems' mission pursuant to the Charter, professionally presented, accurate, and respectful to their diverse communities." (page 2, section 5.1).

"This policy provides procedure 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." (page 1, section 2.2)

The Policy makes each neighborhood councils responsible for the content; yet, "the Department is authorized to create rules, regulations, forms, or guidelines to administer, implement and enforce this policy." (page 1, section 2.4)

This Policy would be detrimental to the MVCC in time and expense and in the potential for every director to be censured or removed for non-compliance as with any BONC policy.

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The policy over reaches for a volunteer-elected position. This type of requirement is for paid employees and staff who work at it as a full-time job. Examples:

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.

14.1 This Policy does not supersede and is to be read in coordination with other City policies, including policies promulgated by the Commission. Neighborhood councils may enforce this policy in conjunction with their bylaws and the Commission's policies, including but not limited to, the Code of Conduct, Censure, and Removal policies.

14.2 This policy is not intended to serve as the exclusive guidance for neighborhood councils in their use of Digital Communications. Other policies, laws, and regulations can and do apply, including federal and state laws, City ordinances and policies, and Board of Neighborhood Commissioner policies.

Currently, no Digital Communications Policy was found for any agency in the City of Los Angeles or the Department of Neighborhood Empowerment (DONE)—all whom are paid employees. Neither was I able to find a similar policy for the Board of Neighborhood Commissioners (BONC)—appointed volunteers.

A "Social Media Policy" for the Emergency Management Department was found¹, which happens to about a half web page and 340 words. At the bottom it states, "To view the City's Social Media Policy, visit the IT Policies site." The link does not contain a "City Social Media Policy" that I was able to find.

Additionally, with the documentation provided by DONE², there is no neighborhood council that is "For" this policy as written. While their documentation states there is 1

¹ <https://emergency.lacity.org/about/social-media-policy#:~:text=The%20City%20of%20Los%20Angeles%20welcomes%20you%20and%20your%20comments&text=The%20City%20therefore%20advises%20against,a%20City%20social%20media%20account.>

² <http://tiny.cc/DigitalCommsPolicyReport>

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NC for it, it is an error as the document submitted by the NC states that it cannot support it unless multiple changes are made of which they were not included in this "final" draft.

Finally, MVCC's existing Media Policy has served us well for many years without any issues and this Policy's 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.

THE MOTION:

The MVCC is Against BONC's Digital Communication Policy.

DIRECTED TO:

Board of Neighborhood Commissioners, commission@Empowerla.org

Department of Neighborhood Empowerment, raquel.beltran@lacity.org

[Proposed] Resolution by the Board of Neighborhood Commissioners
Digital Communications Policy for the Neighborhood Councils
(Draft Version as of 3/1/2022)

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 Department held workshops for the neighborhood council members and stakeholders on December 16, 2020, and January 28, 2021; and

WHEREAS, the Commission discussed the digital communications policy at public meetings held between September 2020 and _____.

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.

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. Neighborhood council boards are authorized to administer, implement and enforce this policy. In addition, the Department is authorized to create rules, regulations, forms, or guidelines to administer, implement and enforce this policy.

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 the neighborhood council’s 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 all digital communications channels utilized by Neighborhood Councils, including Neighborhood Council Websites, Neighborhood Council Social Media, Neighborhood Council Messaging, Neighborhood Council Applications, and Neighborhood Council Newsletters.

- 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, 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, Nextdoor, Medium, Twitter, Tumblr, LinkedIn, Instagram, Snapchat, 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 Messaging: An application that allows for mass distribution of content or messages on behalf of a neighborhood council.
- 4.7. Neighborhood Council Applications: Any application or "app" that can be downloaded and utilized on a digital device utilized by a neighborhood council 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 and moderate the content and comments posted on a Neighborhood Council Digital Communications platform, tool, or account.

5. Account Administrator 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. A neighborhood council may also appoint, elect or assign a content creator and/or comment moderator to work with the Account Administrator(s).

- 5.3. Account Administrator(s) are responsible for managing and maintaining Neighborhood Council Digital Communications and should: (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; and (5) ensure that (a) accounts are in active use; (b) content published by the neighborhood council is timely and accurate; (c) comments are checked and reviewed on a regular basis; and (d) comments are moderated according to this policy.

6. Establishment of Neighborhood Council Digital Communications

- 6.1. Neighborhood councils must set up an Account 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 or other Digital Communications channel requires an individual's name or other personal information associated with the account, the creator of the account must notify the Department.
- 6.2. The Account 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 and the Department will explore ways to securely store this information.. Any changes in login, password, or administrator access information must be reported or updated immediately with all aforementioned persons. The security of this login information is also paramount to ensure there is no unauthorized access to the account. Failure to provide this information may result in the inability to assist in recovery of Neighborhood Council Digital Communications channels.
- 6.3. The establishment or closure 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 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 Neighborhood Council Digital Communications

- 7.1. Whenever a City service, activity, or event is referenced, to ensure accuracy and build

credibility, all Neighborhood Council Digital Communications must provide a way to learn more, such as an email address to write to or link to a City website.

- 7.2. All Neighborhood Council Digital Communications accounts and channels must clearly indicate that they are administered by the neighborhood council and wherever possible, must prominently display neighborhood council contact information.
- 7.3. The Department will make logos and other digital assets available to neighborhood councils.
- 7.4. Neighborhood councils should follow all style guides established by the City for Digital Communications particularly as they relate to use of official logos, including the City Seal.

8. Content of Neighborhood Council Digital Communications

- 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. Neighborhood Council Digital Communications are most appropriately 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 or for political lobbying or advocacy is strictly prohibited.
- 8.2. If providing information about a declared disaster or emergency situation, the Account Administrator must 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. 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 should link back to the Neighborhood Council Website and its section relating to agendas to encourage the public to attend and provide any 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. 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.
- 8.6. General Content Prohibitions. A neighborhood council may not, on its Neighborhood Council Digital Communications, publish any content:

- (1) that relates to campaign related purposes, including but not limited to statements in support or opposition to any candidate or ballot measures, requests for campaign funds or references to any solicitation of campaign funds, and references to the campaign schedule or activities of any candidate;
- (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;
- (6) that violates City (including City Charter or Administrative Code), state, or federal law including, but not limited to, trademark and copyright law; or
- (7) that violates City policies, regulations, rules, directives, or procedures applicable to neighborhood councils.

8.7. Neighborhood Council Digital Communications may share and include resources from government programs and organizations, including but not limited to Los Angeles Unified School District, Los Angeles City Departments, and County, State and Federal government programs. Neighborhood councils may also seek to work with and highlight nonprofit programs that have received Neighborhood Purpose Grants through the Neighborhood Council System, and also promote neighborhood council-approved events, projects, and activities. Neighborhood councils should not promote private entities or businesses, and may contact the Department if they have questions regarding a post.

8.8. While Neighborhood councils should not promote private entities or businesses, they may provide information about participants or sponsors of neighborhood council-approved events, projects, or activities, with the following disclaimer included where space permits or available on a link to learn more about the event, project, or activity: "Acknowledgement of any private entity or person(s) on this page does not constitute the neighborhood council's support or endorsement of its projects or services."

9. Guidance on the Use of Private or Non-Neighborhood Council Digital Communications

9.1 No individual neighborhood council board or committee member may establish an official Neighborhood Council Digital Communications channel; rather the establishment of a Neighborhood Council Digital Communications channel must be approved by official action of the neighborhood council, acting through its board.

9.2 Neighborhood council board or committee members, in their personal or individual capacities, should consider and may be subject to all applicable laws, including the Brown Act, the First Amendment; privacy laws including HIPAA; accessibility laws including the American with Disabilities Act, and Assembly Bill 992 (2020, Chapter 89) when posting on matters within the board's jurisdiction.

9.3 A neighborhood council member may violate this policy or the Code of Conduct Policy and may be subject to the Censure and Removal Policy by posting or publishing of confidential, personal, private or sensitive information obtained in their capacity as a member of a neighborhood council board or committee.

10. Comments Made by Members of the Public

10.1 In the event that comments from the public are allowed on Neighborhood Council Digital Communications channels, the Neighborhood Council System Commenting Policy Notice

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

10.2 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 from the public are allowed on Neighborhood Council Digital Communications, comments that do not comply with the Commenting Policy Notice shall be removed or restricted. The City Attorney's Office, Neighborhood Council Advice Division is available to provide legal advice on the potential removal of content.

10.3 If comments from the public do not otherwise violate this policy, then the content must be allowed to remain.

10.4 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.

10.5 Illegal, or potentially illegal, activity should be reported promptly to the Los Angeles Police Department.

10.6 In the event that comments from the public are allowed on Neighborhood Council Digital Communications channels, Account Administrators should make a good faith effort to respond to public and private messages and comments where appropriate.

11. Guidance 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, and therefore the public must be clearly informed that any information posted on Neighborhood Council Digital Communications is subject to disclosure.

13. Notice to Visitors to NC Digital Communications Channels

13.1 Linking to, following or "friending" persons or organizations on Neighborhood Digital

Communications channels 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 councils do 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 councils are not responsible for content that appears on external links.
- 13.5 The neighborhood councils are 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

- 14.1 This Policy does not supersede and is to be read in coordination with other City policies, including policies promulgated by the Commission. Neighborhood councils may enforce this policy in conjunction with their bylaws and the Commission's policies, including but not limited to, the Code of Conduct, Censure, and Removal policies.
- 14.2 This policy is not intended to serve as the exclusive guidance for neighborhood councils in their use of Digital Communications. Other policies, laws, and regulations can and do apply, including federal and state laws, City ordinances and policies, and Board of Neighborhood Commissioner policies.

15. Attachments

- 15.1 Attachment A - Neighborhood Council System Commenting Policy Notice

This is the Neighborhood Council System Comment Policy Notice referenced in Section 10. It is to be posted in the event that a neighborhood council has opted to permit comments on its Digital Communications channels.

ATTACHMENT A

Neighborhood Council System Commenting Policy Notice

The Neighborhood Council welcomes you and your comments.

The purpose of the Neighborhood Council's digital communications channels, including its 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. As such, 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.

Comments posted to the Neighborhood Council's digital communications channels 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 digital communications channel 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 Account 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 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.