



ADMINISTRATIVE REGULATION

City of Huntington Beach

Number	AR XXX
Sections	1 - XX
Effective Date	May 3, 2021
Responsible Dept.	City Manager's Office
Review Date	May 3, 2021

SUBJECT: Social Media Policy for Elected and Appointed Officials

1. Purpose and Application:

The City of Huntington Beach regards social media as a useful tool to communicate and engage with its citizens. The purpose of this policy is to establish a formal process for the use of social media by individual elected and appointed City officials.

2. Authority:

Charter of the City of Huntington Beach, Section 401.

3. Definitions:

- 3.1 Elected Official: Any individual elected to serve the City through a vote of Huntington Beach residents, including the Mayor, City Council Members, the City Attorney, the City Clerk, and the City Treasurer.
- 3.2 Appointed Official: Any City representative appointed by the City Council, including but not limited to the City Manager, City Commissioners, City Board Members, City Task Force Members, or any other individual appointed to serve in any official capacity for the City by the City Council.
- 3.3 Social Media: Internet-enabled applications and web sites that are used to share information and enables users to provide feedback.
- 3.4 Third Party System: Any social media platform maintained by another entity. This includes but is not limited to Twitter, Facebook, Instagram, Next Door, Tik Tok, WordPress, and Google.
- 3.5 Packingham v. North Carolina: The United States Supreme Court decision that prescribed social media platforms as “the modern public square,” and that such social media platforms afford users with the opportunity to “petition their elected representatives and otherwise engage with them in a direct manner.”

- 3.6 Official Social Media Account: Any social media account owned by any Elected Official or Appointed Official that is used to promote, discuss, carry out, or reference City related business and / or activities. Any such Official Social Media Account is considered to be a public forum, subject to First Amendment requirements. Further, content posted on Official Social Media Accounts are considered to be a public record subject to the provisions of the California Public Records Act.
- 3.7 Public Record: Content posted onto an Official Social Media account is considered to be an official City public record.
- 3.8 Code of Ethics: A pledge adopted by the City Council on November 21, 2016, that establishes a standard of ethical behavior to which the City's elected and appointed officials aspire to abide by.

4. Policy:

- 4.1 Per "*Packingham v. North Carolina*," and subsequent court decisions, any Elected or Appointed Official who utilizes a social media account to promote, discuss, carry out, or reference City related business and / or activities shall have created an Official Social Media Account, which is considered to be a public forum where Elected and Appointed Officials must abide by First Amendment requirements.
- 4.2 To that end, content posted by Elected or Appointed Official to any Official Social Media Account is subject to the following provisions:
 - 4.2.1 Elected and Appointed Officials are prohibited from blocking anyone attempting to access the Official Social Media Account because of an individual's viewpoints or perspectives.
 - 4.2.2 Elected and Appointed Officials are prohibited from deleting any comments on the Official Social Media Account because of an individual's viewpoints or perspectives.
 - 4.2.3 Such content is considered to be an official public record, subject to the provisions of the California Public Records Act.
 - 4.2.4 Any content posted is subject to State and local record retention regulations, and the owner of the Official Social Media Account shall retain all posts and comments for the length of time as required by State and local regulations.
 - 4.2.5 All provisions related to the Ralph M. Brown Act apply to Official Social Media Accounts.
- 4.3 Deviations from Section 4.2 of this Policy, as it relates to content which can be removed from an Official Social Media Account, are allowable in the following instances:
 - 4.3.1.1 Comments not related to the topic being discussed in a post.
 - 4.3.1.2 Profane language.

- 4.3.1.3 Discriminatory comments.
 - 4.3.1.4 Solicitations of commerce.
 - 4.3.1.5 Sexual content, or links to sexual content.
 - 4.3.1.6 Encouragement of illegal activity.
 - 4.3.1.7 Information that could compromise the safety or security of the public.
 - 4.3.1.8 Content that violates a legal ownership of any party.
- 4.4 Content posted on the Official Social Media Account of any Elected or Appointed Official should be made in compliance with the City of Huntington Beach Code of Ethics (Exhibit A).
- 4.5 It is the Elected and Appointed Official's responsibility to ensure compliance with this policy.

Travis Hopkins, Assistant City Manager

Michael Gates, City Attorney
Approved As to Form

Oliver Chi, City Manager

EXHIBIT A
City of Huntington Beach
Code of Ethics



City of Huntington Beach
Code of Ethics

Preamble

The citizens of the City of Huntington Beach are entitled to responsible, fair and honest city government that operates in an atmosphere of respect and civility. Accordingly, the Huntington Beach City Council, adopts this code to:

1. Describe the standards of behavior to which its leaders and staff aspire.
2. Provide an ongoing source of guidance to elected leaders, city officials and staff in their day-to-day service to the city.
3. Promote and maintain a culture of ethics.

Pledge

On _____, the City Council of the City of Huntington Beach adopted a Code of Ethics, which applies to all City elected or appointed officials, city employees, and members of its boards, commissions, committees, and task forces and requires the following pledge:

Code of Ethics

Responsibility

- I understand that the community expects me to serve with dignity and respect, as well as be an agent of the democratic process.
- I avoid actions that might cause the public to question my independent judgment.
- I do not use my office or the resources of the city for personal or political gain.
- I am a prudent steward of public resources and actively consider the impact of my decisions on the financial and social stability of the city and its citizens.

Fairness

- I promote consistency, equity and non-discrimination in public agency decision-making.
- I make decisions based on the merits of an issue, including research and facts.
- I encourage diverse public engagement in our decision-making processes and support the public's right to know.

Respect

- I treat my fellow city officials, staff, commission members and the public with patience, courtesy, civility, and respect, even when we disagree on what is best for the community and its citizens.

Honesty

- I am honest with all elected officials, staff, commission members, boards, the public and others.
- I am prepared to make decisions when necessary for the public's best interest, whether those decisions are popular or not.
- I take responsibility for my actions, even when it is uncomfortable to do so.