



# City of Huntington Beach

File #: 21-323

MEETING DATE: 5/3/2021

## REQUEST FOR CITY COUNCIL ACTION

**SUBMITTED TO:** Honorable Mayor and City Council Members

**SUBMITTED BY:** Oliver Chi, City Manager

**PREPARED BY:** Travis K. Hopkins, Assistant City Manager

**Subject:**

**Review and Consider for Approval a Proposed Social Media Policy for Elected and Appointed Officials**

**Statement of Issue:**

On February 1, 2021, the City Council adopted the 2021 City Council Work Plan, which was established based off of a Strategic Planning Workshop held on January 5, 2021. As part of the adopted work plan, 5 key priority policy areas were identified by the City Council, and under the Community Engagement Priority, the City Council asked that staff develop for consideration a social media policy for elected and appointed officials.

Based on that direction, staff has developed for consideration a draft *Social Media Policy for Elected and Appointed Officials* (see Attachment A). Per the proposed regulation, elected and appointed City officials who utilize a social media account to promote, discuss, carry out, or reference City related business or activity would be required to abide by First Amendment requirements in managing any official social media account.

**Financial Impact:**

None

**Recommended Action:**

Review and consider for approval the proposed, "Social Media Policy for Elected and Appointed Officials."

**Alternative Action(s):**

Do not approve the proposed policy and provide staff with alternate direction.

**Analysis:**

In *Packingham v. North Carolina*, the US Supreme Court held that social media platforms serve as "the modern public square," and as such, social media platforms provide users with the opportunity to "petition their elected representatives and otherwise engage with them in a direct manner."

Subsequent court decisions have reaffirmed that government representatives who utilize social media platforms to promote, discuss, carry out, or reference issues related to their governmental role have created an official public forum, complete with First Amendment protections for the public. To that end, the proposed social media policy for elected and appointed officials would require the following:

- Except in specific prescribed circumstances, elected and appointed officials would be prohibited from blocking anyone attempting to access their official social media account, or deleting comments made to their official social media account, because of an individual's viewpoints or perspectives.
- Any content posted onto an official social media account would be considered an official public record, subject to the California Public Records Act, the Ralph M. Brown Act, and State and local record retention regulations.
- The only content that could be removed from an official social media account would include:
  - Comments not related to the topic being discussed in a post.
  - Profane language.
  - Discriminatory comments.
  - Solicitations of commerce.
  - Sexual content, or links to sexual content.
  - Encouragement of illegal activity.
  - Information that could compromise the safety or security of the public.
  - Content that violates a legal ownership of any party.

**Environmental Status:**

Not applicable

**Strategic Plan Goal:**

Community Engagement

**Attachment(s):**

1. Social Media Policy for Elected and Appointed Officials

