

EXHIBIT “A” – CITY OF NEEDLES SOCIAL MEDIA POLICY AND PROCEDURES

CITY OF NEEDLES SOCIAL MEDIA POLICY AND PROCEDURES

I. PURPOSE

The purpose of the City of Needles (“City”) Social Media Policy (“Policy”) is to disseminate information by way of Social Media to community members about the City's mission, meetings, services, events, and activities. The City's intended use of its Social Media sites is solely to address matters of City business. The City has an overriding interest and expectation in deciding what is Posted or communicated on behalf of the City on City-managed Social Media. The City's Social Media sites are not general public forums; all methods of responding/commenting to City Posts shall be disabled.

This Policy establishes guidelines for City employees' and representatives' use of City-managed Social Media sites as described in this Policy to further the business of the City.

In the event the City is not able to disable all methods of responding/commenting to City Posts, the City requests Posts and comments on City Social Media Sites be courteous, professional, and respectful. By Posting, commenting on, or using City Social Media Sites or platforms, you agree to abide by this Policy.

II. DEFINITIONS

1. The “City” refers to the City of Needles, the Needles Public Utility Authority and the Needles Housing Authority.
2. “Social Media” means, but is not exclusive to, websites and internet-based applications where user-created content exists electronically. Examples of Social Media include but are not limited to X, Facebook, LinkedIn, and Instagram.
3. “City Social Media Site” means an internet site, page, location, or other means for the collection of digital information on a Social Media platform over which the City controls its Postings, except for advertisements or hyperlinks by the Social Media platform's owners, vendors, or partners.
4. “City Post” or “City Postings” mean information, articles, pictures, videos, or any other form of communication Posted by the City on a City Social Media Site.
5. “Post” or “Postings” mean information, articles, pictures, videos, commentary or any other form of communication Posted by the City or a user on a City Social Media Site.
6. “Personal Social Media” refers to an employee's Personal Social Media accounts or activities not affiliated with or authorized by the City.
7. “Protected Speech” refers to expressions protected by the First Amendment, including but not limited to political speech, religious expression, and speech on matters of public concern.

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8. "Concerted Activities" refers to employees' rights under the National Labor Relations Act to discuss terms and conditions of employment for their mutual aid or protection.

III. FIRST AMENDMENT CONSIDERATIONS IN PUBLIC EMPLOYMENT

1. The City recognizes and respects employees' rights to free speech as protected by the First Amendment.
2. This Policy is not intended to infringe upon employees' rights to engage in Protected Speech or Concerted Activities.
3. The City will not retaliate against employees for engaging in lawful speech activities outside of work, provided such activities do not violate other provisions of this Policy or applicable laws.
4. Examples of Protected Speech in public employment and during work hours include, but are not limited to:
 - a) Discussing working conditions or wages with colleagues; and
 - b) Expressing political views on Personal Social Media accounts
5. Examples of speech that may not be protected in public employment include but are not limited to:
 - a) Disclosing confidential City information; and
 - b) Making false or defamatory statements about a person or entity.
6. The City respects employees' rights to engage in political speech and other protected categories of speech on Social Media platforms.
7. When engaging in political speech or other Protected Speech on Personal Social Media, employees should make it clear that they are speaking in their personal capacity and not on behalf of the City.

IV. GENERAL POLICY

1. These guidelines will be displayed to users or made available by hyperlink on the City's website and Social Media sites.
2. The City reserves the right, in its sole and absolute discretion, to remove any City Post and to terminate any City Social Media Site at any time without notice.
3. All Posts on the City's Social Media sites shall adhere to applicable federal, state, and local laws, regulations, and policies.
4. The City may remove any content or Post that violates this Policy or any applicable law.
5. The City may remove any Posts and/or comments on topics or issues unrelated to City

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business and not within the subject matter jurisdiction of the City.

6. The City reserves the right, at any time and without prior notice, to deny access to City Social Media Sites to any individual that violates this Policy.
7. Repeat violators of this Policy may be subject to being banned from future Posts on City Social Media Sites
8. Content on City Social Media Sites is subject to the California Public Records Act and may constitute a public record subject to disclosure or discovery in litigation. All such content shall be retained in accordance with the City’s records retention policy, and the City may utilize third-party archiving tools to ensure accurate and complete capture of all Social Media activity.
9. This Policy may be revised at any time with the City's sole and absolute discretion.
10. Use of Social Media sites by City employees that affect productivity or results in any cost, charge, or loss to the City is prohibited and may result in discipline.

V. **CONTENT MANAGEMENT**

1. **The City's Social Media Sites:** City Social Media Sites shall be managed and moderated by the City Manager or his/her designee. The establishment of City Social Media Sites requires prior approval by the City Manager or his/her designee. All comments or Posts to the City's Social Media sites will be monitored.
2. **City-Posted Content:** All Posts on behalf of the City on the City's Social Media sites shall be Posted solely by the City Manager or his/her designee. City Posts on its Social Media sites will supplement and not replace the City's required notices and standard methods of communication. The City's official website, <https://cityofneedles.com/> is and will remain the primary source of City-related notices, information, and news. Whenever possible, content Posted on the City's Social Media sites will also be available on the City's website. The information Posted by the City to City Social Media Sites must:
 - a) Directly pertain to City business or City-sponsored programs, services, and/or events.
 - b) Contain publicly available information that is not confidential or privileged from disclosure as defined by any local, state, or federal law or City policy.
 - c) Comply with all local, federal, and state laws, including the Brown Act.
 - d) Not include content that is contrary or detrimental to the City's mission.
 - e) Not contain messages that endorse, promote or oppose any religion or religious beliefs.
 - f) Not contain content that conducts or encourages illegal activity.
 - g) Not contain any personal information that would violate any legally protected

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right to privacy.

- h) Not promote, endorse, or oppose any political groups, candidates, or ballot measures.
 - i) Not contain any profane, obscene, or pornographic language or content or links to such language or content.
 - j) Not contain content that promotes, fosters, or perpetrates discrimination based on race, color, creed, sex, gender, age, religion, national origin or ancestry, physical or mental disability, veteran status, parentage, marital status, status with regards to public assistance, medical condition, sexual identity, sexual orientation, or any other category protected by federal, state or local laws.
 - k) Not contain solicitations of commerce or advertisement of any private business, product, or commercial activity.
3. **Personal Social Media Use:** City employees, officials, and members of the City's council, commissions and board of directors (collectively, "City Council Members/Directors") with Personal Social Media accounts that Post or comment on Social Media about official City business should:
- a) State their name;
 - b) Use a disclaimer such as: "The Postings on this site are my own and don't reflect or represent the opinions of the City with which I am affiliated."
4. **Posts Are Public:** Employees and City representatives should know that Posts about City issues that include or relate to employment complaints or human resources concerns may not be protected even if posted on a Personal Social Media account. Employees should be mindful of the distinction between sharing personal and agency views.
5. **Confidential information:** Employees shall not directly or indirectly disclose City confidential, privileged, or proprietary information, nor shall they disclose confidential, private, or proprietary information about City customers, vendors, or suppliers.
- a) Employees must not disclose any confidential, proprietary, or trade secret information of the City, its clients, or business partners on any Social Media platform.
6. **Media Inquiries:** All media inquiries about City Social Media Sites and Posts shall be referred to the City Manager or his/her designee.
7. **Compliance with Applicable Laws:** Use of the City's Social Media sites shall be in compliance with all applicable laws, including the Ralph M. Brown Act ("Brown Act"). City Council Members/Directors shall not repost, "like", retweet or in any way respond to or comment upon Posts by other City Council Members/Directors where such Posts relate to City business or matters within the City's subject matter jurisdiction as such activity may result in a violation of the Brown Act. City directors, in order to assure compliance with the Brown Act, should identify themselves as such when Posting a

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comment on City Social Media Sites. City Council Members/Directors should not use City Social Media Sites to blog or engage in serial meetings, or otherwise discuss, deliberate or express opinions on any issues within the subject matter jurisdiction of the City, as doing so could result in a Brown Act violation. City employees and officials are expected to demonstrate the highest standards of personal integrity, honesty, and conduct in all activities in order to inspire public confidence and trust in the City.

8. **Discipline for Violations:** City employees who Post content in violation of this Policy may be subject to disciplinary action.
9. **Free Speech:** Nothing in this Policy is intended to restrict or limit City employees' right to free speech or rights to engage in protected concerted activity under applicable law.
10. **Posts in Private Capacity:** City Council Members/Directors and employee activity on Social Media sites outside of work must not be attributable to the City or the employee's job function at the City. Examples include the following:
 - City employees and Council Members should not use their work e-mail address to register for Social Media and other sites unless authorized by the City to do so and where the purpose is directly related to their job and/or official City duties.
 - City employees and Council Members should not display the City's logos, emblems, or patches on personal social networking accounts.
 - City employees and Council Members should not state or imply that they speak for the City, or for City officials unless expressly authorized by the City to do so.
11. **Externally Posted Content:** Posts by members of the public (including comments, photos, and links) on City sites containing any of the following are not permitted and, to the extent allowed by law, may be removed by the City from its Social Media sites:
 - a) Profane, obscene or pornographic language or content or links to such language or content.
 - b) Solicitations of commerce, including but not limited to advertising of any business, product, or commercial activity.
 - c) Content that conducts or encourages illegal activity.
 - d) Information that is illegal to disseminate or that might compromise the safety or security of the public or public systems.
 - e) Content that violates another party's legal ownership interest, such as copyright or trademark.
 - f) Defamatory statements.
 - g) Threats of violence or injury to any person, property, or organization.
 - h) Content that violates any federal, state, or local law.

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- i) Content that promotes, fosters, or perpetuates discrimination based on race, color, creed, sex, gender, age, religion, national origin or ancestry, physical or mental disability, veteran status, parentage, marital status, status with regard to public assistance, medical condition, sexual identity, sexual orientation, or any other category protected by federal, state, or local laws.
 - j) Duplicate Posts by the same commenter.
 - k) Comments that contain spam or include links to other sites.
12. **Disclaimer**: The City is not responsible for, and neither endorses nor opposes, the opinions or comments placed on City Social Media Sites by visitors or third parties. The City further disclaims any and all responsibility or liability for any Posts/content that cannot lawfully be removed or for Posts/content that the City deems inappropriate for Posting but which cannot be or are not removed expeditiously.
13. **No Expectation of Privacy**: Given that Posts on City Social Media Sites are publicly viewable and available, users, Posters, and employees do not have a reasonable expectation of privacy in content Posted to City Social Media Sites.
14. **Intellectual Property**: Use of the City's logo, trademarks, intellectual property, proprietary graphics, or photographs without the City's written permission is strictly prohibited.
15. **Indemnity**: By Posting content, a user agrees to defend, indemnify and hold harmless the City, its officials, officers, directors, and employees, against any damages, losses, liabilities, judgments, causes of action, costs, or expenses (including reasonable attorneys' fees and costs) arising out of any claim relating to any material user has Posted on any City-managed Social Media.
16. **Terms of Use Policies**: All comments Posted to City Social Media Sites are also bound by the platform or host's specific use policy. The City reserves the right to report any violation of a Social Media host's use policy with the intent of taking appropriate and reasonable responsive action.
17. **Questions**: If you have any questions concerning the operation of a City's Social Media site, please contact the City Office at (760) 326-2113.

VI. **CONCLUSION**

Social Media is a 24/7 medium; however, the City's moderation capabilities are not. The City may not detect every inappropriate comment immediately and must rely on the maturity of Social Media participants and the community to ignore false, misleading, inappropriate, or harmful speech. The City disclaims any and all responsibility for any Post/content the City has not expressly authorized.