

SOCIAL MEDIA POLICY FOR CITY COUNCIL AND ITS COMMISSIONS AND COMMITTEES

- A. The Ralph M. Brown Act, California Government Code, section 94950 and following, provides that City Councils and their Commissions and Committees exist to aid in the conduct of the public's business and that their deliberations be conducted, and their actions taken, openly.
- B. The Brown Act defines a "meeting" to mean any congregation of a majority of the members of the City Council and its appointed Commissions and Committees at the same time and location to hear, discuss, deliberate or take action on any item that is within the subject matter jurisdiction of the City Council or, as to its Commissions and Committees, within the subject matter jurisdiction of such Commission or Committee.
- C. The Brown Act prohibits a majority of the members of the City Council or a majority of its Commissions and Committees, outside a meeting as authorized by the Brown Act, from using a series of communications of any kind, directly or through intermediaries, to discuss, deliberate or take action of any item of business that is within the subject matter jurisdiction of the Council or, as to its Commissions or Committees, within the subject matter jurisdiction of such Commission or Committee (so called "serial meetings").
- D. A serial meeting may occur by either a "daisy chain" or "hub and spoke". A daisy chain occurs when Member A contacts Member B, and Member B contacts Member C, thereby creating a quorum that has discussed, deliberated or taken action on an item that is within the subject matter jurisdiction of the Member's legislative body. A hub and spoke process involves, for example, Member A (the hub) sequentially contacting Members B and C (the spokes) until a quorum has been contacted.
- E. Email and private social media provide opportunities for Council, Commission and Committee members to engage in serial meetings. For example, if a constituent were to send an email to all Council members asking the members about their position on a matter within the Council's subject matter jurisdiction and if an individual Council member were to "reply to all" and indicate a position, that could be considered a prohibited serial meeting. Similarly, on any form of social media, whether a public page or a closed group, to which a majority of the Council, a Commission or Committee has access, a posting, or a response to a posting, by one Council member could be viewed by two other Council members, which could likewise be considered a prohibited serial meeting.
- F. City Council is concerned about these potential serial meetings, most of which would be inadvertent, but nevertheless erode the public's confidence that Council, Commission and Committee meetings only take place in public so that the public may participate fully in the decision making process.

NOW, THEREFORE, the City Council adopts the following Social Media Policy for the City Council and its appointed Commissions and Committees.

1. Concerning topics that are within their subject matter jurisdiction, City Council members should refrain from posting on any form of social media, whether a public page or a closed group, any comments and refrain from responding to such comments or reacting to posts with terms such as “like”, “surprised” or “angry”.
2. Concerning topics that are within the subject matter jurisdiction of their respective Commissions or Committees, appointed Commission and Committee members should refrain from posting on any form of social media, whether a public page or a closed group, any comments and refrain from responding to such comments or reacting to posts with terms such as “like”, “surprised” or “angry”.
3. For purposes of this Policy, “topics that are within the subject matter jurisdiction” of the Council, Commission or Committee (respectively, “the legislative body”) are matters that are currently pending before the legislative body or matters that a member of the legislative body knows, or reasonably should know, is likely to come before that legislative body. By way of example, if the voters were to approve the General Plan Amendment concerning the Baylands, it is likely the property owner will move forward to develop the site. Accordingly, concerning the development of the Baylands, because Commissions and Committees will be required to make a recommendation to the City Council concerning such development, or at least aspects thereof, Commission and Committee members, as well as City Council members, should refrain from posting on any form of social media, whether a public page or a closed group, comments concerning development of the Baylands and refrain from responding to such comments or reacting to posts with terms such as “like”, “surprised” or “angry” concerning the development of the Baylands.
4. Questions concerning whether a topic is within the subject matter jurisdiction of the City Council or a particular Commission or Committee are to be referred to the City Attorney.