



## Northridge West Neighborhood Council



July 15, 2021

**RE: BONC Social Media Policy version dated 7/1/2021**

Dear BONC,

At our July 13, 2021, General Board Meeting, the Northridge West NC unanimously moved to resubmit our letter to BONC re: The revised Social Media Policy (7/1/21). We reaffirm our positions and recommendations as stated in our letter dated 5/11/21, and acknowledge BONC for its inclusion of many of NWNC's recommendations in the latest draft dated 7/1/21. THANK YOU for incorporating our recommendations in the latest draft. There are however, two outstanding changes that we recommend. **Please consider make these remaining changes that we are requesting before this policy is approved.**

Sincerely,

*Abby Bailes*

President NWNC

NWNC Recommended Changes/Comments are **highlighted**:

"9.3. f) Neighborhood council board members and committee members should refrain from discussing or commenting upon any matter that is pending before or may come before the neighborhood council. Commenting may include "friending" or "liking." Violations may result in an individual or NC being unable to participate in a matter pending or that may come before the board, or actions by the City under Section 22.818(e) of the LA Admin Code or remedies such as those listed at Section 22 22.818(e) of the LA Admin Code." **(This section is overly broad, vague, violates personal free speech on matters, and needs to be completely removed. Board members do NOT loose free speech rights to discuss, comment, like, friend and share info as an individual on ANY topic even those pending before the City and NC Boards. Remove this item completely.)**

"9.2 c) According to Assembly Bill 922, "an individual member in separate conversations or communications on an internet-based social media platform to answer questions, provide information to the public, or to solicit information from the public regarding a matter that is within the subject matter jurisdiction of the legislative body provided that a majority of the members of the legislative body do not use the internet-based social media platform to discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body." **(This section is unclear as to how "AB 922" impacts NC communication. I think BONC meant to refer to AB 992 which does regulate social media communication. Please review, clarify and revise this added section. If it is already covered by existing law, then it is unnecessary as well.)**



# Northridge West Neighborhood Council



5/12/2021

## **BONC Social Media Policy - Unanimous Motion from Northridge West Neighborhood Council**

Whereas the proposed BONC Social Media Policy is a direct overreach in power and scope of limiting the ability of Neighborhood Councils to effectively communicate with their constituency; it requires onerous and unenforceable clauses; is overly complicated when existing rules cover many of the issues outlined, and a simpler approach would be more appropriate; and it unlawfully limits individual free speech rights of board members; Therefore, the Northridge West NC opposes the proposed BONC Social Media Policy. Furthermore, BONC should only create “best practices” for neighborhood policies to guide them, without establishing onerous policies. Below are excerpts from the **BONC Social Media Policy**, as well as specific comments from NWNC that are highlighted to help explain our position on the policy.

**THIS SECTION WAS REMOVED** 3.3. Because many neighborhood council board members use social media and have created websites or newsletters in their personal lives and individual capacities, this policy (at Section 8) . **3 also provides basic guidelines for neighborhood council board members who utilize websites, social media, newsletters, and the like as private individuals and in their individual capacities.** (Caution - Including guidelines for private accounts oversteps BONC authority to limit free speech/violates free speech rights of individuals)

**LANGUAGE WAS REMOVED AND CHANGED TO STATE “THESE PLATFORMS ARE BEST USED...” WHICH ALLOWS FOR TYPES OF EVENTS** 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. **Proper use for a neighborhood council’s website, social media, or newsletters/reports is the promotion of neighborhood council membership and attendance at meetings and promotion of approved and authorized neighborhood council events.** (This should also include the promotion of community events and info that are not specifically operated/owned by the City) The development and use of Neighborhood Council Digital Communications for personal gain and use is strictly prohibited.

### 9. Uses of a Private or Non-Neighborhood Council Website, Social Media, or Newsletter

**REMOVED** 9.1. No neighborhood council board or committee member is authorized to establish or administer a personal website, Social Media, or newsletter utilizing their title or position on a neighborhood council to publish information concerning the neighborhood council’s meetings, events, and activities. If individual board members wish to encourage civic engagement through the neighborhood council, they may post a link to the Neighborhood Council Website, and shall, to the greatest extent that a given platform allows, block the ability of any posts and/or comments to avoid any discussion regarding neighborhood council matters.

**BONC ADDED LANGUAGE TO AFFIRM THE RIGHT OF NC MEMBERS TO MAINTAIN WEBSITES AND THEIR CONSTITUTIONAL RIGHT TO EXPRESS THEIR OPINIONS AND FREE SPEECH** 9.2. No neighborhood council board or committee member is permitted to display or permit display of any neighborhood council or City seal, logo, trademark, apparel, vehicle, badge, patch, or other official neighborhood council or City



## Northridge West Neighborhood Council



image on any private, non-Neighborhood Council Website, Social Media, or Newsletter, including but not limited to, any website, social media, or newsletter they personally establish or administer.

**REMOVED** 9.3. No neighborhood council board or committee member is authorized to utilize or publish confidential, personal, private, or sensitive information obtained in their capacity as a member of a neighborhood council board or committee on any private, non-Neighborhood Council Website, Social Media, or Newsletter, including but not limited to, any website, social media, or newsletter they personally establish or administer.

9.4. Some uses of websites, Social Media, and newsletters may reflect on a neighborhood council or the City or appear to reflect a position or policy on behalf of a neighborhood council or the City. Further, some uses may risk interference with the public's rights under the Brown Act, risk converting a platform into a limited public forum protected by the First Amendment, or risk an appearance of a conflict of interest or bias. For those reasons, when using a private non-Neighborhood Council Website, Social Media, or Newsletter, including but not limited to, any websites, social media, and newsletters, administered by neighborhood council board members and committee members: . 7

9.4.1. Neighborhood council board members and committee members shall not list or utilize their official neighborhood council title or email address, or create any other impression that there is an official relationship between their neighborhood council role and the website, Social Media, or newsletter. Identification of their neighborhood council position as part of a resume or biography is permissible. A neighborhood council board or committee member shall not publish inaccurate information regarding his or her title, position, or role on a neighborhood council.

9.4.2. Neighborhood council board members or committee members are not authorized to attribute personal statements or opinions to the neighborhood council or the City. If a reasonable inference can be drawn that a personal statement or opinion is the neighborhood council's or the City's, the neighborhood council board member or committee member shall affirmatively use a disclaimer that establishes that the statement or opinion is personal and does not represent a statement of the opinion of the neighborhood council or the City.

**9.4.3. Neighborhood council board members and committee members shall refrain from discussing or commenting upon any matter that is pending before or may come before the neighborhood council. Commenting may include "friending" or "liking." (This section is overly broad, vague, violates personal free speech on matters, and needs to be completely removed. Board members do NOT lose free speech rights to discuss, comment, like, friend and share info as an individual on ANY topic. Remove this item completely.)**

**9.4.4. Neighborhood council board members and committee members shall refrain from discussing or commenting upon the parties and their representatives involved in a matter that is pending before or may come before the neighborhood council. Commenting may include "friending" or "liking." (We can do this as private citizens when not reflecting the Board's position. We are in fact elected to listen to community, share ideas, and take positions. This section should be removed. )**

**REMOVED** 9.4.5. Neighborhood council board members and committee members shall refrain from discussing or commenting upon the opinions or positions of other neighborhood council board members and committee members upon a matter that is pending or may come before the neighborhood council. Commenting may include "friending" or "liking." **Why are we not allowed to comment of other board**



## Northridge West Neighborhood Council



members' positions? We should not limit open conversation; **this section should encourage respectful exchange of ideas.**

9.5. Due to the risks that a neighborhood council board member or committee member's use of a private, non-neighborhood Council Website, Social Media, or Newsletter may appear to reflect on a position or policy on behalf of a neighborhood council or the City, interfere with the public's rights under the Brown Act, convert a platform into a limited public forum protected by the First Amendment, or create an appearance of a conflict of interest or bias, violations may result in disqualification of an individual or neighborhood council from participating in a matter pending or that may come before the board, or actions by the City under Section 22.818(e) of the Los Angeles Administrative Code or remedies such as those listed at Section 22.818(e) of the Los Angeles Administrative Code. **This should only come into play IF and WHEN a Board member uses a private platform to represent the Board on an issue, instead of presenting a personal view, which again is protected speech, The "risk" of blocking free speech FAR outweighs the risk of a mistaken reflection of the Board, and can be dealt with IF a violation exists. We should not to stop all discussion of a matter by an individual board member. REMOVE this section.**