MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, DECEMBER 18, 2018 – 5:00 PM

REVISED TO ADD

5PM CLOSED SESSION
ADDITIONAL MATTER TO INITIATION OF LITIGATION

7PM OPEN SESSION
ADDED 20a AMEND CITY OF EL SEGUNDO’S SOCIAL MEDIA POLICY

5:00 P.M. SESSION

CALL TO ORDER
ROLL CALL

PUBLIC COMMUNICATION – (Related to City Business Only – 5 minute limit per person, 30 minute limit total) Individuals who have received value of $50 or more to communicate to the City Council on behalf of another, and employees speaking on behalf of their employer, must so identify themselves prior to addressing the City Council. Failure to do so shall be a misdemeanor and punishable by a fine of $250.
SPECIAL ORDER OF BUSINESS:

1. Consideration and possible action to interview candidates of the Economic Development Advisory Council (EDAC) and the Technology Committee.  
   (Fiscal Impact: None)  
   Recommendation – 1) Interview candidates; 2) Announce appointment(s) at the 7:00 PM, January 15, 2019 City Council meeting, if any; 3) Alternatively, discuss and take other action related to this item.

CLOSED SESSION:

The City Council may move into a closed session pursuant to applicable law, including the Brown Act (Government Code Section §54960, et seq.) for the purposes of conferring with the City’s Real Property Negotiator; and/or conferring with the City Attorney on potential and/or existing litigation; and/or discussing matters covered under Government Code Section §54957 (Personnel); and/or conferring with the City’s Labor Negotiators; as follows:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Gov’t Code §54956.9(d)(1): -0- matters

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code §54956.9(d)(2): -1- matters.


DISCUSSION OF PERSONNEL MATTERS (Gov’t Code §54957): -0- matters

APPOINTMENT OF PUBLIC EMPLOYEE (Gov’t. Code § 54957): -0- matter

PUBLIC EMPLOYMENT (Gov’t Code § 54957) -1- matter

Position: City Manager
CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Gov't Code §54956.8): -0- matters

CONFERENCE WITH CITY'S LABOR NEGOTIATOR (Gov't Code §54957.6): -6- matters

1. Employee Organizations: Police Management Association; Police Support Services Employees Association; Supervisory, Professional Employees Association; City Employee Association; and Executive and Management/Confidential Employees (unrepresented groups).

Agency Designated Representative: Irma Moisa Rodriguez, City Manager, Greg Carpenter and Human Resources Director.
REVISED AGENDA
EL SEGUNDO CITY COUNCIL
COUNCIL CHAMBER - 350 MAIN STREET

The City Council, with certain statutory exceptions, can only take action upon properly posted and listed agenda items. Any writings or documents given to a majority of the City Council regarding any matter on this agenda that the City received after issuing the agenda packet, are available for public inspection in the City Clerk’s office during normal business hours. Such Documents may also be posted on the City’s website at www.elsegundo.org and additional copies will be available at the City Council meeting.

Unless otherwise noted in the Agenda, the Public can only comment on City-related business that is within the jurisdiction of the City Council and/or items listed on the Agenda during the Public Communications portions of the Meeting. Additionally, the Public can comment on any Public Hearing item on the Agenda during the Public Hearing portion of such item. The time limit for comments is five (5) minutes per person.

Before speaking to the City Council, please come to the podium and state: Your name and residence and the organization you represent, if desired. Please respect the time limits.

Members of the Public may place items on the Agenda by submitting a Written Request to the City Clerk or City Manager’s Office at least six days prior to the City Council Meeting (by 2:00 p.m. the prior Tuesday). The request must include a brief general description of the business to be transacted or discussed at the meeting. Playing of video tapes or use of visual aids may be permitted during meetings if they are submitted to the City Clerk two (2) working days prior to the meeting and they do not exceed five (5) minutes in length.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact City Clerk, 524-2305. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

REGULAR MEETING OF THE EL SEGUNDO CITY COUNCIL
TUESDAY, DECEMBER 18, 2018 - 7:00 P.M.

REVISED TO ADD
5PM CLOSED SESSION
ADDITIONAL MATTER TO INITIATION OF LITIGATION
7PM OPEN SESSION
ADDED 20a AMEND CITY OF EL SEGUNDO’S SOCIAL MEDIA POLICY

7:00 P.M. SESSION

CALL TO ORDER

INVOCATION – Pastor Lee Carlile, The Methodist Church

PLEDGE OF ALLEGIANCE – Council Member Nicol
PRESENTATIONS

a) Proclamation – Annual Christmas Dinner at Joslyn Center

b) Presentation - Police Department presenting and demonstrating the developing Unmanned Aerial Vehicle Program.

c) Presentation – Finance – Introduction of new employee – Darryl Felder, Payroll Accountant

d) Presentation – Recreation and Parks Department – Introduction of new employee – Devon (Bargmann) Zamora, Recreation Coordinator

ROLL CALL

PUBLIC COMMUNICATIONS – (Related to City Business Only – 5 minute limit per person, 30 minute limit total) Individuals who have received value of $50 or more to communicate to the City Council on behalf of another, and employees speaking on behalf of their employer, must so identify themselves prior to addressing the City Council. Failure to do so shall be a misdemeanor and punishable by a fine of $250. While all comments are welcome, the Brown Act does not allow Council to take action on any item not on the agenda. The Council will respond to comments after Public Communications is closed.

CITY COUNCIL COMMENTS – (Related to Public Communications)

A. PROCEDURAL MOTIONS

Consideration of a motion to read all ordinances and resolutions on the Agenda by title only.

Recommendation – Approval.
B. SPECIAL ORDERS OF BUSINESS (PUBLIC HEARING)

1. Consideration and possible action (Public Hearing) authorizing a proposed change to the City’s Community Development Block Grant (CDBG) 2018-2019 Program to cancel, “Installation of Americans with Disabilities Act (ADA) Compliant Curb Ramps (CDBG Project Number 601959-18)”, and alternatively, implement a new 2018-2019 CDBG Project entitled, “City Facilities Americans with Disabilities Act (ADA)-Compliant Parking Lot Restriping and Signage”. 2018-2019 CDBG funds in the amount of $53,608 from the cancelled project will be used to implement the new, proposed project. Pursuant to the provisions of the California Environmental Quality Act, the proposed action is exempt from CEQA pursuant to CEQA Guidelines §15061(b)(3), as it can be seen with certainty that there is no possibility that the activity will have a significant effect on the environment.

(Fiscal Impact: $53,608.00)

Recommendation – 1) Open public hearing and take testimony; 2) Close public hearing and discuss item; 3) Approve the cancellation of 2018-2019 CDBG Project, “Installation of Americans with Disabilities Act (ADA) Compliant Curb Ramps (CDBG Project Number 601959-18)”; 4) Approve a new 2018-2019 CDBG Project, “City Facilities Americans with Disabilities Act (ADA) Compliant Parking Lot Restriping and Signage”; 5) Authorize the City Manager to execute all contracts, in a form approved by the City Attorney, with the Los Angeles County Community Development Commission (CDC); 6) Alternatively, discuss and take other action related to this item.

2. Consideration and possible action regarding (Public Hearing) the proposed project and budget for the 2019-2020 Community Development Block Grant (CDBG) Program Year. The estimated CDBG budget allocation for Program Year 2019-2020 is approximately $56,584. Additionally, previously unspent CDBG funds from prior years in the amount of $43,501 will be added to the 2019-2020 CDBG allocation for a total of $100,085 to implement a new CDBG project, entitled, “Americans with Disabilities Act (ADA)-Compliant Restroom Facilities at the Joslyn Center.” Pursuant to the provisions of the California Environmental Quality Act, the proposed action is exempt from CEQA pursuant to CEQA Guidelines §15061(b)(3), as it can be seen with certainty that there is no possibility that the activity will have a significant effect on the environment.

(Fiscal Impact: $100,085)

Recommendation – 1) Open public hearing and take testimony; 2) Close public hearing and discuss item; 3) Approve the new 2019-2020 CDBG project and budget; 4) Authorize the City Manager to execute the contracts, in a form approved by the City Attorney, with the Los Angeles County Community Development Commission (CDC); 4) Alternatively, discuss and take other action related to this item.
3. Consideration and possible action to (1) receive and file a report from Public Works on the Downtown Traffic and Pedestrian Safety Study, and (2) provide staff direction on follow up actions.
   (Fiscal Impact: $26,000.00 estimated)

Recommendation – 1) Receive and file a report from Public Works related to the Downtown Traffic and Pedestrian Safety Study; 2) Provide staff direction on follow up actions; 3) Alternatively, discuss and take other action related to this item.

C. UNFINISHED BUSINESS

4. Consideration and possible action to direct staff to enter into negotiations for an exclusive franchise to EDCO Waste & Recycling Services (EDCO) to provide residential and municipal solid waste hauling services.
   (Fiscal Impact: Est. $7,620,000.00 over 7 years)

Recommendation – 1) Direct staff to enter into negotiations with EDCO for an exclusive 7-year franchise agreement, in a form approved by the City Attorney, with an annual estimated cost of $1,088,530.00 2) Alternatively, discuss and take other action related to this item.

5. Consideration and possible action to review and approve the three-year strategic plan and the associated work plan (FY 2019 through 2021).
   (Fiscal Impact: $0)

Recommendation – 1) City Council review and approve the three-year Strategic Plan and associated Work Plan (FY 2019 through 2021); 2) Alternatively, discuss and take other action related to this item.

D. REPORTS OF COMMITTEES, COMMISSIONS AND BOARDS

6. Consideration and possible action to open the recruitment process for the positions on the Committees, Commissions and Boards (“CCBs”) that expires in the year 2019.
   (Fiscal Impact: None)

Recommendation – 1) Direct staff to open the recruitment process for the positions on the CCB’s, as listed; 2) Alternatively, discuss and take other action related to this item.
7. Consideration and possible action regarding development of Arts and Culture Advisory Committee proposals for a fee to be imposed on commercial development for purposes of funding art in public places ("Percent for Arts ordinance") and the formation of a City non-profit organization to support public art and programming in El Segundo. (Fiscal Impact: City Attorney Time and City Staff Time (Library, Planning, Finance, Public Works, and Economic Development Departments) and retaining special tax/legal counsel for preparing non-profit documents (approximately $30,000 for special counsel)

Recommendation – 1) Receive and file presentation by Arts and Culture Advisory Committee members; 2) Direct Arts and Culture Advisory Committee, City Staff, and City Attorney’s Office to develop a Percent for Arts proposal for City Council consideration in spring 2019; 3) Direct Arts and Culture Advisory Committee, City Staff, and City Attorney’s Office to develop a proposal for creation of a City non-profit public benefit organization for City Council consideration in spring 2019; 4) Alternatively, discuss and take other action related to this item.

8. Consideration and possible action to receive and file an informational update from the Information Systems Department and the Technology Committee regarding the projects completed in 2018. (Fiscal Impact: None)

Recommendation – 1) Receive and file informational update and status reports(s); 2) Alternatively, discuss and take other action related to this item.

E. CONSENT AGENDA
All items listed are to be adopted by one motion without discussion and passed unanimously. If a call for discussion of an item is made, the item(s) will be considered individually under the next heading of business.

9. Warrant Numbers 3023870 through 3023975 and 600656 and 6000656 on Register No. 5a in the total amount of $403,666.54 and Wire Transfers from 11/26/18 through 12/2/18 in the total amount of $111,521.78. Warrant Numbers 3023976 through 3024064 on Register No. 5b in the total amount of $447,930.76 and Wire Transfers from 12/3/18 through 12/9/18 in the total amount of $1,068,054.32.

Recommendation – Approve Warrant Demand Register and authorize staff to release. Ratify Payroll and Employee Benefit checks; checks released early due to contracts or agreement; emergency disbursements and/or adjustments; and wire transfers.
Recommendation – 1) Approval

11. Consideration and possible action regarding authorization for the Police Department to purchase a SWAT vehicle from Emergency Vehicles, Inc., using Asset Forfeiture Funds approved in the 2018/2019 Council budget. (Fiscal Impact: not to exceed $320,000.)
Recommendation – 1) Pursuant to El Segundo Municipal Code § 1-7-9, waive the bidding procedures otherwise required by the ESMC and authorize the Police Department to purchase a SWAT truck directly from Emergency Vehicles, Inc., without a competitive selection process; 2) Declare the current 1993 SWAT vehicle to be surplus property and authorize staff to remove it from the fleet entirely to either repurpose it or auction it; 3) Alternatively, discuss and take other action related to this item.

12. Consideration and possible action to adopt a Resolution approving plans and specifications for the Holly Valley Park Playground Project, No. PW 18-33. (Fiscal Impact: To be Determined)
Recommendation – 1) Adopt a Resolution approving plans and specifications for the Holly Valley Park Playground Project; 2) Authorize staff to advertise the project for construction bids; 3) Alternatively, discuss and take other action related to this item.

13. Consideration and possible action to adopt a resolution confirming the use of Pump Station 18 Basin and Sandhill’s Retention Basin as infiltration basins for the National Pollutant Discharge Elimination System (NPDES) Permit’s Best Management Practices. (Fiscal Impact: None)
Recommendation – 1) Adopt the Resolution; 2) Alternatively, discuss and take other action related to this item.

Recommendation – 1) Authorize the City Manager to amend the standard Professional Services Agreement with J.C. Chang & Associates, Inc. to a total amount not-to-exceed $75,465 for Pump Station 17 Equipment Repair, Project No. PW 18-13, and amend the contingency to a total amount not-to-exceed $7,500; 2) Alternatively, discuss and take other action related to this item.
15. Consideration and possible action to adopt a Resolution approving plans and specifications for the Campus El Segundo Shade Structure Project, No. PW 18-28.
(Fiscal Impact: To Be Determined)
Recommendation – 1) Adopt a Resolution approving plans and specifications for the Campus El Segundo Shade Structure Project; 2) Authorize staff to advertise the project for receipt of construction bids; 3) Alternatively, discuss and take other action related to this item.

(Fiscal Impact: $210,518.83)
Recommendation – 1) Authorize the City Manager to execute a standard Public Works Contract, in a form approved by the City Attorney, with Delta Electric in the amount of $191,418.83, for the Downtown Landscape Lighting Project, Project No. PW 18-24, authorize an additional $19,100 for construction related contingencies, and transfer $52,167.69 from the Capital Improvement Unappropriated Fund Balance to account for shortfall in the project budget; 2) Alternatively, discuss and take other action related to this item.

17. Consideration and possible action to approve a license agreement with Swimming Los Angeles Swim School (Swimming L.A.) in a form approved by the City Attorney.
(Fiscal Impact: $5,400 estimated annual revenue)
Recommendation – 1) Approve the license agreement with Swimming L.A. approved as to form by the City Attorney; 2) Alternatively, discuss and take other action related to this item.

18. Consideration and possible action to accept specialized rescue equipment, personal protective equipment and a utility truck from Chevron USA in a sum equal to $246,950 following a Federal Consent Decree and a new 2019 fire engine from Pierce Manufacturing, utility truck and emergency radio equipment totaling $900,000 from Chevron USA from a local grant.
(Fiscal Impact: $0)
Recommendation – 1) Authorize the City Manager, in a form approved by the City Attorney, to accept specialized rescue equipment, personal protective equipment and utility truck from Chevron USA in a sum equal to $249,950 in conformance with requirements of the Federal Consent Decree; 2) Authorize the City Manager, in a form approved by the City Attorney, to accept a new 2019 fire engine from Pierce Manufacturing, utility truck and emergency radio equipment from Chevron USA in conformance with a local grant totaling $900,000; 3) Alternatively, discuss and take other action related to this item.
F. NEW BUSINESS

19. Consideration and possible action to incorporate an Environmental Consideration Statement in all Staff Reports not subject to the California Environmental Quality Act (CEQA)
(Fiscal Impact: None)
Recommendation – 1) Direct staff to incorporate an Environmental Consideration Statement in all Staff Reports; 2) Alternatively, discuss and take other action related to this item.

20. Consideration and possible action regarding Fiscal Year (FY) 2017-18 Fourth Quarter Financial Review of the General Fund (GF) and Enterprise Funds.
(Fiscal Impact: None)
Recommendation – 1) Receive and File FY 2017-18 Fourth Quarter Financial Review; 2) Alternatively, discuss and take other action related to this item.

G. REPORTS – CITY MANAGER

H. REPORTS – CITY ATTORNEY

20a. Consideration and possible action to amend the City of El Segundo’s Social Media Policy.
(Fiscal Impact: N/A)
Recommendation – 1) Consideration and possible action to adopt a resolution, amending the City of El Segundo Social Media Policy; and/or 2) Alternatively, discuss and take other possible action related to this item.

I. REPORTS – CITY CLERK

J. REPORTS – CITY TREASURER

K. REPORTS – CITY COUNCIL MEMBERS

Council Member Pimentel –
Council Member Nicol –

Council Member Brann –

Mayor Pro Tem Pirsztuk –

Mayor Boyles –

21. Consideration and possible action regarding the annual request of Mr. S. Claus for variances from the Municipal Code.
(Fiscal Impact: None)

Recommendation – 1) The use of air rights and waiver of the Santa Monica Radial 160 R procedure; 2) Grant a free business license for a non-profit organization; 3) Waiver of the Noise Ordinance to permit the sound of bells; 4) Waiver of the Trespass Ordinance including dealing with trespassing animals; 5) Waiver of the ordinance on Animal Regulations; 6) Alternatively, discuss and take other action related to this item.

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MEMORIALS –

CLOSED SESSION

The City Council may move into a closed session pursuant to applicable law, including the Brown Act (Government Code Section §54960, et seq.) for the purposes of conferring with the City’s Real Property Negotiator; and/or conferring with the City Attorney on potential and/or existing litigation; and/or discussing matters covered under Government Code Section §54957 (Personnel); and/or conferring with the City’s Labor Negotiators.

REPORT OF ACTION TAKEN IN CLOSED SESSION (if required)
ADJOURNMENT

POSTED:

DATE: December 14, 2018.

TIME: 12:25 PM

NAME: [Signature]
AGENDA DESCRIPTION: Consideration and possible action to amend the City of El Segundo’s Social Media Policy. (Fiscal Impact: N/A)

RECOMMENDED COUNCIL ACTION:
1. Consideration and possible action to adopt a resolution, amending the City of El Segundo Social Media Policy; and/or
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:
2. November 6, 2018 staff report (without attachments)

FISCAL IMPACT: None.

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<th>Amount Budgeted:</th>
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STRATEGIC PLAN:
| Goal: | N/A |
| Objective: | N/A |

PREPARED BY: City Attorney’s Office
APPROVED BY: City Attorney’s Office

BACKGROUND AND DISCUSSION:

On November 6, 2018, the Council adopted a Social Media Policy (“Policy”). The Council directed the City Attorney’s Office to re-review and propose potential changes to the Policy for purposes of providing further guidance and latitude for Council Members and members of the City’s committees, commissions and Boards (“CCB”) with respect to participating in social media with respect to matters within the subject matter jurisdiction of body on which the member sits.

The proposed amendments clarify the Policy that the only restricts postings by the Council and CCB members to matters within the subject matter of the body on which they sit. Thus, for Council it would pertain to all City Business since the Council has jurisdiction over all City business. For a CCB member the restrictions would only apply to City business over which the CCB has jurisdiction. For example, for the Arts and Culture Committee the restrictions would only apply to matters related to arts and culture that are likely to be discussed or have action taken by that Committee.
The other revisions were to provide more clarity and latitude as to the type of social media postings related to City business that would be permissible for the Council and CCB members. The Policy has been amended to clarify that social media activities on non-City social media sites are permissible:

i. Posting purely objective information for the public regarding public meetings, including for example, meeting dates and times, subject matters to be addressed at a current or future public meeting, and the votes taken at a public meeting (without ascribing a reason or reasons for the action taken);

ii. Postings announcements of promotional, ceremonial or recreation events in the City;

iii. Posting responses to questions from a member of the public about which employee or what department at the City needs to be contacted about a specific issue the member of the public needs addressed or directing the member of the public to public information found on the City’s website or City social media sites.

Finally, the Policy now includes a statement that staff will work with the Council and CCB Members to assist them with storing and retrieving social media information that is considered to be a public record.

**RECOMMENDATION:**

Staff recommends the City Council consider and discuss the proposed policy, then adopt a resolution adopting the policy.
RESOLUTION NO. __

A RESOLUTION ADOPTING A SOCIAL MEDIA POLICY.

The City Council of the City of El Segundo does resolve as follows:

SECTION 1: Recitals:

A. While social media is an important and effective means of communicating in the 21st century, the use of social media by City staff and Council members raises legal issues, including compliance with California's open meeting law (the Ralph M. Brown Act), the City's records retention schedule and Public Records Act; in addition, significant First Amendment issues can be triggered whenever the government creates opportunities for speech;

B. On March 2, 2017, the California Supreme Court decided the case City of San Jose v. Superior Court, (2017) 2 Cal.5th 608, in which the court held that a city official's electronic communications related to the conduct of public business are public records under the California Public Records Act, even if such communications are sent or received using a personal account or personal device;

C. On July 17, 2018, the City Council adopted an “Elected Officials, Committees, Commissions and Boards Electronic Communications Policy” that pertained to the use of emails and electronic communications (including social media) by City elected officials and appointed officials;

D. The City of El Segundo currently hosts several social media sites, including Facebook and Nixle pages and Twitter accounts for the Police Department, Fire Department, Library Services and Recreation and Parks Department, and is looking to expand its social media use to promote business growth in the City and to provide useful information to City residents and businesses;

E. Although the Police Department has a “Social Networking Policy” that applies to Department employees, the City does not currently have any written social media policies or procedures that apply to City employees in general; and

F. This policy establishes procedures and conduct for creating and posting on City social media sites, assigns responsibilities under the policy to certain employees and officials within the City, and creates a standard for information posted by City staff on City social media sites.

SECTION 2: Adoption and Authorization. The City Council hereby adopts the "Social Media Policy," attached as Exhibit A and incorporated by this reference. The City
Manager or his designee is authorized to take any actions necessary to effectuate the policy.

 SECTION 3: This Resolution will become effective immediately upon adoption and remain effective unless superseded by a subsequent resolution.

PASSED AND ADOPTED this ___ day of ____________, 2018.

Drew Boyles, Mayor

ATTEST:

Tracy Weaver, City Clerk

APPROVED AS TO FORM:

Mark D. Hensley
City Attorney
CITY OF EL SEGUNDO

Policy: Social Media Policy

1. Purpose

a. Currently, the City of El Segundo ("City") hosts several social media sites, including Facebook and Nixle pages and Twitter accounts for the Police Department, Fire Department, Library Services and Recreation and Parks Department. Additionally, the City is looking to expand its social media use for purposes of promoting business growth in the City and providing useful information to its residents and businesses. The City’s participation with such social media sites is an effort to engage the community in open, interactive communications while effectively disseminating accurate information to a unique target market. With the advent and widespread use of social media sites, the City desires to capitalize on the potential value of and increasing opportunities presented by social media.

b. This policy is designed to guide the City’s involvement in social media websites and address certain challenges presented by the City’s social media usage. It establishes certain procedures and conduct for creating and posting on City social media sites, outlines acceptable site content, discusses privacy issues and how the City’s social media sites related to the City’s retention schedule, and provides other pertinent standards.

c. The City intends for its use of any social media site to relate solely to matters of City business and does not, in any way, intend to nor actually create general public forums. Each social media site is intended to be a limited public forum only.

2. Definitions

a. The term "Social media sites" as used in this policy applies broadly to websites primarily designed for open dialogue through written communication, such as Facebook, Nixle and Twitter, as well as to multimedia websites primarily designed for the distribution of media content, such as photo streams, podcasts, visual worlds, or video sharing websites including YouTube and Flickr.

b. The term "City social media sites" means social media sites which are created and maintained by City employees or agents on behalf of the City and as authorized and approved by the City Manager or designee.
c. The term “comments” means comments and dialogue posted by the social media follower in response to a City posting or in response to another response.

d. The term “post” means information, articles, comments, pictures, videos or any other form of communication posted on a City social media site.

e. The term “user” means any member of the public who posts, comments, "likes," and/or otherwise participates on City social media sites.

3. Scope and Applicability

a. This policy applies to all City employees, elected and appointed officials, volunteers, consultants, service providers and contractors performing business on behalf of the City.

b. This policy applies to all social media sites, including but not limited to existing and future City social media sites.

4. Creating City Social Media Sites

a. All Departments, employees, and officials must obtain written approval from the City Manager or designee prior to creating a City social media site.

b. All City social media sites must utilize authorized City contact information for account set-up, monitoring and access. Such contact information should be provided to the City’s Information Technology division. The use of personal email accounts or phone numbers is not allowed for the purpose of setting-up, monitoring or accessing a City social media site.

c. Whenever possible, City social media sites will display a prominent link to the City’s official website and will direct site traffic to the City’s official website, www.elsegundo.org.

d. The City official website will be maintained as the primary source of information for the City; City social media sites will contain supplemental information only. City social media sites may supplement, but do not replace, the City’s required notices and traditional methods of communication.

e. City social media sites will display a prominent official logo or identifying marker for the City and will include language noting that the page is maintained by the City.

f. Each department head, where applicable, must designate a specific staff
member to maintain and monitor the City social media site. Department heads are responsible for ensuring their employees follow this policy. If an employee assigned to maintain and monitor a City social media site ceases to be employed by the City, the department head is responsible for ensuring that all password(s) to the City social media site are revised immediately upon that employee’s cessation of employment and that another employee is assigned to maintain and monitor the site. The department heads must ensure that each employee assigned to maintain and monitor a City social media site has a copy of this policy and understands its requirements.

g. Those employees designated to utilize City social media sites are responsible for regularly posting information, monitoring comments, removing any “unacceptable” content as described in this policy and saving content required under the Public Records Act and forwarding information to the appropriate person to ensure that information required to be posted relating to meetings subject to the Brown Act is timely posted and made available to the public.

h. All log-in information, including passwords, for all City social media sites must be provided to the City Manager’s office. At the discretion of the City Manager and/or designee, any City social media site may be terminated at any time, without advance or other notice. The City Manager and/or designee may remove content that is inappropriate or inconsistent with this policy.

i. The City will display a prominent disclaimer or hyperlink to a disclaimer (Exhibit 1), on each City social media site or profile, with notifications to include:

1. Social media interaction deemed unacceptable, may be deleted.

2. Content on the site may constitute a “public record” that is subject to disclosure under the California Public Records Act.

3. City social media sites are not recognized as appropriate venues or means for providing legal notification. Any notification or posting appearing on a City social media profile or site does not constitute a legitimate form of legal notification.

4. Commentary posted by any member of the public on any City
social media site is the opinion of the commentator and its publication does not imply endorsement of, or agreement by the City; and does not reflect the opinions or policies of the City.

5. The City may make use of available technology to filter unacceptable content, comments and other interactions within City social media sites.

6. Participants on the site agree to grant a non-exclusive, irrevocable, royalty-free license to any information posted.

7. Participants must honor intellectual property standards and must limit content to that which is rightfully posted.

8. Emergency responders are not monitoring City social media sites.

9. City social media sites may contain content, including but not limited to, advertisements or hyperlinks over which the City has no control. The City does not endorse any hyperlink or advertisement placed on City social media sites by the social media site’s owners, vendors or partners.

5. Information Posted on City Social Media Sites
   a. All information posted to City social media sites by the City must:
      i. Directly pertain to City-sponsored or City-endorsed programs, services and events, or to the subject matter of the particular City department maintaining the site;
      ii. Present information in an accurate and professional manner. A post may include links to City Council and City Committees, Commissions and Boards’ agenda items that are likely to be of interest to a significant number of residents or businesses. However, a post must not be made that responds to opinions expressed by the public about such agenda items;
      iii. Contain information that is freely available to the public and that is not confidential as defined by any City policy or local, state or federal law;
      iv. Be approved in advance by the City Manager or designee, or
department head or designee, and be consistent with the City's goals and standards;

v. Not contain any confidential, personal information;

vi. Not include content that is contrary or detrimental to the City's mission, values, image and interests;

vii. Not make statements of guilt or innocence of any suspect or arrestee, or comments concerning pending prosecutions;

viii. Not contain religious messages or advocate or promote religious beliefs; and

ix. Comply with all local, state, and federal laws, and this policy.

b. Those designated and authorized to utilize social media are responsible for complying with applicable federal, state, and local laws, regulations, and policies, including this policy. This includes adherence to established laws and policies regarding copyright, records retention, Public Records Act, First Amendment, privacy laws, acceptable use of City owned or controlled digital equipment, Internet access, and information security policies established by the City.

c. No content posted by any City user may violate copyright or other laws. When required by law, the posting of content subject to copyright requires the prior written permission of the copyright holder.

d. Those designated and authorized to utilize City social media sites are representing the City via social media sites and must conduct themselves at all times as representatives of the City.

e. Those designated and authorized to post on City social media sites shall not express their own personal views or concerns through such postings. Instead, postings on any of the City's social media sites shall reflect the views of the City.

f. Information posted to City social media sites becomes public information and there should be no expectation of privacy regarding the information posted on these sites.
g. All public or private affiliations, including those with other agencies or cities, employees, volunteers, council or board members and members of the public require the prior approval of the City Manager or the Department Head.

h. Employees administering a City social media site on behalf of the City must understand the current terms of service for that site.

i. Authorized users shall be provided a copy of this Social Media Policy and are required to acknowledge their understanding and acceptance by signing and dating the last page of this document and returning the original copy to the City Manager’s office or designee and retaining a copy for their records.

6. Content Posted by Members of the Public

a. Posted content (including comments, photos and links) must be related to the topic posted by the City or will be removed.

b. Comments containing any of the following examples of unacceptable content must not be permitted on City social media sites and must be removed by an authorized employee or the City Manager or designee:

   1. Profane, obscene, or pornographic content and/or language;

   2. Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, status with regard to public assistance, physical or mental disability, sexual orientation, national origin, as well as any other category protected by federal, state or local laws;

   3. Threats of physical harm to any person, property or organization;

   4. Ad hominem attacks on, or defamatory statements regarding, any person;

   5. Comments related to or in support of, or in opposition to, any political campaigns or ballot measures except to announce election dates and voter registration locations;

   6. Conduct found to be in violation of any Federal, State or Local law;

   7. Solicitation, encouragement or promotion of illegal activity;
8. Information that is illegal to disseminate or that may compromise the safety or security of the general public or public systems;

9. Information or content that violates a legal ownership interest, such as a copyright, of another party;

10. Comments in support of, or in opposition to, a specific religion or religious belief;

11. Solicitations, advertisements, or endorsements of any financial, commercial, or non-governmental agency.

c. Comments shall not be removed other than for the reasons set forth in Section 6.c. above.

7. Other Considerations Regarding Social Media

a. When using social media sites, staff must abide by all applicable federal, state, and local laws, regulations, and policies, including this policy. In addition, employees must ensure they:

i. Use good judgment in responding to a post; engaging any person posting in an argumentative or offensive manner should be avoided;

ii. Do not violate the City’s privacy, confidentiality, and legal guidelines;

iii. Do not publish any material that is confidential;

iv. Never comment on anything related to legal matters or personnel issues;

v. Protect their privacy and the privacy of other employees and officials.

b. All members of the City Council, Planning Commission, and other City commissions or committees subject to the Ralph M. Brown Act must abide by the Act as it pertains to social media sites. These elected and appointed officials must not use social media sites to respond to or comment on, “like,” “share,” “retweet,” blog about, or engage in serial meetings, or otherwise discuss, deliberate, or express opinions on any issue within the subject matter jurisdiction of the legislative body of which they are a member, except:

   i. Posting links to City information such as agendas for public meetings, public meeting agenda items, public meeting minutes, videos of public meetings, and other public information available on City websites, City social media sites or other public agencies’ websites or social media.
sites:

ii. Posting purely objective information for the public regarding public meetings, including for example, meeting dates and times, subject matters to be addressed at a current or future public meeting, and the votes taken at a public meeting (without ascribing a reason or reasons for the action taken);

iii. Postings announcements of promotional, ceremonial or recreation events in the City;

iv. Posting responses to questions from a member of the public about which employee or what department at the City needs to be contacted about a specific issue the member of the public needs addressed or directing the member of the public to public information found on the City's website or City social media sites.

c. Due to Brown Act considerations, members of the City Council, Planning Commission, and other City commissions or committees must not post or respond to, “like,” “share,” or “retweet” or otherwise participate in any public postings on a City social media site about subject matters within the jurisdiction of the body on which the member sits, except for a posting relating to purely City ceremonial, promotional, or City-social events.

d. City social media sites are subject to the California Public Records Act. Any content maintained on a City social media site that is related to City business, is may be considered a public record and subject to public disclosure. All postings on City social media sites will be archived and maintained for two years or as otherwise required in accordance with the City’s record retention schedule. City staff shall work with members of the Council and City Committees, Commissions and Boards to assist them with maintaining public records that arise from their use of their own social media sites to help ensure that such records are maintained for two years.

e. Any content removed based on the guidelines contained herein must be retained in accordance with the retention schedule, including the time, date, and identity of the poster, when available.

f. Comments posted by the public on non-City social media pages are not considered part of the official City public record and, therefore, are not generally subject to public record requirements. However, comments that are posted on a public official’s personal social media page and which relate to a pending agenda item must be transmitted to the City Clerk’s office.
and/or applicable secretary of the Board or Commission to be included in the record for the agenda item.

g. Individuals wishing to file a complaint are encouraged to contact the City Clerk’s Office at (310) 524-2305 or submit a written complaint to: El Segundo City Clerk, 350 Main Street, El Segundo, CA 90245. The City will review all received complaints and take action as appropriate.

8. Violations

Violation of this policy may result in the removal of the City social media sites and may cause disciplinary action to be taken as determined in accordance with the City’s Personnel Rules and Regulations, Memoranda of Understanding, etc.

9. Responsibility Assignments

a. City Manager:

i. Administer policy and provide direction for implementation;

ii. Provide oversight and direction to ensure that participation in social media sites comply with the City’s goals, standards and adopted policy;

iii. Direct staff to conduct an annual audit of social media sites, to evaluate current social media sites in use by the City, user account information, employee training relating to appropriate site use, and compliance with current social media legislation, open meeting and public record standards;

iv. Directs staff to preserve and maintain all documents as required by the City’s adopted retention schedule.

b. City Council, Committees and Commission members:

i. Uphold the City’s policy that members must limit their social media activity, as described in Section 7.b. and 7.c. above, as it relates to City business that is within the jurisdiction of the body on which the member sits; are not permitted to post on any City social media profile or site in any official capacity, addressing any topic, question, or request for information within the subject-matter jurisdiction of their office or appointment; and
ii. Understand that posts on any social media sites and City social media sites may constitute “public records” subject to the Public Records Act, to the extent such are within the subject matter jurisdiction of the body on which the member sits and that the member has an obligation to retain for two years their posting on non-City social media sites, including the postings and comments made in response to a member’s posting or comment.

c. City Clerk’s Office and Human Resources Department:

   i. Assist departments with employee complaints and alleged violations of this policy;

   ii. Work with those administering sites for the City to achieve compliance with the Public Records Act and Brown Act.

   d. Employee/Agent:

      i. Uphold the City’s policy that unless authorized, employees and agents must not post on any City social media site regarding official business or assigned job duties;

      ii. Uphold the City’s policy not to access social media for personal use with City-owned equipment;

      iii. Responsible to be informed that posts on any City social media site may be considered “public records” subject to the Public Records Act as well as Brown Act compliance;

      iv. Read and comply with this policy.

   e. Social Media Administrators:

      i. Ensure compliance with the terms and conditions of this Policy with regard to the site(s) that the Administrator is managing;

      ii. Assist, recommend and post social media information as directed;

      iii. Under direction, perform an annual audit;

      iv. Assist and fulfill information requests regarding social media, as necessary.

Attachment:
Exhibit 1 – City of El Segundo Social Media Policy Disclaimer
AGENDA DESCRIPTION: Consideration and possible action to adopt a City of El Segundo Social Media Policy.

RECOMMENDED COUNCIL ACTION:

1. Consideration and possible action to adopt a resolution, adopting the City of El Segundo Social Media Policy; and/or
2. Alternatively, discuss and take other possible action related to this item.

ATTACHED SUPPORTING DOCUMENTS:

1. Proposed Resolution and Policy

FISCAL IMPACT: None.

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PREPARED BY:  City Attorney’s office
APPROVED BY:  Greg Carpenter, City Manager

BACKGROUND AND DISCUSSION:

On July 17, 2018, the City Council adopted an “Elected Officials, Committees, Commissions and Boards Electronic Communications Policy” that pertained to the use of emails and electronic communications including social media by City elected officials and appointed officials.

In addition to City officials’ use of social media, the City maintains a public website and a variety of other social media sites, including Facebook and Nixle. Although the Police Department has a Social Networking Policy that applies to Department employees, the City does not currently have any written social media policies or procedures that apply to City employees in general. While social media is an important and effective means of communicating in the 21st century, the use of social media by City staff and Council members raises legal issues, including compliance with California’s open meeting law (the Ralph M. Brown Act), the City’s records retention schedule and Public Records Act. In addition, significant First Amendment issues can be triggered whenever the government creates opportunities for speech.

The attached policy is intended to help guide the City’s involvement in social media by City staff and officials. In particular, the policy: