



# PALM DESERT

## CITY OF PALM DESERT SOCIAL MEDIA POLICY

### I. PURPOSE

The City of Palm Desert (“**City**”) utilizes social media platforms as an essential communication tool to share information about the City's mission, events, news, and services. Social media serves as a rapid means of information dissemination, offering an opportunity for direct interaction with the communities we serve. This Social Media Policy (“**Policy**”) establishes guidelines for the use of Social Media Sites by the City as a means to disseminate information regarding the City’s mission, meetings, activities, events, and current issues to members of the general public. The City Social Media Accounts shall be used solely for matters of agency business. This Policy is intended to govern the use of all City Social Media Accounts regardless of whether the Social Media Site(s) is (are) accessed from City computers, computers outside the City, or mobile devices.

The City has an overriding interest and expectation in protecting the integrity of the information and content posted on or through City Social Media Accounts, as well as the Postings that are attributed to the City, its employees, volunteers, officials, and contractors/consultants on City Social Media Accounts.

### II. APPLICABILITY

This Policy shall govern the use of City Social Media Accounts by all City employees (regardless of whether full-time or hourly/part-time), elected and appointed officials, volunteers, or any third-party consultant, contractor, agent, or representative conducting business on behalf of the City of Palm Desert. All such persons shall be provided with a copy of this Policy and be directed to familiarize themselves with it.

This Policy is applicable to all forms of communication on Social Media Sites, including, but not limited to, all posts or other pictures, videos, audio, third-party applications on social networks, content published in blogs, chat rooms, or new services, and any other media that transacts or conducts City business on social networks.

### III. DEFINITIONS

“**City Handle**” means any username, user identification, or user page established and maintained by the City on a Social Media Site.

**“City Social Media Account(s)”** means all Postings under a City Handle over which the City has control of the content, information, articles, pictures, videos, or other form of communication posted or published, except for advertisements or hyperlinks provided by the Social Media Site’s owners, vendors, or partners.

**“Post(s)”** or **“Posting(s)”** means all content, information, articles, pictures, videos, or any other form of communication shared, posted, or published on a Social Media Site.

**“Social Media Site(s)”** means an electronic communication platform using accessible, expandable, and upgradable publishing technologies through and on the Internet (such as websites for social networking and microblogging), by which registered users engage in community-based input, interaction, content-sharing, and collaboration. Examples of Social Media Sites include, but are not limited to, Facebook, Twitter, Instagram, NextDoor, YouTube, and LinkedIn.

#### **IV. OFFICIAL SITES**

The following are the official City of Palm Desert Social Media Sites:

- Facebook (municipal): [facebook.com/CityofPalmDesert/](https://facebook.com/CityofPalmDesert/)
- Facebook (Library): [facebook.com/profile.php?id=61559259695883](https://facebook.com/profile.php?id=61559259695883)
- Twitter/X (municipal): [twitter.com/palmdesert.gov](https://twitter.com/palmdesert.gov)
- Twitter/X (tourism): [twitter.com/VisitPalmDesert](https://twitter.com/VisitPalmDesert)
- Instagram (municipal): [instagram.com/cityofpalmdesert/](https://instagram.com/cityofpalmdesert/)
- Instagram (Library): [instagram.com/palmdesertlibrary/](https://instagram.com/palmdesertlibrary/)
- Instagram (tourism): [instagram.com/discoverpalmdesert/](https://instagram.com/discoverpalmdesert/)
- LinkedIn: [linkedin.com/company/city-of-palm-desert](https://linkedin.com/company/city-of-palm-desert)
- YouTube (municipal content): [youtube.com/palmdesertcalifornia](https://youtube.com/palmdesertcalifornia)
- YouTube (City Council meetings only): [youtube.com/palmdesertmeetings](https://youtube.com/palmdesertmeetings)
- NextDoor: [nextdoor.com/agency-detail/ca/palm-desert/city-of-palm-desert](https://nextdoor.com/agency-detail/ca/palm-desert/city-of-palm-desert)
- TikTok (tourism): [tiktok.com/@discoverpalmdesert](https://tiktok.com/@discoverpalmdesert)
- Engage Palm Desert (City engagement website): [engagepalmdesert.com](https://engagepalmdesert.com)

Scheduled and time-sensitive updates are shared through these platforms, with links directing users to the official City of Palm Desert websites. These official City websites include:

- [www.palmdesert.gov](https://www.palmdesert.gov)
- [www.engagepalmdesert.com](https://www.engagepalmdesert.com), and
- [www.discoverpalmdesert.com](https://www.discoverpalmdesert.com)

These links provide more detailed information, forms, documents, or online services. City websites remain the primary source of comprehensive information for the community.

City staff from the Public Affairs Division, acting as the designated Authorized User by the Palm Desert City Manager, is responsible for overseeing the design, implementation, and management of our social media sites.

## V. POLICY

The City Social Media Accounts shall supplement, and not replace, the City's official website (palmdesert.gov), which shall remain the City's primary source for online communication. To the extent possible, the City's Posts on Social Media Sites shall link back to the City's official website for forms, documents, online services, and other information necessary to conduct business with and/or in the City. However, in no event shall any Posting on any City Social Media Account page or Post be used in lieu of providing the City's required notices and standard methods of communication.

The City's Posts on Social Media Sites shall entail communications directed to provide information to the members of the public regarding the City and neighboring communities, subject to the provisions of this Policy. By facilitating such communication, however, the City does not intend to create a public forum or a designated public forum on any City Social Media Account page, Post, or comment. Accordingly, the City establishes its Social Media Account pages, Posts, and comments as non-public forums.

### A. Authorized Use of Social Media Sites

1. All City Social Media Accounts shall adhere to applicable Federal, State, and local laws, as well as City policies and regulations.
2. The establishment and use of any City Social Media Account is subject to approval by the City Manager or his/her designee. Upon approval, City Social Media Accounts shall clearly state that they are sponsored by the City and bear the name and/or official logo of the City. Wherever applicable, the City Social Media Account shall be classified and registered with the Social Media Site service provider as "Official" and/or governmental entity status.
3. The City Manager or his/her designee will maintain a list of the City's Social Media sites, including authorized users, login and password information.
4. The City Manager or his/her designee is responsible for (a) determining who is authorized to use and/or Post to any City Social Media Account on behalf of the City (the "**Authorized User(s)**") and (b) assigning staff to update and keep information current on City Social Media Accounts and to respond to inquiries, as needed.

5. Only the Authorized User(s) shall have permission to create or publish any content or Post, including in the form of a comment, on behalf of the City on any City Social Media Account.
6. 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, returning the original copy to the Human Resources Department, and retaining a copy for their records. Authorized Users shall conduct themselves at all times as professional representatives of the City and in accordance with this Policy and all City policies. Failure to do so may result in disciplinary action, up to and including termination. If findings warrant, such disciplinary action will be initiated in accordance with all relevant provisions of the City's personnel rules and regulations.
7. Authorized Users shall not express personal views or concerns through any City Social Media Account.
8. The City shall use best efforts to obtain a photo release/consent form or verbal consent if a photo release/consent form is impracticable in instances where an individual (not including City staff) can be identified and is the primary focus of a specific photograph in a non-public space. Notwithstanding the above, a photo release/consent form shall be required in the following circumstances:
  - i. An individual who is the primary focus of a photograph taken in a non-public space is recognizable;
  - ii. An individual has been recruited specifically to serve as a subject/model for a photograph(s);
  - iii. The photograph depicts minors, except where the photograph is taken at a public event, including, but not limited to, concerts in the park or public meetings. Either a signed release from a minor's parent or guardian or verbal permission from the minor's parent or guardian is a permissible form of obtaining consent from a minor or
  - iv. Upon receipt of verbal consent for the use of a photo, the requesting City employee shall promptly document in writing that verbal consent was given. The employee shall document verbal consent at or near the same time as it is given. This may be done using any available means, including in an email to a city email account. For example, an email may state, "Mr. Smith verbally consented to use a photo of his son, Tim Smith, on the City's Parks & Recreation Facebook page."

9. Authorized Users may respond to comments or Posts through a City Social Media Account to the extent that such content relates to City business purposes. Postings from the public which ask fact-specific questions, or are a request for detailed information, may be directed to the relevant department head at the City for appropriate response. However, if the comment or question posed violates the City's Social Media Policy or any applicable law, the comment shall be removed consistent with the provisions of this Policy.
10. No communications made with the City through any City Social Media Account shall be deemed to constitute public comment or legal notice to the City or any of its agencies, officers, employees, agents, or representatives where notice to the City is required by any Federal, State, or local law, rule, or regulation. Any such comment or notice shall be submitted to the City as ordinarily prescribed and not through a City Social Media Account.
11. Any and all activities on behalf of the City on any City Social Media Account must comply with all of the following:
  - i. Directly pertain to the City and/or City business;
  - ii. Contain only content that is freely available to the public, and that is not made confidential by any policy of the City or by local, state, or federal law. Examples of prohibited content include, but are not limited to, actual or potential legal claims, lawsuits or other legal issues, personnel matters, crime investigations or content about crime scenes, or emergency situations (unless the Authorized User is expressly authorized to share emergency related information);
  - iii. Not include content that is contrary or detrimental to the City's mission, values, image, and interests;
  - iv. Not express any Authorized User's own personal views or opinions;
  - v. Not contain any personal information, except for the names of employees whose job duties include being available for contact by the public and
  - vi. Not contain any content prohibited by Section V.B.4 of this Policy.
  - vii. All content, such as photographs and videos, may only be posted on City Social Media Site(s) with the permission of the original

owner. Reporting or “sharing” third-party material via an article link or reference to the original text or material does not require a release when the original content is not actually reproduced.

12. All Authorized Users are hereby informed that using personal devices to access City Social Media Accounts or private social media networks to conduct City-related business could result in a loss of privacy.
13. The City reserves the right to terminate any City Social Media Account at any time without notice.
14. The City may link to third-party sites, links, or material. Users of City Social Media Sites access third-party sites, links, or material at that user’s own risk.

#### B. Content Management

1. The City is committed to serving the online community in a civil and unbiased manner.
2. All comments or postings related to the City’s Social Media Accounts will be subject to monitoring by the City Manager and/or his/her designee(s).
3. Any content by a member of the public sent to, published, or posted on or through any City Social Media Account, including without limitation a Post or a response to any City Post or comment, is the opinion of the commenter or poster alone, does not imply endorsement of or agreement by the City, and the City disclaims liability for any such content.
4. Content Guidelines. Any content by an Authorized User or by a member of the public sent to, published, or posted on or through any City Social Media Account shall not contain any of the following (the “Content Guidelines”):
  - i. Comments that are not topically and directly related to the particular Posting being commented upon;
  - ii. Comments in support of, or opposition to, political campaigns, candidates, or ballot measures;
  - iii. Profane or obscene language or content;
  - iv. Content that promotes, fosters, or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, or status with regard to public assistance, national origin,

physical or mental disability or sexual orientation, as well as any other category protected by federal, state, or local laws;

- v. Sexual content or links to sexual content;
  - vi. Solicitations of commerce or other advertisement of commercial services, entities, or products;
  - vii. Conduct or encouragement of illegal activity;
  - viii. Information that may tend to compromise the safety or security of the public or public systems;
  - ix. Content that violates a legal ownership interest, such as a copyright, of any other party;
  - x. Defamatory statements; or
  - xi. Threats of violence or injury to any person, property, or organization.
5. The City reserves the right to remove or hide any content that is deemed by the City to be in violation of this Social Media Policy or any other applicable law. Any City employee, volunteer, or official who finds content on or through a City Social Media Account that is potentially inappropriate or inconsistent with this Policy will notify the City Manager or the City Manager's designee, who will consult with the City's legal counsel to ensure compliance with this Policy. The City disclaims any and all responsibility and liability for any materials in violation of this Policy or other applicable law that cannot be removed in an expeditious and otherwise timely manner.
6. For all City Social Media Accounts, the City shall post the following disclaimer on the respective City Social Media Account page: "The City of Palm Desert reserves the right to restrict or remove any postings or comments that violate the City's Social Media Policy, which can be found on the City's website."
7. Any content removed based on this Policy must be retained by the City for two (2) years and will include the time, date, and identity (including username or screenname) of the poster, when available.
8. City Social Media Account pages may contain content over which the City has no control, including but not limited to advertisements or hyperlinks. The City does not endorse any hyperlink or advertisement on or through a City Social Media Account by the Social Media Site's owners, vendors, or partners.

9. The City may block specific users, but only to the extent that such users' comments are determined by the City to repeatedly violate this policy, or for purposes of posting spam or soliciting commerce. Additionally, a user may only be blocked when the user's posts are so frequent that the City is unable to devote sufficient resources to monitoring and removing posts by that user. In no event shall a user be blocked for expression of an unpopular opinion or providing a contrary opinion or point of view. Whenever possible, rather than block a user, the City will automatically hide comments based on keywords which would violate the Content Guidelines. A user may only be blocked when the user's posts are so frequent that the City is unable to devote sufficient resources to monitoring and hiding/removing posts by that user.

### C. Public Records Act

1. The City's Social Media Policy shall be displayed to users through the City's Social Media Account or made available on the City's website.
2. All City Social Media Accounts are subject to the California Public Records Act ("PRA"). Any and all content maintained on or related to a City Social Media Account, including but not limited to a list of subscribers, posted communication and content, communication submitted for posting, and private messages, may be considered a public record subject to public disclosure.
3. All Authorized Users, City employees, volunteers, and officials, members of the public, and other third parties engaging in City business are hereby made aware of the following:
  - i. Public Record Requests on City Social Networks and Personal Devices: According to the PRA, posts or other related content produced by or on behalf of the City that are created for or published to or on any City Social Media Account, whether such records are created, produced or maintained on a City computer or personal electronic device of the person posting on behalf of the City, may be the subject of a public record request pursuant to the PRA. Accordingly, personal devices used for City-related business associated with City Social Media Accounts may be subject to review for disclosable public records.
  - ii. Custodian of Public Records on Work and Personal Devices: Authorized Users or other persons creating or posting content through or to City Social Media Accounts on behalf of the City are hereby advised that their respective personal devices if used for work-related activities associated with City Social Media Accounts, may be subject to review for such content in the event



of a PRA request, discovery request in a lawsuit, or internal investigation. Therefore, such persons may be considered a custodian of public records or other records and legally obligated to search their personal devices for records and produce such records to the City in accordance with the requirements of the PRA.

D. Ralph M. Brown Act

1. The Ralph M. Brown Act (“**Brown Act**”) requires that a quorum of a legislative body must deliberate and take action on public business openly and in accordance with strict procedural requirements. Content and/or comments made by a City official on a Social Media Site relating to City business is subject to the requirements of the Brown Act. Members of the City Council, Commissions, and standing committees should refrain from discussing, deliberating, or expressing opinions—including “liking,” “sharing,” or “retweeting” any published Postings on Social Media Sites, which may be interpreted as expressing an opinion and could lead to an inadvertent “serial meeting”—on any issue(s) within the subject matter jurisdiction of the City on any Social Media Site. Private Social Media Sites or pages are also subject to Brown Act requirements. As such, City Officials should avoid discussing, deliberating, or expressing opinions on any City-related issue on private Social Media Sites or pages with any other City official of the same legislative body.

E. Elected Officials and Appointed Boards, Commissions, and Committees Using Personal or Professional Social Media Platforms

1. While elected officials and City Council-appointed board, committee, and commission members may maintain and use personal web pages and websites, blogs, and social networking sites, their status as elected/appointed officials requires that the content of any postings on those sites not be in violation of existing City by-laws, policies, directives, rules or regulations. Although the City acknowledges its officials have the First Amendment right to free speech, the right is not absolute when involving matters of official City business, issues, or concerns.
2. If an elected or appointed official conducts any City business or communication as an official from a personal account, professional account, or an account created for a board/committee/commission/council, including without limitation from any such account associated with a Social Media Site, officials should assume that such communications, comments, or other Postings will be subject to both the PRA and the Brown Act.

3. To make a clear distinction between the Social Media Site accounts of (i) the City, (ii) a public official, (iii) a campaign, and (iv) a private individual (including a public official in his/her private capacity), it is recommended that, among other things, all accounts are appropriately titled. For example, the preferred title for a personal account would be "Jane/John Doe," instead of "Jane/John Doe, Chair of Public Agency." Where possible, public accounts on behalf of the City or public official would also be registered with the Social Media Site provider as "Official"; in that same vein, personal or campaign social media accounts should avoid being designated as "official" or official "governmental" pages.
4. Professional and Personal Conduct Standards:
  - i. Officials should be honest and accurate when posting information or news and should quickly correct any mistakes, misstatements, and/or factual errors in content upon discovery. Officials shall not post or share information known to be false about the City, its employees, constituents, other public officials, suppliers, vendors, or contractors.
  - ii. Unless the official has been designated to serve as a spokesperson, officials should never expressly or impliedly represent themselves as a spokesperson for the City Council, a City board or committee, the City Administration, or any City department.
  - iii. Officials are expressly prohibited from using personal or professional Social Media Sites to engage in any activity or conduct that violates federal, state, or local law or any City rule or regulation. Officials are also prohibited from using professional social media accounts to circumvent election or campaign requirements, to campaign for re-election or endorse other candidates for public office.
  - iv. To avoid violating the PRA or the First Amendment, officials are prohibited from deleting posts and related comments on any Social Media Site account controlled or maintained by the public official regarding any City-related matters before consulting with the City Manager and City Attorney. The official must maintain all deleted content for a reasonable time.
  - v. Under California case law, Posts and private messages related to public business in personal accounts may be subject to the PRA. As such, officials are encouraged to conduct any and all public agency business through official agency accounts. Officials shall forward to all City-related customer comments,

complaints, or inquiries received on personal accounts to the City; the City shall thereafter retain such records in accordance with the City's retention policy. If a public official receives comments, Posts, or comments on his/her personal account related to City business, the public official should direct the commenter to the City's website and/or official accounts.

- vi. Officials are prohibited from using City employees to operate and/or manage any campaign or personal account(s).
- vii. Officials should be mindful that posting or responding to content regarding City-related matters could result, even inadvertently, in the violation of the Brown Act. City officials shall comply with the Provisions of Section V.D of this Policy for all of his/her activity related to City business on any Social Media Site.
- viii. Officials are prohibited from using Social Media Sites to engage in any activity that constitutes a conflict of interest.

**City of Palm Desert**

**ACKNOWLEDGEMENT OF RECEIPT AND  
UNDERSTANDING OF THE POLICY**

I, \_\_\_\_\_, acknowledge that I have read the Social Media Policy. In addition, I acknowledge that the City of Palm Desert Social Media Policy (“Policy”) was written in a clear and understandable manner. I further acknowledge that any question that I had on this Social Media Policy was put in writing to the appropriate City official within ten (10) working days of my receipt of this Policy, that I was given a reasonable opportunity to clarify any questions about the guidelines and risks stated in this Policy, and that I have received satisfactory answers to all questions I have posed. Therefore, based on the City of Palm Desert’s reasonable efforts to clearly and effectively announce the foreseeable risks of using social media for work-related content on City issued equipment or personal devices of an employee or other person conducting business with the City, I agree that any claims I may have related to the City’s Policy would lack merit in an administrative or legal case.

\_\_\_\_\_  
Authorized User’s Signature

\_\_\_\_\_  
Date