

**PLEASANT VALLEY RECREATION & PARK DISTRICT
ADMINISTRATION OFFICE – ROOM #6
1605 E. BURNLEY ST., CAMARILLO, CALIFORNIA**

**POLICY COMMITTEE
AGENDA**

**Thursday, June 24, 2021
2:30 P.M.**

Pleasant Valley Recreation and Park District thanks you for doing your part to prevent the spread of COVID-19. In alignment with the State's Guidance for the Use of Face Coverings, the District is relying on vaccinated and unvaccinated public attendees to self-attest that they are in compliance with the guidance prior to entering the public areas of the District offices.

- 1. CALL TO ORDER**
- 2. APPROVAL OF AGENDA**
- 3. PUBLIC COMMENTS**
- 4. SOCIAL MEDIA POLICY UPDATES**
- 5. OTHER POLICIES FOR CONSIDERATION**
 - a. BOARD DECORUM AND NORMS**
 - b. TOURNAMENT POLICY - UNFINISHED**
 - c. NAMING POLICY - 2015**
 - d. SURPLUS PROPERTY – 2018**
 - e. GRANT POLICY – 2019**
 - f. LEGISLATIVE ADVOCACY – 2019**
 - g. SPECIAL EVENT POLICY - NEW**
- 6. ORAL DISCUSSION**
- 7. ADJOURNMENT**

Note: Written materials related to these agenda items are available for public inspection in the Office of the Clerk of the Board located at 1605 E. Burnley Street, Camarillo during regular business hours beginning the day preceding the Committee meeting.

Announcement: Should you need special assistance (*i.e.* a disability-related modification or accommodations) to participate in the Committee meeting or other District activities (including receipt of an agenda in an appropriate alternative format), as outlined in the Americans With Disabilities Act, or require further information, please contact the General Manager at 482-1996, extension 114. Please notify us 48 hours in advance to provide sufficient time to make a disability-related modification or reasonable accommodation.

**PLEASANT VALLEY RECREATION AND PARK DISTRICT
STAFF REPORT / AGENDA REPORT**

TO: BOARD OF DIRECTORS

FROM: MARY OTTEN, GENERAL MANAGER
By: Macy Trueblood, Recreation Supervisor

DATE: June 24, 2021

**SUBJECT: UPDATED LEGISLATION (AB 992) REGARDING
SOCIAL MEDIA & THE BROWN ACT**

SUMMARY

To update the Board of Directors on the new Assembly Bill (AB 992) regarding the Brown Act and Social Media use.

BACKGROUND

In October 2019, the Board of Directors adopted the District's Social Media Policy which helped set a formalized process for digital content that was posted to be moderated for content, accuracy, and information sharing. This policy applies to anyone posting on behalf of the District or any community member interacting with the District on District owned platforms (social media accounts).

In September 2020, AB 992 was signed into law to clarify the Brown Act to provide greater guidance and understanding for public officials using personal social media accounts.

ANALYSIS

AB 992 clarifies that public officials may answer questions, provide information to the public or solicit information from the public through their social media outlets. However, officials may not use these platforms to discuss official business among themselves which includes making posts, commenting, and even using digital icons that express reactions to communications (i.e., emojis) made by other members of the legislative body. In essence,

“This act is necessary to ensure the free flow of communications between members of a legislative body of a local agency and the public, particularly on internet-based social media platforms.”

While it may seem connected, this update does not affect the District's Social Media Policy as Board Member's social media accounts are not owned by the District or managed by District employees.

RECOMMENDATION

It is recommended the board review the new legislation AB 992 and the District's Social Media Policy to ensure understanding and compliance.

ATTACHMENTS

- 1) Assembly Bill 992
- 2) Pleasant Valley Recreation & Park District's Social Media Policy

**AB-992 Open meetings: local agencies: social media.** (2019-2020)

SHARE THIS:



Date Published: 09/21/2020 02:00 PM

Assembly Bill No. 992

CHAPTER 89

An act to amend, repeal, and add Section 54952.2 of the Government Code, relating to local government.

[Approved by Governor September 18, 2020. Filed with Secretary of State September 18, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

AB 992, Mullin. Open meetings: local agencies: social media.

The Ralph M. Brown Act generally requires that the meetings of legislative bodies of local agencies be conducted openly. That act defines "meeting" for purposes of the act and prohibits a majority of the members of a legislative body, outside a meeting authorized by the act, from using a series of communications of any kind to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

This bill would provide that, until January 1, 2026, the prohibition described above does not prevent a member from engaging in separate conversations or communications outside of a meeting authorized by this act with any other person using an internet-based social media platform, as defined, 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 do not use the internet-based social media platform to discuss among themselves, as defined, business of a specific nature that is within the subject matter jurisdiction of the legislative body, and that a member shall not respond directly to any communication on an internet-based social media platform regarding a matter that is within the subject matter jurisdiction of the legislative body that is made, posted, or shared by any other member of the legislative body.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 54952.2 of the Government Code is amended to read:

54952.2. (a) As used in this chapter, "meeting" means any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.

(b) (1) A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

(2) Paragraph (1) shall not be construed as preventing an employee or official of a local agency, from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency, if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.

(3) (A) Paragraph (1) shall not be construed as preventing a member of the legislative body from engaging 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. A member of the legislative body shall not respond directly to any communication on an internet-based social media platform regarding a matter that is within the subject matter jurisdiction of the legislative body that is made, posted, or shared by any other member of the legislative body.

(B) For purposes of this paragraph, all of the following definitions shall apply:

(i) "Discuss among themselves" means communications made, posted, or shared on an internet-based social media platform between members of a legislative body, including comments or use of digital icons that express reactions to communications made by other members of the legislative body.

(ii) "Internet-based social media platform" means an online service that is open and accessible to the public.

(iii) "Open and accessible to the public" means that members of the general public have the ability to access and participate, free of charge, in the social media platform without the approval by the social media platform or a person or entity other than the social media platform, including any forum and chatroom, and cannot be blocked from doing so, except when the internet-based social media platform determines that an individual violated its protocols or rules.

(c) Nothing in this section shall impose the requirements of this chapter upon any of the following:

(1) Individual contacts or conversations between a member of a legislative body and any other person that do not violate subdivision (b).

(2) The attendance of a majority of the members of a legislative body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the legislative body, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the local agency. Nothing in this paragraph is intended to allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.

(3) The attendance of a majority of the members of a legislative body at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(4) The attendance of a majority of the members of a legislative body at an open and noticed meeting of another body of the local agency, or at an open and noticed meeting of a legislative body of another local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(5) The attendance of a majority of the members of a legislative body at a purely social or ceremonial occasion, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(6) The attendance of a majority of the members of a legislative body at an open and noticed meeting of a standing committee of that body, provided that the members of the legislative body who are not members of the standing committee attend only as observers.

(d) This section shall remain in effect only until January 1, 2026, and as of that date is repealed.

SEC. 2. Section 54952.2 is added to the Government Code, to read:

54952.2. (a) As used in this chapter, "meeting" means any congregation of a majority of the members of a legislative body at the same time and location, including teleconference location as permitted by Section 54953, to hear, discuss, deliberate, or take action on any item that is within the subject matter jurisdiction of the legislative body.

(b) (1) A majority of the members of a legislative body shall not, outside a meeting authorized by this chapter, use a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.

(2) Paragraph (1) shall not be construed as preventing an employee or official of a local agency, from engaging in separate conversations or communications outside of a meeting authorized by this chapter with members of a legislative body in order to answer questions or provide information regarding a matter that is within the subject matter jurisdiction of the local agency, if that person does not communicate to members of the legislative body the comments or position of any other member or members of the legislative body.

(c) Nothing in this section shall impose the requirements of this chapter upon any of the following:

(1) Individual contacts or conversations between a member of a legislative body and any other person that do not violate subdivision (b).

(2) The attendance of a majority of the members of a legislative body at a conference or similar gathering open to the public that involves a discussion of issues of general interest to the public or to public agencies of the type represented by the legislative body, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specified nature that is within the subject matter jurisdiction of the local agency. Nothing in this paragraph is intended to allow members of the public free admission to a conference or similar gathering at which the organizers have required other participants or registrants to pay fees or charges as a condition of attendance.

(3) The attendance of a majority of the members of a legislative body at an open and publicized meeting organized to address a topic of local community concern by a person or organization other than the local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled program, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(4) The attendance of a majority of the members of a legislative body at an open and noticed meeting of another body of the local agency, or at an open and noticed meeting of a legislative body of another local agency, provided that a majority of the members do not discuss among themselves, other than as part of the scheduled meeting, business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(5) The attendance of a majority of the members of a legislative body at a purely social or ceremonial occasion, provided that a majority of the members do not discuss among themselves business of a specific nature that is within the subject matter jurisdiction of the legislative body of the local agency.

(6) The attendance of a majority of the members of a legislative body at an open and noticed meeting of a standing committee of that body, provided that the members of the legislative body who are not members of the standing committee attend only as observers.

(d) This section shall become operative on January 1, 2026.

SEC. 3. The Legislature finds and declares that Section 1 and Section 2 of this act, which amends and adds Section 54952.2 of the Government Code, respectively, impose a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

The limitations on the people's right of access set forth in this act are necessary to ensure the free flow of communications between members of a legislative body of a local agency and the public, particularly on internet-based social media platforms.

SEC. 4. The Legislature finds and declares that Section 1 and Section 2 of this act, which amends and adds Section 54952.2 of the Government Code, respectively, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as they relate to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure the free flow of communications between members of a legislative body of a local agency and the public, particularly on internet-based social media platforms.



PLEASANT VALLEY RECREATION & PARK DISTRICT

SOCIAL MEDIA POLICY Board Approved October 2, 2019

PURPOSE

The purpose of the Pleasant Valley Recreation & Park District (“District”) Social Media Policy (“Policy”) is to provide content to community members about District services, events, and activities. Questions, comments, and concerns are welcome and encouraged, but please note this is a moderated online discussion site and not a public forum.

This Policy establishes guidelines for anyone who interacts with the District through District-managed social media sites (e.g. Facebook, YouTube, etc.). The intended purpose behind establishing a Social Media Policy is to disseminate information from the District, about the District, to its residents. The District has an overriding interest and expectation in deciding what is posted or communicated on behalf of the District on District-managed social media.

To promote respectful discussion within this forum, the District requests that you be courteous and productive. By interacting with the District through any and all District-managed social media, you agree to abide by this policy.

GENERAL POLICY

1. The District reserves the right to restrict or remove any content that is deemed in violation of this Policy or any applicable law. Any content removed based on these guidelines must be retained by District for a reasonable period of time, including the time, date, and identity of the poster, when available. As technology and social media platforms change and evolve, the District reserves the right, in its sole and absolute discretion, to discontinue any and all District-managed social media sites and/or pages if it determines such action is in the District’s best interest in meeting its goals of communicating with the community.
2. These guidelines must be displayed to users or made available by hyperlink.
3. The District will approach the use of this Policy as consistently as possible, enterprise wide.
4. The District website (www.pvrpd.org) will remain the District’s primary and predominant internet presence.
5. All District-managed social media shall adhere to applicable federal, state, and local laws, regulations and policies.
6. District-managed social media are subject to the California Public Records Act. Any content maintained in a social media format that is related to District business, including a list of subscribers, posted communication, and communication submitted for posting, may be a public record subject to public disclosure or subject to discovery under pending litigation.
7. Comments on topics or issues not within the jurisdictional purview of the District, or in violation of this policy, may be removed.



PLEASANT VALLEY RECREATION & PARK DISTRICT

SOCIAL MEDIA POLICY Board Approved October 2, 2019

8. The District reserves the right to deny access to District-managed social media for any individual who violates the District's Social Media Policy, at any time and without prior notice.
9. This Social Media Policy may be revised at any time in the District's sole and absolute discretion.

COMMENT POLICY

For purposes of this Policy, "comments" include information, articles, pictures, videos or any other form of communicative content posted on any District-managed social media.

1. A comment posted by a member of the public is the opinion of the commentator or poster only. Unless expressly authorized, the comment does not constitute any official opinion or position of the Pleasant Valley Recreation & Park District government or its officials, officers, and employees.

2. The Pleasant Valley Recreation & Park District reserves the right to review, edit, and/or delete, in its sole discretion, submissions for any reason, including but not limited to:

- Comments that contain offensive, obscene, inflammatory, unlawful, threatening, harassing, illegal, defamatory, slanderous, or hostile language towards any individual or entity.
- Comments that contain personal attacks of any kind.
- Comments that contain offensive remarks that perpetuate 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.
- Comments that contain spam or include links to other sites.
- Comments that are off topic.
- Comments that advocate illegal activity.
- Comments that promote or endorse particular services, products, political organizations, campaigns, candidates, or ballot measures.
- Comments that infringe on intellectual property.
- Comments that contain personally identifiable information. This refers to information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. To protect your privacy, please do not share personal information.

3. By posting content, a user agrees to indemnify and hold harmless the Pleasant Valley Recreation & Park District, its officials, officers 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 by a third party relating to any material user has posted on any District-managed social media.



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SOCIAL MEDIA POLICY Board Approved October 2, 2019

4. When a District employee responds to a comment, in his/her capacity as a District employee, the employee's initials shall be included at the end of the comment, and the employee shall not share personal information about himself or herself, or other District employees.
5. All comments posted to District-managed social are also bound by its specific use policy, and the District reserves the right to report any violation of any other social media sites use policy with the intent of taking appropriate and reasonable responsive action.
6. If you have any questions concerning the operation of this online moderated discussion site, please contact the District Office at (805) 482-1996.

DEFINITIONS

1. Pleasant Valley Recreation & Park District ("District") shall mean the independent special district, its officials, officers, and employees.
2. "Social Media Policy" shall refer to this policy.
3. District-managed social media sites shall mean any online platform, page, or profile owned and managed by the District.