

CITY OF LOS ANGELES

CALIFORNIA

Palms Neighborhood Council
Outreach & Communication
Committee

Randell Erving, Chair
Josh Nadel, Vice Chair
Eliot Hochberg, Member
Danya White, Member
Kristen Chiarello, Member
Brendan Patterson, Member



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PALMS NEIGHBORHOOD COUNCIL

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General Assembly and Communications & Outreach Committee Meeting Agenda

Tuesday, December 15, 2020 –7:00 p.m.

Zoom Meeting Online at <https://us02web.zoom.us/j/98200730512> or by telephone,

Dial +1 669 900 6833 # to join the meeting

Then enter this Meeting ID: 982 0073 0512 and press #

Press *9 to raise hand for public comment

The Neighborhood Council system enables meaningful civic participation for all Angelenos and serves as a voice for improving government responsiveness to local communities and their needs. We are an advisory body to the City of Los Angeles, comprised of stakeholder volunteers who are devoted to the mission of improving our communities.

VIRTUAL MEETING TELECONFERENCING NUMBER FOR PUBLIC PARTICIPATION In conformity with the Governor's Executive Order N-29-20 (MARCH 17, 2020) and due to concerns over COVID-19, the Palms Neighborhood Council Planning and Land Use Management Committee meeting will be conducted entirely electronically.

Every person wishing to address the Neighborhood Council must join the zoom meeting at <https://zoom.us/j/8298797115> or dial +1 669 900 6833, and enter 829 879 7115 1531 and then press # to join the meeting. Instructions on how to sign up for public comment will be given to listeners at the start of the meeting

- I. **CALL TO ORDER & ROLL CALL**
 - A. Call to Order
 - B. Roll Call
 - C. Introductions and identify time-keeper (5min)
- II. **GENERAL PUBLIC COMMENT (10 minutes)**
- III. **COMMITTEE BUSINESS**
 - A. Discussion: The Palms NC position on Empower LA's Proposed Digital Media Policy
 - B. Discussion and possible action: Drafting & Approving a Community Impact Statement: Department of Neighborhood Empowerment's draft of a proposed Digital Policy - Comments & Proposed Changes to the Existing Document (Attached below)
 - C. Discussion and possible action: Drafting & Approving a Committee Impact Statement: Department of Neighborhood Empowerment's draft of a proposed Digital Policy - Additional Policies (Attached below)

D. Discussion and possible action: Drafting & Approving a Letter to B.O.N.C and/or Empower L.A. regarding the proposed digital media policy (attached below)

E. **Adjournment**

Time allocations for agenda items are approximate and may be shortened or lengthened at the discretion of the President. Public comment will be taken for each motion as well as for any item in the consent agenda prior to Board action. The public is requested to fill out a "Speaker Card" to address the Assembly on any item of the agenda prior to the Assembly taking action on an item. Comments from the public on Agenda items will be heard only when the respective item is being considered. Comments from the public on other matters not appearing on the Agenda that is within the Assembly's subject matter jurisdiction will be heard during the Public Comment period. Public comment is limited to 1 to 2 minutes per speaker, at the discretion or unless waived by the Assembly. In the interest of addressing all items on the agenda, time limits for individual comments and discussion may be set at the discretion of the President. All items on the consent agenda will be determined by a single Committee vote and without Committee discussion. Committee members may request that any item be removed from the consent agenda and considered individually at any time prior to that vote.

Per Board of Neighborhood Commissioners Policy #2014-01, agendas are posted for public review at: 1) Woodbine Park Kiosk, 3409 S. Vinton Ave.; 2) Palms Neighborhood Council website, www.palmsnc.la.

In compliance with Government Code section 54957.5, non-exempt writings that are distributed to a majority or all of the board in advance of a meeting may be viewed at Woodbine Park Kiosk, 3409 S. Vinton Ave, at our website: www.palmsnc.la or at the scheduled meeting. In addition, if you would like a copy of any record related to an item on the agenda, please contact the Secretary at secretary@palmsnc.la

Palms NC Board and Committee members abide by a code of civility (<http://empowerla.org/code-of-conduct/>). Any person who interferes with the conduct of a Neighborhood Council meeting by willfully interrupting and/or disrupting the meeting is subject to removal. A peace officer may be requested to assist with the removal should any person fail to comply with an order of removal by the Neighborhood Council. Any person who resists removal by a peace officer is subject to arrest and prosecution pursuant to California Penal Code Section 403.

As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability and upon request, will provide reasonable accommodation to ensure equal access to its programs, services, and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. To ensure availability of services, please make your request at least 3 business days (72 hours) prior to the meeting you wish to attend by contacting the Secretary at secretary@palmsnc.la

SI REQUIERE SERVICIOS DE TRADUCCION, FAVOR DE NOTIFICAR A LA OFICINA 3 DIAS DE TRABAJO (72 HORAS) ANTES DEL

EVENTO. SI NECESITA ASISTENCIA CON ESTA NOTIFICACION, POR FAVOR LLAME A NUESTRA OFICINA AL secretary@palmsnc.la

Dear Board of Neighborhood Commissioners,

The Palms Neighborhood Council (Palms NC), at a Brown act publicly noticed meeting dated December 2, 2020, moved to approve the following Community Impact Statement:

We at Palms NC understand the challenges present in managing 99 neighborhood councils and their social media policies. It is not always obvious what rules, ordinances, and policies may be in place, so it is very appropriate to create a document like this to consolidate it.

There are a handful of issues that we found in this proposed Digital Policy:

- 1) There is a focus across the document on the “personal lives” and “personal social media”. Those areas are outside the jurisdiction of the City and BONC. These policies would be a clear violation of the 1st Amendment rights of free speech and free association. This is a profoundly serious concern on our part. It may limit or stop residents from participating as NC Board members.
- 2) There are lots of mandates to provide new kinds of compliance work by Neighborhood Councils (NCs) in terms of posting and security. These mandates are not accompanied by specific language or appropriate trainings. Both of those should be clearly written out in a subsequent version of this document before getting anything can be implemented.
- 3) There is a lack of specificity all across the document.
- 4) Many of the disciplinary issues involved are already handled in other well known documents like the Code of Conduct or from other concepts like “Serial Communications/Meetings”

Why was there was no survey of NC Board members or stakeholders taken before drafting began? These issues could have been sorted out before the work was done. It is evident that a lot of work was put into this document. Much time could have been saved from asking stakeholders questions that could have guided the document to be more accommodating to their needs. We have attached a supplemental document that details every line item that required a comment.

Neighborhood Council Proposed Digital Media Policy

The following sections of the proposed Digital Media Policy that we take issue with include:

Section 3.3 “Because many neighborhood council board members use social media and have created websites or newsletters in their personal lives and individual capacities, this policy also provides basic guidelines for neighborhood council board members who utilize websites, social media, newsletters, and the like as private individuals and in their individual capacities.”

Personal lives” is an overreach in scope and should be removed.

Section 5.3 “An Account Administrator is responsible for managing and maintaining Neighborhood Council Digital Communications and must: (1) ensure that a Neighborhood Council’s Digital Communications are regularly maintained; (2) ensure that the neighborhood council board is informed about Neighborhood Council Digital Communications activities; (3) review content posted to the Neighborhood Council’s Digital Communications to ensure the content is timely, professional, and relevant to neighborhood council’s activities and resources, and is consistent with the neighborhood council’s bylaws and standing rules, City policies, including policies set forth by the Board of Neighborhood Commissioners, Department of Neighborhood Empowerment, and City Clerk’s Office, and applicable law; and (4) ensure that the neighborhood council is in compliance with the rules, guidelines, and policies of the third-party websites, social media sites, newsletters, platforms, and accounts being used.”

There should be a training about this if there are designated responsibilities

Section 6.3 “The establishment of a Neighborhood Council Digital Communications account must be approved by official action of the neighborhood council. A neighborhood council shall not establish or authorize Digital Communications accounts for its committees or any other groups. All Digital Communications shall originate from the neighborhood council, acting through its board, and not any committee or any other group.”

How would this get implemented time wise? Would NCs need to stop using social media by a certain date if they have not approved this action? What is the transition policy?

Section 6.4 “A neighborhood council shall have as few Neighborhood Council Digital Communications accounts as possible to ensure accuracy of content and regular moderation. A neighborhood council may have multiple accounts if it can be demonstrated that more than one account will effectively serve the neighborhood council’s goals.”

This is unnecessary. NCs should be able to make as many accounts as they need. The policy above governs every account, and this seems to limit engagement

Section 7.1 “In a declared disaster or emergency situation, a neighborhood council’s use of its Neighborhood Council Digital Communications must defer to the Mayor’s Office, Emergency Management Department, Los Angeles Fire Department, Los Angeles Police Department, and/or other relevant public safety and emergency management departments to ensure that emergency communications are timely and accurate for the optimal safety of Los Angeles residents.”

What is the timed duration of this policy? It could easily cause greater panic if those agencies are not communicating because of the emergency. This should be re-written or stricken

Section 8.1 “Publication of Official Information. Neighborhood Council Digital Communications are for official use only. All information disseminated must be directly related to the official duties and responsibilities of a neighborhood council under the City Charter and Administrative Code.

Proper use for a neighborhood council’s website, social media, or newsletters/reports is the promotion of neighborhood council membership and attendance at meetings and promotion of approved and authorized neighborhood council events. The development and use of Neighborhood Council Digital Communications for personal gain and use is strictly prohibited.”

“Directly related” is overly specific and limits the ability to communicate a wide set of information. Limiting it to only NC communications is not acceptable. All communications should be approved by the board unless the posting people have that authority from the Board.

Section 8.2 “Publication of Accurate Information. Neighborhood Council Digital Communications must contain content that is current and correct. To ensure this, a timely and effective content review process must be conducted by neighborhood councils.”

This is adding an unnecessary level of extra work. NCs already have enough compliance materials. Adding this does not make social media any better

Section 8.3 “Prohibition of Discussion, Deliberation, or Taking Action on Neighborhood Council Matters. Although Neighborhood Council Digital Communications may contain relevant information concerning the neighborhood council’s meetings, events, and activities, neighborhood council board members may not discuss, deliberate, or take action on any neighborhood council matters via Neighborhood Council Digital Communications. Neighborhood Council Digital Communications must promote civic engagement and open and transparent discourse, by directing that the public attend neighborhood council meetings. Therefore, whenever possible, the Neighborhood Council Social Media and Newsletters

must link back to the Neighborhood Council Website and its section relating to agendas to encourage the public to attend and provide comment at neighborhood council meetings.”

The rules about serial communications and meetings are already quite clear. This redundant to those rules.

Section 8.4 “Prohibition of Confidential Information. Private, confidential, or sensitive information may not be published on Neighborhood Council Digital Communications.”

What constitutes “private, confidential, or sensitive information”? Different people may have very different interpretations of this. Specifics need to be clearly defined for this to be effective.

Section 8.8 “No Neighborhood Council Digital Communications may include endorsement of private entities, including non-profit organizations, but may provide links as necessary to the operation of a neighborhood council-approved event, and in that circumstance, must also include the following disclaimer: “Acknowledgement of any entity or person(s) on this page does not constitute the neighborhood council’s support or endorsement of it or its products or services.”

“endorsements” is vague. The disclaimer is wise

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

This may limit engagement because some people may attend meetings only as a result of seeing such postings. Additionally, this is a clear 1st amendment violation. The government is attempting to limit both the right to free speech and the right to free association. All of section 9 suffers from this issue.

Section 9.2 “No neighborhood council board or committee member is permitted to display or permit display of any neighborhood council or City seal, logo, trademark, apparel, vehicle, badge, patch, or other official neighborhood council or City image on any private, non-Neighborhood Council Website, Social Media, or Newsletter, including but not limited to, any website, social media, or newsletter they personally establish or administer.”

this is a clear 1st amendment violation. The government is attempting to limit both the right to free speech and the right to free association.

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

this is a clear 1st amendment violation. The government is attempting to limit both the right to free speech and the right to free association.

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

Brown act violations are handled by other existing policies, ordinances and rules.

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

This rule exists elsewhere already

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

Unless a person has a document signifying authority to speak on a group’s behalf, it is never reasonable to expect a person to legitimately speak on that group’s behalf, with the possible exception of a chair/president (and only when the bylaws and standing rules allow for that)

Section 9.4.3 “Neighborhood council board members and committee members shall refrain from discussing or commenting upon any matter that is pending before or may come before the neighborhood council. Commenting may include "friending" or "liking."

There are already rules about refraining from discussion in advance of an agenda item already. “Friending” and “liking” would qualify under protected free speech and right to free association. This would be a violation of the first amendment

Section 9.4.4 “Neighborhood council board members and committee members shall refrain from discussing or commenting upon the parties and their representatives involved in a matter that is pending before or may come before the neighborhood council. Commenting may include "friending" or "liking."

There are already rules about refraining from discussion in advance of an agenda item already. “Friending” and “liking” would qualify under protected free speech and right to free association. This would be a violation of the first amendment

Section 9.4.5 “Neighborhood council board members and committee members shall refrain from discussing or commenting upon the opinions or positions of other neighborhood council board members and committee members upon a matter that is pending or may come before the neighborhood council. Commenting may include “friending” or “liking.”

There are already rules about refraining from discussion in advance of an agenda item already. “Friending” and “liking” would qualify under protected free speech and right to free association. This would be a violation of the first amendment

Dear Board of Neighborhood Commissioners,

The Palms Neighborhood Council (Palms NC), at a Brown act publicly noticed meeting dated January 6, 2021, moved to approve the following Community Impact Statement:

We at Palms NC understand the challenges present in managing 99 neighborhood councils and their social media policies. It is not always obvious what rules, ordinances, and policies may be in place, so it is very appropriate to create a document like this to consolidate it.

The proposed Digital Policy should cover an additional area

Serial Communications are prohibited for good reason by the Brown Act. The work of Neighborhood Councils or their committees should be made public always so that constituents can see what work is being done. Serial Communications describe communications made by a majority of the quorum number for a NC when they have a back and forth discussion on any potential NC agenda items.

Email is the normal mode used for communication and that medium does not allow for the public to view the communications as no one would ever make their emails and email account public. This then limits the number of emails that can be sent in between meetings for coordinating on Council or committee business, which in turns dramatically limits the amount of work done by a NC and makes any process take months longer, since most communications only take place at meetings.

We propose that BONC create a sub-committee consisting of 4 DONE staffers, including at least one member of senior leadership and NC board members & concerned stakeholders. They should explore the feasibility of using Slack to facilitate communications and provide transparency for Brown Act mandates. It allows for durable and lasting communications that can be viewed by the public but that still would hyper accelerate the rate and quality of work product for NCs. We at Palms NC are willing to offer time to help this process.

Digital Media Policy Suggestions from Eliot Hochberg:

I make the following suggestions in order to better handle the various issues that DONE and BONC are trying to address:

First, the use of a password wallet system like Bitwarden or the several that Kathryn mentioned would be a much better solution to ensure protecting NCs in the event of one account breach. Such systems can create hard to break passwords that will be different for each site.

Next, I would encourage DONE and BONC to research tools like HootSuite. Such tools include team features that allow for multiple users to review posts to help prevent posts with errors or other issues. They also allow management of user access to various accounts without requiring the sharing of a special login for each account. In this way, the main HootSuite account (and all connected accounts) could follow your guidelines, but still allow individual users to have their own logins to create posts. Then, the manager of the account decides whether or not items are posted, and if there is a breach of a user's account, there is no danger that breach will infect the rest of the system. This is a crucial step in order to allow NCs an easy way to distribute the volunteer workload while keeping the actual accounts secure.

Finally, I support the idea of linking to a policy/privacy page instead of requiring a complete set of legal statements. Such a link could be included in the pinned post or account description, and could use a shortened link to do so. If BONC or DONE wishes to facilitate this, they could create a short link of their own that all NCs could use, thereby allowing DONE to maintain the terms and keep them uniform.