

DIGITAL COMMUNICATION

Purpose

Digital communication tools and channels enable the City of Newport Beach to efficiently inform and engage residents, businesses and visitors. They also enable greater public access to City information and services. Digital communication tools and channels include, but are not limited to, websites, social media platforms, photo and video sharing sites, wikis, blogs, and mobile content.

City officials, staff and others who share and receive information on behalf of the City shall use digital communication channels and tools in ways that are professional, consistent and coordinated, maximize transparency and clear communication, maintain the security of the City network, and adhere to all other applicable laws and Council and administrative policies.

City Websites

The City of Newport Beach websites have been created and maintained for exclusive use by the City in communicating information relevant to the City's mission to the public. The City websites are not public fora for debate or discussion of controversial issues or topics.

A. Content

The City's websites shall be used to convey timely information about City services, officials, programs, projects and events to the local community and the general public. Content on City websites must be approved, prior to posting, by an authorized member of the City staff. The City exclusively controls the content of all City websites.

1. Political Speech Prohibited.
No City website will be used to support or oppose a local or statewide ballot measure. No City website will be used to support or oppose any campaign for public office.
2. Commercial Speech Prohibited.
No City website will contain commercial advertising. A City website, may however, contain a list of sponsors that have supported a City event or program.

B. External Links

The City of Newport Beach website may provide hyperlinks (hereinafter “links”) to external websites that provide additional information on selected topics. Links shall be posted at the City’s sole discretion, and shall not be posted at the request of third parties. City websites shall only contain external links that: (1) are determined to fall within the categories described below, and/or (2) are determined to be consistent with the purposes of this Policy as stated above.

No external links shall be construed as an endorsement of, and the City of Newport is not responsible for, the content of any such external websites. An external link is not intended to create a designated or limited public forum on any portion of the City website. If the City decides to post an external link on one of its websites, the City alone shall determine how, when and where links are located on its website.

1. The City Manager or his/her designee may approve links within the following categories:
 - a. Other government agencies;
 - b. Firms with franchise agreements with the City, such as for utilities, cable TV and/or internet service, waste removal and other similar companies which provide service to residents of the City under agreement with the City;
 - c. Links to corporate or company sites that provide web-based automated solutions specifically designed for use by the City and/or the public through the City website. These applications may be hosted internally or externally;
 - d. Organizations in a direct contractual relationship with the City, that receive funding in the form of either monetary or in-kind contribution from the City to promote the economic and cultural development of the City, in areas such as commerce, dining, tourism, and arts and entertainment within the City;
 - e. For the Newport Beach Public Library (“Library”) website, and/or any section of the City website used for Library purposes, links that support the Library’s mission to meet the cultural, educational and informational needs of Library customers.
2. The City website shall not include links to websites that:

- a. Promote or exhibit hate, bias, discrimination, “adult-oriented” material or material not suitable for viewing by persons of all ages, or material with libelous or otherwise defamatory content;
- b. Advocate the agenda or position of a political party, candidate for elected office, ballot initiative, or campaign or fundraising websites of holders of or candidates for political office (whether elected or appointed), unless (1) the link is to a website that contains only speech the City wishes to adopt as its own, as indicated by an action adopted by Council, and (2) no violation of Government Code Section 54964 (prohibiting expenditures of public funds on any communication that expressly advocates approval or rejection of a clearly identified ballot measure, initiative or candidate certified to appear on a local ballot) is reasonably likely to result. No linked website shall post communications on its homepage that expressly advocate the approval or rejection of a clearly identified ballot measure or candidate certified to appear on the local ballot; if it does so the City shall remove the link from the City websites immediately. The City websites shall remain consistent with federal policies on Gov Internet domains that prohibit references and links to specific websites operated by campaigns and any campaign entity or committee, and websites containing political acronyms or party names;
- c. Violate any of the City's equal opportunity policies; and/or
- d. Are personal in nature and are operated by individuals. (This category shall include all blogs and chat groups.)

D. Accessibility

City websites will comply with accepted disability access design standards.

E. Service Marks, Trademarks and Copyright

All intellectual and proprietary property rights, including copyrights and rights to service marks and trademarks, as to any and all text, material, images and/or content appearing on or accessible through the City website, belong to the respective owners of these rights. The City owns all other intellectual and proprietary property rights, including copyrights and rights to service marks and trademarks, as to the City Seal, all City logos, symbols, emblems, and any and all

other images, designs, content and materials created by or on behalf of the City that appear on or are accessible through the City website. No person or entity shall: modify and or use the text, images or other City website content from a web server; distribute the City's web content; or "mirror" the City's information on a non-City server without written permission from the City Manager or his designee.

Social Media

The City of Newport Beach utilizes social media platforms to provide information to and interact with its citizens and the general public. Messages and content posted on social media platforms may constitute speech on behalf of the City, but such speech takes place on a non-City venue. Therefore, the City Council finds and intends that speech posted on social media platform venues by City representatives, and comments by the public posted on social media platform venues in response, do not create a public forum or limited public forum on any portion of the City's websites, equipment or other such City property.

A. Social Media Sites

The City of Newport Beach official website at www.newportbeachca.gov (or any domain owned by the City) is the City's predominant internet presence and the primary location of its electronic information. When possible, social media site shall link to the City's official website to facilitate public access to forms, records, documents and online services.

Social media sites created on behalf of the City of Newport Beach must first be approved by the City Manager's Office and the appropriate Department Head.

B. Official Social Media Use

All use of social media by any City department, employee, board, committee or commission member, or consultant, on behalf of the City of Newport Beach will comply with the following:

- a. Only those authorized by the City Manager or a Department Director to speak on behalf of the City and convey information regarding City programs, projects, policies or any other such City business on social media platforms may communicate on the City's behalf on the subject of City matters on any social media platform. This includes initiating statements on, or responding to comments received from, various social media outlets in any manner that members of the public might perceive as a statement on behalf of the City of Newport Beach.

- b. City employees or members of a board, committee or commission wishing to express their personal points of view on a social media platform may do so on their own time and equipment. If, on their own time and equipment, a City representative comments about a City matter or issue on a social media platform, they should identify themselves as being affiliated with the City and clearly indicate that their opinions and statements are their own and are not the representations of the City of Newport Beach.
- c. Representatives of the City of Newport Beach utilizing social media shall, at all times, conduct themselves in an appropriate and professional manner.
- d. All City social media sites and users (including use of non-City Social Media sites for communications related to City business) must conform to all applicable federal, state and local laws and City Council and City administrative policies.
- e. Members of the City Council or a City commission, board or committee, must not “like”, “share”, “retweet” or comment on any social media posts, or express opinions about or discuss an issue within the subject matter jurisdiction of the body.

Communication through Digital Communication Channels

Communication made through the City website shall in no way be deemed to constitute legal notice to the City or any of its departments, officers, employees, agents, or representatives, with respect to any existing or potential claim or cause of action against the City or any of its departments, officers, employees, agents, or representatives, where notice to the City is required by any federal, state or local laws, rules, or regulations. The City does not accept service of notice or process through its website.

Disclosure and Disclaimer

While the City endeavors to keep content on its website and social media sites accurate and timely, the City neither warrants nor makes representations or endorsements as to the quality, content, accuracy, timeliness, or completeness of the information, text, graphics, links, and/or other items or material contained on or within the City digital communication tools and channels, its server or any other server accessible through the City website. Any and all such information, text, graphics, hyperlinks, and/or other items or material are distributed, made available and transmitted "as is", without warranty of any kind, whether express or implied, including without limitation, warranties of title or implied warranties of merchantability or fitness for a particular purpose, and any and all such warranties are expressly disclaimed.

History

Adopted D-5 – 7-28-2009 (as D-5 “City Websites”)

Adopted D-6 – 3-23-2010 (as D-6 “Social Media”)

Amended D-5 – 8-8-2017 (incorporating D-6, renaming “Digital Communication”)