



# **Lompoc Community Benefit Foundation Regular Meeting Agenda**

**Thursday, October 27, 2022  
City Hall, 100 Civic Center Plaza, Council Chamber**

Pursuant to State Law, any member of the public may address the Foundation concerning any Item on the Agenda. Please be aware that Items on the Consent Calendar are considered to be routine and are normally enacted by one vote of the City Council. If you wish to speak on a Consent Calendar Item, please do so during "Public Comment on Consent Calendar Items".

Any documents produced by the City and distributed to a majority of the Foundation regarding any item on this agenda will be made available the Friday before a meeting at the City Clerk's Office at City Hall, 100 Civic Center Plaza, Monday through Friday between 9 a.m. and 5 p.m. and at the Information Desk at the Lompoc Library, 501 E. North Avenue, Lompoc, California, Monday - Thursday between 10 a.m. and 7 p.m. and Friday and Saturday between 1 p.m. and 5 p.m. The City may charge customary photocopying charges for copies of such documents.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, including review of the Agenda and related documents, please contact the City Clerk at (805) 875-8241 as soon as possible prior to the meeting. This will allow time for the City to make reasonable arrangements to ensure accessibility to the meeting.

## **OPEN SESSION – 6:00 P.M. – Council Chamber**

### **ROLL CALL:**

- Foundation Chair Gilda Cordova
- Foundation Vice-Chair Dave Baker
- Foundation Member Brittany Skinner
- Foundation Member Susan Gallacher
- Foundation Member Olivia Magana
- Foundation Member – Business Representatives
  - Luis Castaneda and Eric Oviatt to be seated after Item No. 2

### **PUBLIC COMMENT ON CONSENT CALENDAR ITEMS (Maximum of 3 Minutes):**

**CONSENT CALENDAR:** All items listed under Consent Calendar are considered to be routine and will be enacted, after one motion, in the form listed below. There will be no separate discussion of these items unless good cause is shown prior to the Member vote. Any items withdrawn from the Consent Calendar for separate discussion will be addressed immediately before Members Comments and Reports, near the end of the meeting.

1. **Approval of Minutes** of the Lompoc Community Benefit Foundation Regular Meeting of April 27, 2022

**STAFF PRESENTATIONS/ANNOUNCEMENTS/REQUESTS:**

- **Update from Treasurer on Foundation financial structure and related items – with Request to Board Members to Discuss and Consider**

**NEW BUSINESS:**

2. **Approval of Amendment to Bylaws to Change the Residency Requirements for Board Members Who Are Business Representatives and to Add Two Business Representative Alternates.**

**Recommendation:** Approve amendment to bylaws which will (a) require that business representatives on the board of directors must live in the 93436 area code but do not need to live within Lompoc city limits, and (b) provide for the appointment of two business representative alternates, to be appointed by City Council in the same manner as business representatives, who will serve on the board when the regular business representatives are unable to attend board meetings.

(Public Comment)

3. **Discussion of Volunteer Grant Writing Position for the Foundation.**

**Recommendation:** Foundation Members discuss a potential volunteer grant writing position for the Foundation.

(Public Comment)

4. **Discussion of a Social Media Policy for the Foundation.**

**Recommendation:** Foundation Members discuss drafting a Social Media Policy for the Foundation.

(Public Comment)

**UNFINISHED BUSINESS:**

5. **Continued Discussion of Purpose and Goals of Foundation and Next Steps for Pursuing Purposes and Goals.**

The stated purpose of the Foundation in the Bylaws is to “provide financial support for the programs and purposes of the City of Lompoc in order to benefit the Lompoc community.” The staff report presented to the Lompoc City Council discussed the following purposes: “(1) to create an entity that could apply for grants from non-governmental organizations (NGOs), and (2) to make it easier for individuals and entities to donate money for City purposes by allowing them to donate to a 501(c)(3) tax-exempt organization.”

(Public Comment)

**WRITTEN COMMUNICATIONS:**

**MEMBER COMMENTS AND REPORTS:**

**ADJOURNMENT:**

Lompoc Community Benefit Foundation will adjourn to a Regular Meeting at 6:00 P.M. on a date to be determined.

I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting. Dated this 21st day of October, 2022.

*/Stacey Haddon*  
Stacey Haddon, Foundation Secretary



**Lompoc Community Benefit Foundation  
Regular Meeting  
MINUTES**

**Wednesday, April 27, 2022  
City Hall, 100 Civic Center Plaza, Council Chamber**

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**OPEN SESSION – 6:00 P.M. – Council Chamber**

**Members Present:** Brittany Skinner, Susan Gallacher, Olivia Magana, Foundation Vice-Chair Dave Baker, and Foundation Chair Gilda Cordova.

**Foundation Staff Present:** Executive Director Dean Albro, Treasurer Christine Donnelly, and Secretary Stacey Haddon.

**PUBLIC COMMENT ON CONSENT CALENDAR ITEMS (Maximum of 3 Minutes):** None

**CONSENT CALENDAR:**

**ACTION:** Motion/Second: Baker/Gallacher. By a 5-0-2 vote (2 Vacant Seats), the Foundation:

1. **Ratification of Actions by City Manager as Incorporator, the Lompoc City Council, and Other City Staff Members to Create Corporation, Adopt Bylaws, and Obtain Tax Exemption.**

Ratified, approved, and confirmed the actions taken by previous City Manager Jim Throop, acting as the incorporator of the corporation, current City Manager Dean Albro, the Lompoc City Council, and all other City of Lompoc staff members to establish the Lompoc Community Benefit Foundation, including but not limited to filing the Articles of Incorporation, adopting Bylaws, filing for federal tax-exempt status, submitting other required filings with the state of California, scheduling the first meeting of the Board, and all other actions necessary for the establishment of the Foundation.

2. **Authorize Treasurer to Open a Bank Account in the Name of the Foundation**

Authorized the Foundation's Treasurer, or designee, to open a bank account in the name of the Lompoc Community Benefit Foundation, to order checks, and to take all other necessary actions to provide for the deposit and withdrawal of the Foundation's funds in accordance with Article XII, Section 2 of the Bylaws.

**NEW BUSINESS:**

3. **Select Vice Chair of the Board.**

**ACTION:** Motion/Second: Magana/Gallacher. By a 5-0-2 vote (2 Vacant Seats), the Foundation elected Member Dave Baker as Vice Chair of the Board.

4. **Discussion of Purpose and Goals of Foundation and Next Steps for Pursuing Purposes and Goals.**

The Foundation Members discussed this matter at great length, with all Members expressing their excitement for this Body to start to work towards providing financial support to programs, which will benefit the Lompoc Community, and with a general consensus the Foundation agreed to return at future meeting with discussion items regarding a Social Media Policy, information regarding banking policies specific for this type of Body, and ideas for purpose and goals for this Foundation.

**WRITTEN COMMUNICATIONS:** None

**MEMBER COMMENTS, AND REPORTS:**

Chair Gilda Cordova, Vice-chair Baker, Members Magana, Skinner, and Gallacher all expressed their excitement for this Foundation to be active and thanked everyone who been a part of bringing this to fruition.

**ADJOURNMENT:** At 7:38 P.M. Chairperson Cordova adjourned the Lompoc Community Benefit Foundation to a Regular Meeting on May 19, 2022 at 6:00 P.M., in City of Lompoc Council Chamber.

Respectfully, submitted for review on May 14, 2022 by: *Stacey Haddon*  
Stacey Haddon, Foundation Secretary

BYLAWS  
OF  
LOMPOC COMMUNITY BENEFIT FOUNDATION,  
a California Nonprofit Public Benefit Corporation

**BYLAWS  
OF  
LOMPOC COMMUNITY BENEFIT FOUNDATION,  
a California Nonprofit Public Benefit Corporation**

**ARTICLE I  
NAME**

The name of this corporation shall be LOMPOC COMMUNITY BENEFIT FOUNDATION.

**ARTICLE II  
PRINCIPLE OFFICE OF THE CORPORATION**

The principal office for the transaction of the activities and affairs of this corporation is located at Lompoc City Hall, 100 Civic Center Plaza, Lompoc, CA 93436. The board of directors may change the location of the principal office.

**ARTICLE III  
PURPOSES AND OBJECTIVES: LIMITATIONS**

Section 1. Specific Purpose. The specific and primary purpose of this corporation is to provide financial support for the programs and purposes of the City of Lompoc in order to benefit the Lompoc community. This corporation is organized and shall be operated exclusively for charitable purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code").

Section 2. General Purposes. The general purposes and powers of this corporation are the following:

- (a) to apply for, receive, hold, and disburse gifts, grants, bequests, devises, and other funds to advance the purpose and objectives of this corporation;
- (b) to own and maintain or to lease suitable real and personal property which is deemed necessary for the purpose and objectives of this corporation; and
- (c) to enter into, make, perform, and carry out contracts of every kind for any lawful purpose, without limit as to amount.

Section 3. Limitations. This corporation has been formed under the California Nonprofit Public Benefit Corporation Law (California Corporations Code Section 5110 *et seq.*) for the purposes and objectives described above.

This corporation shall not carry on any activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 501(c)(3) of the Code or the corresponding provision of any future United States internal revenue law, or (b) by a corporation contributions to which are deductible under Section 170(c)(2) of the Code or the corresponding provision of any future United States internal revenue law.



No substantial part of the activities of this corporation shall consist of the publication or dissemination of materials with the purpose of attempting to influence legislation, and this corporation shall not participate or intervene in any political campaign on behalf of any candidate for public office or for or against any cause or measure being submitted to the people for a vote.

This corporation shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of its purposes and objectives described above.

#### **ARTICLE IV CONSTRUCTION AND DEFINITIONS**

Unless the context requires otherwise, the general provisions, rules of construction, and definitions in the California Nonprofit Public Benefit Corporation Law shall govern the construction of these Bylaws. Without limiting the generality of the above, the masculine gender includes the feminine and neuter, the singular number includes the plural, the plural number includes the singular, and the term "person" includes both a legal entity and a natural person.

#### **ARTICLE V DEDICATION OF ASSETS**

The property of this corporation is irrevocably dedicated to charitable purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of any director, officer, or member hereof or to the benefit of any private person. Upon the dissolution or winding up of this corporation, its assets remaining after payment, or provision for payment, of all of its debts and liabilities shall be distributed to a nonprofit fund, foundation or corporation designated by the board of directors of this corporation which is organized and operated exclusively for charitable purposes and which has established its tax exempt status under Section 501(c)(3) of the Code or the corresponding provision of any future United States internal revenue law.

#### **ARTICLE VI MEMBERS**

Section 1. Directors as Members. This corporation shall have no voting members within the meaning of the California Nonprofit Public Benefit Corporation Law. Any action that would otherwise require approval by a majority of all members or approval by the members shall require only approval of the board of directors, as authorized by Section 5310 of the California Nonprofit Public Benefit Corporation Law.

Section 2. Meetings. There shall be no meetings of members as such. The persons constituting the board of directors may, at any given time and from time to time, act in their capacity as members pursuant to Section I of this Article VI, at meetings of the board of directors held as provided in Article VII of these Bylaws.

## ARTICLE VII DIRECTORS

### Section 1. Powers.

(a) General Corporate Powers. Subject to the provisions of the California Nonprofit Public Benefit Corporation Law and any limitations in the Articles of Incorporation and these Bylaws, the business and affairs of this corporation shall be managed, and all corporate powers shall be exercised, by or under the direction of the board of directors; provided, however, that in order to preserve the nonprofit, exempt-from-income-tax status of this corporation, neither the board nor any member thereof shall do any act, or authorize or suffer the doing of any act by an officer or employee of this corporation, on behalf of the corporation, which is inconsistent with the Articles or these Bylaws or the nonprofit purpose of this corporation. Any such act or acts shall be null and void.

(b) Specific Powers. Without prejudice to these general powers, and subject to the same limitations, the directors shall have the power to:

(i) Appoint and remove, at the pleasure of the board, all officers, agents, and employees of this corporation; prescribe any powers and duties for them that are consistent with law, with the Articles of Incorporation, and with these Bylaws; and fix their compensation in a manner consistent with the Articles of Incorporation, and with these Bylaws.

(ii) Change the principal office from one location to another within the City of Lompoc, California; and designate any place within the City of Lompoc, California, for the holding of any meeting or meetings.

(iii) Adopt, make, and use a corporate seal; and alter the form of the seal.

(iv) Borrow money and incur indebtedness on behalf of this corporation and cause to be executed and delivered for this corporation's purposes and objectives, in the corporate name, promissory notes, bonds, debentures, deeds of trust, mortgages, pledges, hypothecations, and other evidences of debt and securities.

(c) Limit on Dissolution; Required Dissolution. The corporation may not be dissolved without the express authorization of the City Council of the City of Lompoc. If the corporation wishes to dissolve it shall submit a written request to dissolve to the City Council. Regardless of whether the corporation has requested dissolution, the corporation shall dissolve upon revocation of its charter by a vote of a majority of the full membership of the Lompoc City Council. Following such a vote, the corporation shall take all necessary actions to dissolve in accordance with the requirements of state and federal law beginning at its next meeting and shall diligently pursue dissolution thereafter until complete.

Section 2. Board of Directors. The authorized number of directors of the board shall be seven (7). The board of directors shall be composed of the following:

(a) One sitting member of the City of Lompoc City Council;

- (b) The chair of the Lompoc Public Safety Commission;
- (c) The chair of the Lompoc Beautification and Appearance Commission;
- (d) The chair of the Lompoc Library Commission;
- (e) The chair of the Lompoc Parks and Recreation Commission; and
- (f) Two representatives of businesses located in the City of Lompoc, who shall not be employees, commissioners, or elected officials of the City of Lompoc, and who shall have their primary residence in the City of Lompoc. The business representatives shall be from different business sectors, as determined by the Lompoc City Council.

The board member seat designated in subdivision (a) is referred to herein as the Councilmember Seat. The board member seats designated in subdivisions (b) through (e) are referred to herein as the Commissioner Seats. The commissions listed in subdivisions (b) through (e) are referred to herein as Designated Commissions. The board member seats designated in subsection (f) are referred to herein as the Business Representative Seats.

### Section 3. Appointment of the Board Members.

(a) Councilmember Seat and Business Representative Seats. The persons holding the Councilmember Seat and Business Representative Seats shall be appointed by a majority vote of the City Council, and all vacancies of such seats shall be filled by appointment by a majority vote of the City Council.

(b) Commissioner Seats. The chairs of the Designated Commissions shall automatically be placed on the board of directors, without appointment, unless they provide written notice to the City Council that they do not wish to serve on the board of directors. In the event (i) the chair of a Designated Commission does not wish to serve on the board of directors, or (ii) such person is removed from the board of directors by the City Council pursuant to Article VII, Section 4(d), or (iii) a Designated Commission does not have a chair, then the respective Designated Commission shall make a recommendation to the City Council of another commissioner from the same commission to serve on the board of directors. The City Council may then appoint the recommended commissioner to the board of directors by a majority vote. In the event the City Council votes not to appoint the recommended commissioner to the board of directors or no member of the Designated Commission wishes to serve on the board of directors, the City Council may then appoint any member of any City commission or any resident of the City of Lompoc to fill that Commissioner Seat. Vacancies of Commissioner Seats shall be automatically filled by the chair of the Designated Commission for that seat, or else as described in this subsection (b).

### Section 4. Term, Removal, and Vacancy.

(a) Term of Office. Directors shall be appointed for an unlimited term and shall serve until (i) they resign, (ii) they are removed, or (iii) their seat is vacated.

(b) Number of Terms. Directors may serve any number of terms on the board of directors.



(c) Resignation. Any director may resign by giving written notice to the chair of the board or to the executive director or the secretary of the board. The resignation shall be effective when the notice is given unless it specifies a later time for the resignation to become effective. If a director's resignation is effective at a later time, the board may elect a successor to take office as of the date when the resignation becomes effective.

(d) Removal. Directors of the board may be removed with or without cause by a majority vote of the City Council and their removal shall be effective immediately unless otherwise specified by the City Council.

(e) Vacancies. Vacancies shall occur immediately upon the death or permanent incapacity of any board member or upon the following events:

(i) In the case of the person holding the Councilmember Seat, if he or she ceases to be a member of the Lompoc City Council.

(ii) In the case of a person holding a Commissioner Seat by virtue of being the chair of a Designated Commission, if he or she ceases to be the chair of the Designated Commission. In the case of a person holding a Commissioner Seat who was nominated by a Designated Commission, if he or she ceases to be a member of the Designated Commission. In the case of a person holding a Commissioner Seat neither by virtue of being chair of a Designated Commission nor following nomination by a Designated Commission, if he or she ceases to have his or her primary residence in Lompoc.

(iii) In the case of a person holding a Business Representative Seat, if he or she becomes an employee of the City, a City commissioner, or an elected official of the City, or ceases to work for a business located in Lompoc, or changes his or her primary place of employment to a business in the same business sector as the other person holding a Business Representative Seat (with any dispute over whether both places of employment are in the same business sector to be resolved by the Lompoc City Council), or ceases to have his or her primary residence in Lompoc.

#### Section 5. Leadership of the Board.

(a) Chair of the Board. The person holding the Councilmember Seat shall be the chair of the board. The chair of the board shall preside at meetings of the board of directors and exercise and perform such other powers and duties as may be from time to time assigned to him or her by the board of directors or prescribed by the Bylaws.

(b) Vice Chair of the Board. The vice chair of the board shall be elected by the board and shall be a member of one of the Designated Commissions. In the absence or disability of the chair of the board, the vice chair of the board shall perform all the duties of the chair of the board, and when so acting shall have all the powers of, and be subject to all the restrictions upon, the chair of the board.

#### Section 6. Directors' Meetings.

(a) Applicability of the Ralph M. Brown Act. All meetings of the board of directors of this corporation shall be subject to the provisions of the Ralph M. Brown Act

(Government Code Section 54950 *et seq.*). However, if any applicable provisions of these Bylaws are more stringent than those contained in the Brown Act, then the provisions in these Bylaws shall control.

(b) Regular Meetings. The board of directors shall schedule regular meetings of the board of directors at such time and place as determined by the board of directors. Meetings of the board of directors shall be held in the City of Lompoc City Hall, unless otherwise determined by resolution of the board of directors or stated in the notice of meeting. The board of directors shall meet at least twice during the twelve (12) months after the Foundation is formed, and shall meet thereafter as often as deemed necessary by board of directors, but at least once every twelve (12) months.

(c) Special Meetings. Special meetings of the board of directors may be called at any time by the chair of the board or by a majority of the directors of the board. Notice of special meetings shall be given in accordance with Section 54956 of the Government Code, as may be amended from time to time. Any waiver of notice of a special meeting shall be filed with the corporate records and made a part of the minutes of the special meeting.

(d) Quorum. A quorum shall be present whenever at least four (4) directors are present. A quorum must be present in order for the board of directors to conduct business, except to adjourn. Every act or decision done or made by a majority of the directors present at a meeting duly held at which a quorum is present shall be regarded as the act of the board of directors, subject to the more stringent provisions of the California Nonprofit Public Benefit Corporation Law, including, without limitation, those provisions relating to (i) approval of contracts or transactions in which a director has a direct or indirect material financial interest, (ii) appointment of committees, and (iii) indemnification of directors. A meeting at which a quorum is initially present may continue to transact business, notwithstanding the withdrawal of directors, if any action taken is approved by at least a majority of the required quorum for that meeting.

(e) Adjournment. A majority of the directors present, whether or not constituting a quorum, may adjourn any meeting to another time and place.

(f) Notice of Adjournment. Notice of adjournment shall be given in accordance with Section 54955 of the Government Code, as may be amended from time to time.

Section 7. Compensation and Reimbursement. Directors and members of committees shall receive no compensation of any kind for their services as directors or officers. However, directors and officers may be reimbursed for expenses, as may be determined by resolution of the board to be just and reasonable.

Section 8. Liabilities. No director now or hereafter shall be personally liable for any indebtedness or liability of this corporation, and any and all creditors of this corporation shall look only to the assets of the corporation for payment.

## ARTICLE VIII BOARD COMMITTEES

Section 1. Board Committees. The board of directors may establish one or more board committees, each consisting of no more than three (3) directors, to serve at the pleasure of the board. The board may designate one (1) or more directors as alternate members of any board committee who may replace any absent member at any meeting of the board committee. The board of directors may also appoint any number of persons who are not directors to serve at the pleasure of the board on any board committee, and said persons shall have a vote in the recommendation of the committee of which they are a member. The board of directors may adopt rules for the government of any board committee not inconsistent with the provisions of these Bylaws.

Section 2. Committee Member Selection. The chair of the board shall appoint committee members from the board, subject to confirmation by a majority vote of the board.

Section 3. Restrictions on Board Committees. A board committee shall have the power to make advisory recommendations to the board of directors regarding the subject matter of its charge, but shall have no other power, and shall have no power to bind the board of directors or the corporation in any way or thing whatsoever.

## ARTICLE IX OFFICERS

Section 1. Officers. The officers of this corporation shall be an executive director, a secretary, and a treasurer. Any number of offices may be held by the same person, except that neither the secretary nor the treasurer may serve concurrently as the executive director or chair of the board.

Section 2. Executive Director. The executive director shall be the City Manager of the City of Lompoc. Subject to such supervisory powers, if any, as may be given by the board of directors to the chair of the board, and subject to the control of the board of directors, the executive director shall generally supervise, direct, and control the business and the officers of the corporation. The executive director shall be the chief executive officer of the corporation. The executive director may designate deputies to assist him/her, as needed, and may also designate deputies to assist the secretary and the treasurer, as needed.

Section 3. Secretary. The secretary shall be appointed by the City Manager of the City of Lompoc. The secretary shall attend to the following:

(a) Book of Minutes. The secretary shall keep or cause to be kept, at the principal office or such other place as the board of directors may direct, a book of minutes of all meetings and actions of directors, committees of directors, with the time and place of holding, whether regular or special, and, if special, how authorized, the notice given, the names of those present at such meetings, the number of directors present or represented at directors' meetings, and the proceedings of such meetings.



(b) Custody of Articles and Bylaws. The secretary shall keep or cause to be kept, at the principal office of the corporation, a copy of the Articles of Incorporation and Bylaws, as amended.

(c) Notices, Seal, and Other Duties. The secretary shall give, or cause to be given, notice of all meetings of the board of directors, and of committees of the board, required by the Bylaws or by law to be given. The secretary shall keep the seal of the corporation, if any, in safe custody. The secretary shall have other powers and perform such other duties as may be prescribed by the board of directors or the Bylaws.

Section 4. Treasurer. The treasurer shall be appointed by the City Manager of the City of Lompoc. The treasurer shall attend to the following:

(a) Books of Account. The treasurer shall keep and maintain, or cause to be kept and maintained, adequate and correct books and records of accounts of the properties and business transactions of this corporation. The treasurer shall send or cause to be given to the directors such financial statements and reports as are required to be given by law, by these Bylaws, or by the board. The books of account shall be open to inspection by any director at all reasonable times.

(b) Deposit and Disbursement of Money and Valuables. The treasurer shall (i) deposit or cause to be deposited all money and other valuables in the name and to the credit of this corporation with such depositories as may be designated by the board of directors, (ii) disburse the funds of this corporation as may be ordered by the board of directors, (iii) render to the executive director and directors, whenever they request it, an account of all transactions effected by the treasurer and of the financial condition of this corporation, and (iv) have such other powers and perform such other duties as may be prescribed by the board of directors or the Bylaws.

(c) Bond. If required by the board of directors, the treasurer shall give this corporation a bond in the amount and with the surety or sureties specified by the board of directors for faithful performance of the duties of such office and for restoration to this corporation of all its books, papers, vouchers, money, and other property of every kind in the possession or under control of the treasurer on such officer's death, resignation, retirement, or removal from office.

(d) Tax Filings. The treasurer shall prepare and file all necessary tax and financial documents on behalf of this corporation.

Section 5. Resignation or Removal of Officers. Resignation or removal from the position of City Manager, City Clerk, or Director of Management Services shall be deemed resignation or removal from the position of executive director, secretary, or treasurer, respectively.

Section 6. Vacancies in Office. A vacancy in any office because of death, resignation, removal, or any other cause shall be filled in the manner designated by the City Manager of the City of Lompoc or any person serving as an interim City Manager, if applicable.

**ARTICLE X**  
**INDEMNIFICATION OF DIRECTORS, OFFICERS, EMPLOYEES, AND AGENTS**

Section 1. Right of Indemnity. To the fullest extent permitted by law, this corporation shall indemnify any present or former director, officer, employee or other “agent” of the corporation, as that term is defined in Section 5238(a) of the California Corporations Code, against all expenses, judgments, fines, settlements and other amounts actually and reasonably incurred by them in connection with any “proceeding,” as that term is used in that Section, and including an action by or in the right of the corporation, by reason of the fact that the person is or was a person described in that section. “Expenses,” as used in this Section, shall have the same meaning as in Section 5238(a) of the California Corporations Code.

Section 2. Approval of Indemnity. On written request to the board by any person seeking indemnification under Section 5238(b) or Section 5238(c) of the California Corporations Code, the board shall promptly determine under Section 5238(e) of the California Corporations Code whether the applicable standard of conduct set forth in Section 5238(b) or Section 5238(c) has been met and, if so, the board shall authorize indemnification. If the board cannot authorize indemnification because the number of directors who are parties to the proceeding with respect to which indemnification is sought prevents the formation of a quorum of directors who are not parties to that proceeding, the indemnification may be authorized by the court in which such proceeding is or was pending, pursuant to Section 5238(e) of the California Corporations Code.

Section 3. Advancement of Expenses. To the fullest extent permitted by law, expenses incurred by a person seeking indemnification under Sections 5238(b) or 5238(c) of the California Corporations Code in defending any proceeding covered by those Sections shall be advanced by the corporation upon the request of such person and upon receipt by the corporation of an undertaking by or on behalf of that person that the advance will be repaid unless it is ultimately determined that the person is entitled to be indemnified by the corporation for those expenses.

Section 4. Insurance. The corporation shall have the right to purchase and maintain insurance to the full extent permitted by law on behalf of its officers, directors, employees, and other agents, against any liability asserted against or incurred by any officer, director, employee, or agent in such capacity or arising out of the officer’s, director’s, employee’s, or agent’s status as such.

**ARTICLE XI**  
**RECORDS AND REPORTS**

Section 1. Maintenance of Corporate Records. The corporation shall keep:

- (a) Adequate and correct books and records of account; and
- (b) Written minutes of the proceedings of its board, board committees and community committees.

Section 2. Inspection by Directors. Every director shall have the absolute right at any reasonable time to inspect the corporation’s books, records, documents of every kind, physical properties, and the records of each of its subsidiaries. The inspection may be made in person or by



the director's agent or attorney. The right of inspection includes the right to copy and make extracts of documents.

Section 3. Annual Report. The corporation shall cause an annual report to be sent to the directors and the Lompoc City Council within one hundred twenty (120) days after the end of the corporation's fiscal year. That report shall contain the following information, in appropriate detail, for the fiscal year:

- (a) The assets and liabilities, including the trust funds, of the corporation as of the end of the fiscal year.
- (b) The principal changes in assets and liabilities, including trust funds.
- (c) The revenue or receipts of the corporation, both unrestricted and restricted to particular purposes.
- (d) The expenses or disbursements of the corporation for both general and restricted purposes.
- (e) The number of grants applied for by the corporation and the number and amount of grants received.
- (f) A list and description of all projects funded by the corporation.
- (g) The number of meetings held by the corporation.
- (h) Any information required by Section 4 below.

The annual report shall be accompanied by any report on it of independent accountants or, if there is no such report, by the certificate of an authorized officer of the corporation that such statements were prepared without audit from the corporation's books and records.

Section 4. Annual Statement of Certain Transactions and Indemnifications. As part of the annual report to all directors the corporation shall annually prepare and furnish to each director a statement of any transaction or indemnification of the following kind within one hundred twenty (120) days after the end of the corporation's fiscal year:

(a) Any transaction (i) in which the corporation, its parent, or its subsidiary was a party, (ii) in which an "interested person" had a direct or indirect material financial interest, and (iii) which involved more than Fifty Thousand Dollars (\$50,000.00), or was one of a number of transactions with the same interested person involving, in the aggregate, more than Fifty Thousand Dollars (\$50,000.00). For this purpose, an "interested person" is either of the following:

(i) Any director or officer of the corporation, its parent, or subsidiary (but mere common directorship shall not be considered such an interest); or

(ii) Any holder of more than ten percent (10%) of the voting power of the corporation, its parent, or its subsidiary. The statement shall include a brief

description of the transaction, the names of interested persons involved, their relationship to the corporation, the nature of their interest in the transaction and, if practicable, the amount of that interest, provided that if the transaction was with a partnership in which the interested person is a partner, only the interest of the partnership need be stated.

(b) Any indemnifications or advances aggregating more than Ten Thousand Dollars (\$10,000.00) paid during the fiscal year to any officer or director of the corporation under Article X of these Bylaws.

## **ARTICLE XII GENERAL CORPORATE MATTERS**

Section 1. Fiscal Year. The fiscal year of this corporation shall commence on July 1 and conclude on June 30.

Section 2. Checks, Drafts and Evidence of Indebtedness. All checks, drafts, or other orders for payment of money, notes, or other evidences of indebtedness, issued in the name of or payable to this corporation, shall be signed or endorsed by both (i) the chair of the board or a vice chair of the board, and (ii) the treasurer of the corporation.

Section 3. Corporate Contracts and Instruments; How Executed. The board of directors, except as otherwise provided in these Bylaws, may authorize any officer or officers, agent or agents, to enter into any contract or execute any instrument in the name of and on behalf of this corporation, and this authority may be general or confined to specific instances; and, unless so authorized or ratified by the board of directors or within the agency power of an officer, no officer, agent or employee shall have any power or authority to bind this corporation by any contract or engagement or to pledge its credit or to render it liable for any purpose or for any amount.

Section 4. Policies. The Lompoc Community Benefit Foundation shall be governed by the officially adopted policies of the City of Lompoc, except to the extent that such policies conflict with these Bylaws or California Nonprofit Public Benefit Corporation Law. In the event of any conflict, these Bylaws and California Nonprofit Public Benefit Corporation Law shall govern.

Section 5. Parliamentary Procedure. The Lompoc Community Benefit Foundation shall conduct meetings in accordance with the parliamentary procedures of the City of Lompoc.

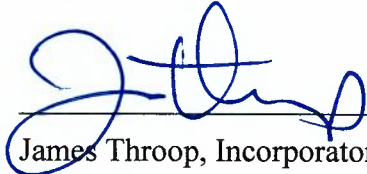
## **ARTICLE XIII AMENDMENTS**

New Bylaws may be adopted or these Bylaws may be amended or repealed by approval of the board of directors. Notwithstanding the above, these Bylaws, whether in whole or in part, may not be amended, repealed, or otherwise made ineffective without the express written authorization of the Lompoc City Council. Any change(s) to these Bylaws shall be adopted by the board of directors subject to approval by the City Council, shall be transmitted to the City Council for its consideration, and shall only become effective upon approval of such change(s) by the City Council or else shall be void.

## CERTIFICATE OF INCORPORATOR

I hereby certify that I am the Incorporator of the Lompoc Community Benefit Foundation, a California nonprofit public benefit corporation, and that I adopted the above and foregoing Bylaws as the Bylaws of this corporation pursuant to my authority under California Corporations Code section 5134 on July 21, 2021, and that they have not been amended since that date.

Executed on July 21, 2021, at Lompoc, California.

  
James Throop, Incorporator

Proposed changes to the Bylaws of the Lompoc Community Benefit Foundation – as approved by the City Council of Lompoc on June 21, 2022

1. Article VII, Section 2(f) of the Bylaws shall be amended as follows (additions in **bold underline**; deletions in ~~striketrough~~):

- (f) Two representatives of businesses located in the City of Lompoc, who shall not be employees, commissioners, or elected officials of the City of Lompoc, and who shall have their primary residence in the **93436 area code** City of Lompoc. The business representatives shall be from different business sectors, as determined by the Lompoc City Council.

2. Article VII, Section 3 of the Bylaws shall be amended as follows (additions in **bold underline**):

Section 3. Appointment of the Board Members; **Alternates**.

- (a) Councilmember Seat and Business Representative Seats. The persons holding the Councilmember Seat and Business Representative Seats shall be appointed by a majority vote of the City Council, and all vacancies of such seats shall be filled by appointment by a majority vote of the City Council.

- (b) Commissioner Seats. The chairs of the Designated Commissions shall automatically be placed on the board of directors, without appointment, unless they provide written notice to the City Council that they do not wish to serve on the board of directors. In the event (i) the chair of a Designated Commission does not wish to serve on the board of directors, or (ii) such person is removed from the board of directors by the City Council pursuant to Article VII, Section 4(d), or (iii) a Designated Commission does not have a chair, then the respective Designated Commission shall make a recommendation to the City Council of another commissioner from the same commission to serve on the board of directors. The City Council may then appoint the recommended commissioner to the board of directors by a majority vote. In the event the City Council votes not to appoint the recommended commissioner to the board of directors or no member of the Designated Commission wishes to serve on the board of directors, the City Council may then appoint any member of any City commission or any resident of the City of Lompoc to fill that Commissioner Seat. Vacancies of Commission Seats shall be automatically filled by the chair of the Designated Commission for that seat, or else as described in this subsection (b).

**(c) Business Representative Alternates. The City Council may also appoint two alternates to fill the Business Representative Seats at meetings where a regular Business Representative is unable to attend. Alternates shall be appointed in the same manner as a Business Representative, shall be required to meet the same qualifications as a Business Representative, shall be subject to the provisions in Section 4 of this Article, and shall have the same powers, duties, and rights as a Business Representative when acting at a meeting of the Foundation where they are filling a Business Representative Seat.**

## Chapter 59

### Issue 1

Date 02/14/2017

## SUBJECT: CITY OF LOMPOC SOCIAL MEDIA USAGE POLICY

### I. PURPOSE

The purpose of this policy is to establish City of Lompoc (City) general standards and responsibilities for the acceptable use of Social Media. The policy governs the use, administration, management, monitoring, and retention of Social Media and Social Media content, consistent with state, federal and the City's laws and regulations, and the City's goals. All content created, received, transmitted, stored on, or deleted from the City's information systems is exclusively the property of the City or, to the extent provided by applicable law, of the person or entity that created or owns the copyright or trademark rights to that content.

### II. APPLICATION – CITY'S EMPLOYEES

This policy applies to all uses of Social Media by the City's employees maintaining, using, or providing oversight of City Social Media tools. However, the Lompoc Police Department ("LPD") has established LPD Policy 1058 (Employee Speech, Expression and Social Networking) to govern the use of social media by City's employees within the LPD (including both sworn and non-sworn employees). Where LPD Policy 1058 is inconsistent with this policy, LPD Policy 1058 shall govern with respect to City's employees within the LPD.

Except as provided in Section VI below, this policy does not apply to the City's employees' private activities on their private Social Media sites.

### III. APPLICATION – USERS OF THE CITY'S SOCIAL MEDIA SITES

This policy also applies to members of the public who use the City's Social Media sites and is intended to work in conjunction with the City's adopted personnel rules and regulations.

### IV. BENEFITS OF SOCIAL MEDIA TOOLS

When used in accordance with applicable laws, regulations, and policies as well as prudent operational, security, and privacy considerations, Web-based Social Media tools can (at little to no cost): Enhance the speed, reach, and targeting of communications (including during disaster/emergency incidents); Facilitate collaboration; Improve the provision of information to the City's residents; Increase citizen engagement and dialogue; Streamline processes; Foster productivity improvements; and Increase the City's ability to broadcast messages to the widest possible audience.

## V. DEFINITIONS

“Authorized Employee” refers to an Employee who is authorized by the City Manager, Assistant City Manager or this Policy to post and comment on City Social Media sites on behalf of the City.

“City-affiliated” or “City of Lompoc-affiliated” means City owned and operated.

“Department” means a department or division of the City such as the Fire Department or the City Clerk’s Division or the Human Resources Division.

“Employee” includes, but is not limited to, full-time and part-time employees, contractors, contract workers, interns, and volunteers of the City.

“Social Media” refers to internet technologies that facilitate and promote interactive communication, participation, and collaboration. Examples of Social Media include, but are not limited to, the Web sites and applications known as Blogger, Facebook, LinkedIn, Twitter, Instagram, Pinterest, Tumblr, Foursquare, Meetup.com, Flickr, YouTube, Yelp and Wikipedia, and the interactive tools and functions they provide to users.

“Social Media Provider” means a provider of a Social Media service such as Blogger, Facebook, LinkedIn, Twitter, Instagram, Pinterest, Tumblr, Foursquare, Meetup.com, Flickr, YouTube, Yelp and Wikipedia, and the interactive tools and functions they provide to users.

“User” refers to a member of the public, or an Employee acting solely in their private capacity, who view, use, or comment on City Social Media sites.

## VI. USE OF CITY SOCIAL MEDIA SITES BY CITY OF LOMPOC EMPLOYEES

### VII. Goals

1. Provide more of the City’s information to a greater number of the City residents and businesses.
2. Enhance the City’s communication efforts.
3. Serve as a source to build awareness, interest and quality of life in the City.
4. Provide rapid disbursement of supplemental emergency information to augment existing means of distributing emergency information.
5. Attract the public to the City’s website.



6. Attract the public to the City's services and events.
7. Disseminate timely and relevant information that is clear and concise, while avoiding overwhelming the City's followers with frivolous and redundant information.

#### VIII. General Policies

1. This Policy shall operate in conjunction with the City's adopted personnel rules and regulations.
2. New City-affiliated Social Media sites under consideration will be reviewed and approved by the City Manager or Assistant City Manager and the Public Information Office with consultation from the City Attorney and Human Resources Manager when appropriate.
3. The City's website (<http://www.cityoflompop.com/>) will remain the City's primary internet presence.
4. The City's Social Media tools are most appropriately used to increase the City's ability to broadcast its messages to the widest possible audience.
5. The City's Social Media sites will not be the primary tool used for disseminating emergency information. Emergency information may be released on the City's Social Media sites, but not before release on the City's website or other emergency information systems.
6. The City's Social Media sites shall comply with usage rules and regulations required by the Social Media Provider, including any privacy policies.
7. All City Social Media sites shall adhere to applicable federal, state, and local laws, regulations and policies. This includes laws and policies regarding copyrights, records retention, Freedom of Information Act, First Amendment, privacy laws, and information security.
8. The City's Social Media sites shall comply with the City's Conflict of Interest Code and applicable ethics rules and policies.
9. Wherever possible, content posted to the City's Social Media sites will also be made available on the City's website.
10. Wherever possible, content posted to the City's Social Media sites must contain hyperlinks directing users back to the City's primary website (<http://www.cityoflompop.com/>) for in-depth information, forms, documents or online services necessary to conduct business with the City.
11. The City's Social Media sites shall be managed consistent with the Brown Act. Members of the City's Council, Commissions, Boards or Committees, established by the City, shall not respond to or participate in any published postings, or use the City's



Social Media sites to respond to, post, blog, engage in serial meetings, or otherwise discuss, deliberate, or express opinion on any issue within the subject matter of the jurisdiction of the body. Such members shall be notified of these restrictions.

12. The City's Social Media sites are subject to the California Public Records Act and Proposition 59, amending Article 1, Section 3 of the California Constitution. Any content maintained in a Social Media format that is related to the City's business, including a list of subscribers and posted communication (with certain exceptions), is a disclosable public record. The City Clerk's office is responsible for responding completely and accurately to any public records request for public records on Social Media; provided, however, that such requests shall be handled in collaboration with the City Attorney's Office. Content related to the City's business shall be maintained in an accessible format, so it can be produced in response to a request. Wherever possible, such sites shall clearly indicate any articles and any other content posted or submitted for posting may be or are subject to public disclosure upon request.

13. California law and the City's relevant records retention schedules apply to Social Media formats and Social Media content. Unless otherwise addressed in a specific Social Media standards document, the Public Information Office shall preserve records required to be maintained pursuant to a relevant records retention schedule for the required retention period on one of the City's servers or readily accessible by the City, in a format that preserves the integrity of the original record.

14. Users of City Social Media sites shall be notified that the intended purpose of such sites is to serve as a means of communication between the City's Departments and members of the public, and is not intended to create a quasi-public or public forum.

15. Users shall be informed by posting to the City's Social Media sites that the City disclaims any and all responsibility and liability for any materials posted on its Social Media sites.

16. The City reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable law.

17. The City's "Social Media Policy for Public Use," provided below, must be displayed to users or made available by hyperlink. Any content removed based on this Social Media Policy and Social Media Policy for Public Use must be retained for a reasonable period, including the time, date, identity of the poster when available, and the reason for removal.

18. Administrators of City of Lompoc-affiliated Social Media sites must have permission from the City Manager or Assistant City Manager and the Public Information Office to handle operations of those sites.

19. The Public Information Office and the City Manager or Assistant City Manager will have administrative and editing privileges and oversight on any and all City of Lompoc-affiliated Social Media sites.

20. Departments may request review and approval of additional Social Media sites, as needed.

## IX. Procedures

### 1. General Administration of the City's Social Media sites

The following procedures provide the degree to which Authorized Employees are allowed to access the City's Social Media sites while acting in the course and scope of employment and the process for gaining such access.

a. Only the City Manager is authorized to create Social Media accounts and sites on behalf of the City. The City Manager may delegate this authority to any Authorized Employee.

b. In creating a Social Media account or site, only official City information shall be used. For example, if in the creation of a Facebook page, an email is required for registration, then only an official City email may be used.

c. The Public Information Office shall hold and maintain a list of all City Social Media accounts, including any login credentials.

d. Only the City Manager or Assistant City Manager and Public Information Officer are authorized to post, or delegate the authority to post, material on any Social Media sites on behalf of the City.

e. Any Authorized Employee shall review, be familiar with and comply with a Social Media Provider's policies.

f. Prior to being authorized, each Employee shall sign an acknowledgement of receipt of this Policy which also indicates that he or she has read and understands this Policy and agrees to be bound by the Policy's provisions. These employees must also undergo social media training through the City before being authorized to manage these sites. An easily-accessible list will be retained by the city of employees authorized to manage city social media pages. Authorized Employees shall:

i. Not post personal comments or personal photos on the City's Social Media sites while acting in the course and scope of performing their City duties.

ii. Be transparent and truthful when posting – honesty or dishonesty will be quickly noticed in the Social Media environment. Always be careful and considerate. Once the words are out there, they cannot be taken back.

iii. Be timely – Authorized Employees should regularly review the City's Social Media sites they are assigned to ensure content is current, accurate, and appropriate.

iv. Be cautious – ensure efforts are transparent, do not violate the City's privacy, confidentiality, and legal guidelines and requirements. Do not publish any material that is confidential or internal to the City.

v. Admit mistakes – be upfront and quick with a correction, and promptly notify the relevant Department head.

#### IV. Guidelines on Usage of the City's Social Media sites by Authorized Employees and Employees.

These guidelines are provided herein on how Authorized Employees and Employees are expected to use the City's Social Media sites while at work and within their scope of employment.

a. Use of the City's Social Media by Authorized Employees, when acting within the scope of their employment, shall only be for communication from the City to the public, and for the purpose of fulfilling job duties.

b. Employees shall not comment or post on any non-City Social Media sites or any City Social Media sites on behalf of the City or a City-affiliated Department or organization, unless specifically authorized by the City Manager as an Authorized Employee.

c. Use of any City Social Media through City information systems, computers, and equipment is also subject to the City's internet use policies.

d. Information and communications should be organized in a manner that avoids the posting of duplicative or conflicting information.

e. When posting on behalf of the City, Authorized Employees shall conduct themselves as professional representatives of the City and shall review, be familiar with, and comply with all of the City's policies and procedures.

f. All posts shall be consistent with written or published information from the City. Authorized Employees shall not express his or her personal views or concerns when posting on behalf of the City.

g. All posting, checking, viewing, monitoring, or responding by Authorized Employees related to any non-City Social Media sites and any of the City's Social Media sites shall be solely conducted on City information systems, computers, and equipment. If any personal information systems, computers, and equipment are used, then such information systems, computers, and equipment may be subject to a court proceeding.

h. All posting, checking, viewing, monitoring, or responding to any notification or communication by Authorized Employees related to any non-City Social Media sites and any of the City's Social Media sites shall only be made while such Authorized Employees are working within the scope of their employment and while such Authorized Employees are on duty, except where emergency information must be disseminated.

However, there may be circumstances that Authorized Employees may be required to post, check, view, monitor, or respond to notifications or communications related to any non-City Social Media sites or any City's Social Media sites while off duty. Any posting, checking, viewing, monitoring, or responding to any notifications or communications related to any non-City Social Media sites or any City's Social Media sites occurring off duty, requiring more than a de minimis amount of time (e.g., greater than five minutes), shall be subject to the following:

i. All such work shall be pre-authorized and subject to the overtime regulations found in the City's adopted personnel rules and regulations.

ii. All such work shall be logged and submitted to the City for labor compliance purposes.

iii. Authorized Employees shall in no event work off duty without logging their hours worked.

Notwithstanding, the above-mentioned requirements do not apply to exempt Authorized Employees.

a. Except as expressly provided in this policy, accessing any of the City's Social Media sites, as provided hereunder, shall comply with all applicable City policies pertaining to communication with the public and the use of the internet by Employees, including email.

b. Employees shall not utilize tools or techniques to spoof, masquerade, or assume any identity or credentials except for legitimate law enforcement purposes, or for other legitimate City purposes as defined in City policy.

#### X. Content Requirements for City Social Media Sites

Departments establishing and using a department-specific City Social Media sites shall be responsible for establishing, publishing, and consistently updating such Social Media sites. Although it will be the Department's responsibility to maintain the content, the Public Information Office and the City Manager and/or Assistant City Manager will monitor the content on each of the City's Social Media sites to ensure a consistent City-wide message is being conveyed and ensure adherence to this Policy.

1. In terms of content, each post must:

a. Be timely, informative, and must be City-related.

b. Contain only information that is otherwise freely available to the public (e.g., press releases, public news and events, street closures, traffic issues, weather, police public announcements, job postings, and emergency notices) and that is not made confidential by any policy of the City, or by any other local, state, or federal law.

c. Pertain to City-sponsored or City-endorsed programs, services, and events. Content includes, but is not limited to, information, photos, and video. Content may also include hyperlinks directing users back to the City's official website for in-depth information, forms, documents, or online services necessary to conduct business with the City.

d. Use proper grammar and, to the extent possible, shall avoid the use of jargon, abbreviations, and acronyms.

e. Not contain any personal information except the names of Employees whose job duties include being available for contact by the public.

f. Not contain any photos or images of anyone who can be identified without first obtaining a signed release of any such person, or parent of a minor, so depicted, except for publicly obtained pictures/videos involving public social events or obtained from the public domain.

g. Not contain the City's logo or seal for any reason unless approved in advance by the City Manager.

2. Branding: Branding is important. All City Social Media sites shall clearly indicate that they are maintained by the City and, to assure that the public can identify that the information is from an official City source, shall prominently display:

a. A text statement identifying the City Social Media site as the official site for the City or Department, such as "This the official Facebook page for the City of Lompoc Recreation Division."

b. The relevant City or Department telephone number,

c. The relevant City or Department contact e-mail address (which shall be "staffed" by at least two Employees to monitor in a manner that is in compliant with this Policy and the City's applicable personnel regulations), and

d. The official seal/logo of the City Department or the City, provided that neither image may be altered.

3. Media Page Name: The name of a Department's social media page will be the name of the City Department or City Committee, Commission or Board, and should be recognizable by City residents. For example, "Lompoc Public Library."

4. All comments posted to the City's Social Media sites shall be monitored during regular City business hours by Authorized Employees. City Social Media sites may be monitored outside of regular City business hours by exempt Authorized Employees or by designated nonexempt Authorized Employees. Any monitoring of City Social Media sites occurring by an Authorized Employee's while off duty must comply with the City's overtime regulations and Sections (C)(2)(g) and (C)(2)(h) above.

5. All posts or comments on any of the City's Social Media sites containing any of the following forms of content shall not be permitted and are subject to removal and/or restriction by the Public Information Office, designated Facebook page managers, or the City Manager or Assistant City Manager:

- a. Content not related to the original topic, including random or unintelligible comments;
- b. Content that promotes, fosters or perpetuates discrimination on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, status with regard to public assistance, or military and veteran status of any personage,
- c. Profane, obscene, violent or pornographic content and/or language.
- d. Solicitations of commerce, including, but not limited to, advertising of any business or product for sale;
- e. Encouragement or advocacy of illegal activity;
- f. Information that may tend to compromise the safety or security of the public or public systems;
- g. Content that violates the legal ownership interest, such as a copyright, of any party;
- h) Comments in support of, or in opposition to, any political campaigns or ballot measures;
- i. Any content that violates any local, county, state or federal law or regulation.
- j. Defamatory or personal attacks; or
- k. Threats to any person or organization.

6. To the extent possible, any video posted by an Authorized Employee to any City Social Media sites shall also be posted on the City's website.

7. Responsibility for creating content, and regularly monitoring posted content, is given to a Department's Authorized Employee.

12. To the extent permitted by a Social Media Provider, all Departments shall use a consistent template as drafted or created by the Public Information Office.

13. No hyperlink shall be placed on any of the City's Social Media sites by a Social Media Provider, their vendors, or their partners. However, each of the City's Social Media sites may contain content, including, but not limited to, advertisements or hyperlinks over which the City has no control. The City shall not endorse any hyperlink

or advertisement placed on any of the City's Social Media sites by a Social Media Provider, their vendors, or their partners.

14. Prior to posting any content, the City shall secure and maintain full legal permission to use any content posted on the City's Social Media sites, such as permission to post any photos or videos. To the extent possible, the City shall maintain full intellectual property rights to any content posted on each of the City's Social Media sites.

15. Prior to posting any content, Authorized Employees shall comply with all content approval procedures established by the Public Information Office, the City Manager, and City Department.

16. Employees shall not post or release proprietary, confidential, sensitive, personally identifiable information (PII), or other City government intellectual property.

#### XI. EMPLOYEE USE OF PERSONAL SOCIAL MEDIA WHILE ON DUTY

Employees are prohibited from using personal Social Media while on duty and from accessing personal Social Media through City information systems, computers, and equipment.

Employees are further prohibited from using personal Social Media for City purposes.

#### XII. EMPLOYEE USE OF PERSONAL SOCIAL MEDIA WHILE OFF DUTY

This policy is not generally intended to govern Employees' use of personal Social Media accounts for personal purposes that is outside the workplace and using non-City information systems. However, some such personal uses of Social Media may reflect on the City or appear to represent City policy or to be on behalf of the City.

XIII. Any Employee access of personal Social Media sites through City information systems may be subject to disclosure under the California Public Records Act, or through a legal proceeding, and is subject to monitoring by the City.

XIV. Postings and user profiles on personal Social Media accounts must not state or imply that the views, conclusions, statements or other content are an official policy, statement, position, or communication of the City, or represent the views of the City or any City officer or Employee, unless specific permission has been given to the Employee by the City Manager or Assistant City Manager or the Public Information Office to speak on behalf of the City.

#### XV. ACCEPTABLE USAGE BY THE PUBLIC

All City Social Media sites shall conspicuously display to its public users, or make available by a conspicuously displayed hyperlink to its public users, the following policy:

#### CITY SOCIAL MEDIA POLICY FOR PUBLIC USE

## PURPOSE

This City Social Media Policy for Public Use establishes guidelines for anyone who interacts with the City ("City") through City Social Media sites including, but not limited to, websites, mobile applications, discussion boards, blogs, and news feeds.

The intended purpose behind establishing City Social Media sites is to disseminate information from the City, about the City, to its citizens. The City has an overriding interest and expectation in deciding what is posted or communicated on behalf of the City on City Social Media sites.

By interaction with the City through any and all City Social Media sites you agree to abide by this policy.

## GENERAL POLICY

1. The City 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 City for a reasonable period of time, including the time, date and identity of the poster, when available.
2. These guidelines must be displayed to users or made available by hyperlink.
3. The City will approach the use of Social Media tools as consistently as possible, enterprise wide.
4. The City website (<http://www.cityoflompop.com/>) will remain the City's primary and predominant internet presence.
5. All City Social Media sites shall adhere to applicable federal, state and local laws, regulations and policies.
6. City Social Media sites are subject to the California Public Records Act. Any content maintained in a Social Media format that is related to City business, including a list of subscribers, posted communication, and communication submitted for posting, may be a public record subject to public disclosure.
7. This Social Media Policy may be revised at any time.
8. Comments on topics or issues not within the jurisdictional purview of the City, or in violation of this policy, may be removed.

## COMMENT POLICY

1. As a public entity the City must abide by certain standards to serve all its constituents in a civil and unbiased manner.



2. The intended purpose behind establishing City Social Media sites is to disseminate information from the City, about the City, to its citizens.

3. For purposes of this policy, "comments" include information, articles, pictures, videos or any other form of communicative content posted on any City Social Media sites.

4. Comments containing any of the following inappropriate forms of content shall not be permitted on City Social Media sites and are subject to removal and/or restriction by the City Manager, or his or her designee, and/or the IT Division:

a. Content not related to the original topic, including random or unintelligible comments;

b. Content that promotes, fosters or perpetuates discrimination on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, status with regard to public assistance, or military and veteran status of any personage;

c. Profane, obscene, violent or pornographic content and/or language.

d. Solicitations of commerce, including but not limited to advertising of any business or product for sale;

e. Encouragement or advocacy of illegal activity;

f. Information that may tend to compromise the safety or security of the public or public systems;

g. Content that violates the legal ownership interest, such as a copyright, of any party;

h. Comments in support of, or in opposition to, any political campaigns or ballot measures;

i. Any content that violates any local, county, state or federal law or regulation.

j. Defamatory or personal attacks; or

k. Threats to any person or organization.

5. A comment posted by a member of the public on any City Social Media sites is the opinion of the commentator or poster only, and publication of a comment does not imply endorsement of, or agreement by, the City, nor do such comments necessarily reflect the opinions or policies of the City.

6. The City reserves the right to deny access to City social media sites for any individual, who violates the City's Social Media Policy, at any time and without prior notice.

7. Departments shall monitor their Social Media sites for comments requesting responses from the City and for comments in violation of this policy.

8. When a City employee responds to a comment, in his/her capacity as a City employee, the employee's name and title should be made available, and the employee shall not share personal information about himself or herself, or other City employees.

9. All comments posted to any City Social Media sites are also bound by [SOCIAL MEDIA PROVIDER]'s use policy and the City reserves the right to report any violation of [SOCIAL MEDIA PROVIDER]'s use policy to with the intent of taking appropriate and reasonable responsive action."

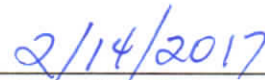
#### XVI. VIOLATIONS OF THIS POLICY BY EMPLOYEES

Violations of this Policy may subject Employees to disciplinary action pursuant to the City's personnel rules and regulations.

Authorized:



City Manager



Effective Date