

Number: **BP 002**

Authority: Board of Directors
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Dept./Div.: Administration



BOARD POLICY

BOARD MEMBER COMMUNICATION AND SOCIAL MEDIA POLICY

ARTICLE 1 POLICY

- 1.1 Board Members are not required to seek prior approval when they communicate with members of the public, media representatives, or other publicly elected officials on their own behalf. However, when Board Members communicate on their own behalf on issues pertaining to the Ironhouse Sanitary District (“District”), they should take steps to make sure that their communications are not construed to represent the “Board” or “District”.
- 1.2 Board Members are required to seek prior approval from a majority of the Board of Directors before expressing a point of view on behalf of the Board.
- 1.3 Board Members are prohibited from responding to other Board Members on social media regarding matters within District jurisdiction. Further, Board Members are encouraged to refrain from interacting with posts (such as “liking”) regarding District business to ensure compliance with the Brown Act.

ARTICLE 2 PURPOSE

- 2.1 The Board recognizes that individual Board Members are also members of the public and may want to express their own personal opinions on issues pertaining to the District, or correspond with the public, media representatives, or publicly-elected officials. The intent of this policy is to ensure that communications by Board Members in their individual capacities are not mistaken for the views of the entire Board. The policy is not intended to in any way to limit the freedom of individual Board Members to communicate on their own behalf with the public, media representatives, or other publicly elected officials in the way they see fit. Furthermore, the intent of this policy is not to limit a Board Member’s ability to speak on behalf of the District pertaining to items that have been approved by the Board, so long as the position is consistent with the Board’s action or pertains to facts or details that would be considered common knowledge (e.g. number of employees, operating budget). The policy is

also meant to address issues regarding compliance with the Ralph M. Brown Act, California Government Code section 54950 et seq., in such communications, including provisions pertaining to social media interactions between and among Board Members regarding District business.

ARTICLE 3 DEFINITIONS

- 3.1 Individual: refers to a Board member acting as an “individual,” not as an official “District Representative” or otherwise on behalf of the District.
- 3.2 District Representative: refers to a Board member acting in his/her role as a “member of the Board of Directors of Ironhouse Sanitary District”; i.e., the majority of the Board has formally authorized the Board Member to speak on behalf of the Board of Directors.
- 3.3 Media: refers to newspapers, magazines, television stations, or electronic news outlets, including on-line newspapers, blogs or social media sites.
- 3.4 Social Media: means an online service where members of the general public have the ability to access and participate, free of charge, in the social media platform without the approval of the social media platform, including any forum or chatroom, and cannot be blocked from doing so unless the social media platform determines the individual violated its protocols or rules.

ARTICLE 4 PROCEDURE

- 4.1 Letters, e-mails, social media posts, or other electronic correspondence, or other communications to the public, media or other publicly-elected officials representing or otherwise made on behalf of the Board of Directors must be approved by a majority of the Board before being sent. Further, the use of any District letterhead or e-mail masthead, which implies that the communication is being sent by a District representative, must be approved by a majority of the Board.
- 4.2 As a courtesy to other Board Members, a Board Member writing in his/her capacity as an individual regarding District business should request the General Manager to let other Board Members know of any pending communication with the media or publicly-elected officials via an informational email.
- 4.3 Board Members may use social media to communicate with constituents to answer questions, provide information to the public or solicit information from the public, in accordance with all applicable laws. Correspondence by a Board Member with the public, media or publicly-elected officials as an “individual” should adhere to the following guidelines:
 - 4.3.1 The communication should note that it is not being sent on behalf of the entire Board, but rather by an individual Board Member.

- 4.3.2 If the communication expresses a viewpoint contrary to the majority position of the Board, the communication should so note.
- 4.3.3 Board Members should not copy the rest of the Board on communications, in order to avoid an inadvertent Brown Act violation.
- 4.3.4 Board Members should be cautious about opining on future actions by the Board and should not opine on the Board's position on an item that has not been before the Board.
- 4.3.5 In certain instances, such as communications regarding broad policy concerns or future agenda items, a Board Members should consider referring questions or communications to the General Manager and/or staff for a response on behalf of the District.
- 4.3.6 Board Members may request as a future agenda item that the full Board consider responding to or communicating with the public, media or publicly-elected officials, in which case the communication, if approved, would be on behalf of the Board and not an individual.
- 4.3.7 Email communications to individual Board Members, or the entire Board of Directors, on District business and directed to official email addresses are public records and subject to disclosure.
- 4.3.8 Board Members shall not respond to any social media communication (i.e. post, comment, etc.) regarding a matter within the subject matter jurisdiction of the District that is made, posted, or shared by any other Board Member, as such interactions may lead to a violation of the Brown Act.
- 4.3.9 Board Members are prohibited from interacting with any post made, posted, or shared by another Board Member, including comments, "likes," or digital icons, such as "smiley face" emoji's (i.e., social media post reactions through use of emojis or otherwise). Board Members should avoid commenting or engaging with posts made by official District social media accounts, as this can lead to accidental Brown Act violations.
- 4.3.10 On either personal social media pages or official District social media sites, Board Members should not discuss, with a majority of the Board, business of a specific nature that is within the subject matter jurisdiction of the District.
- 4.3.11 On personal social media pages, Board Members comply with the U.S. Constitution and California Constitution when using the page to discuss District business, including but not limited to, refraining from blocking members of the public from participating on the account and refraining from any use of discriminatory or harassing language.

- 4.4 Board Members may indicate their affiliation with the ISD Board of Directors without obtaining prior approval of the Board when they endorse a candidate for political office, or a ballot measure, and when they sign onto letters of support. However, an individual Board Member may not make an endorsement on behalf of the entire Board or the District without prior approval.
- 4.5 Public meetings are one of the best ways for the Board to communicate with the public. Therefore, Board Members are encouraged to use opportunities that arise at Board meetings during discussion of agenda items to articulate reasons for their decisions to the public.

ARTICLE 5 MANAGEMENT RESPONSIBILITY

- 5.1 The General Manager will be responsible for keeping all Board Members informed of media contacts made by Board Members when they are acting as a “District Representative.”
- 5.2 Management will respond to any inquiries or questions by the media, public or other publicly-elected officials to individual Board Members that are forwarded by that Board Members to Management for response. Board Members may also request that the General Manager place items they feel require a response on a future agenda pursuant to Board policies for the Board’s full consideration. Agendizing the item will provide the public with the with the opportunity to meaningfully engage with the Board on any issues raised by the inquiry or question.
- 5.3 Management is also responsible for ensuring staff reports clearly articulate the reasons for their recommendations. In order to provide members of the public with the opportunity to inform themselves on issues being discussed by the Board, these staff reports are provided to the public in advance of Board meetings via the District’s website.