



CITY OF BANNING STAFF REPORT

TO: CITY COUNCIL

FROM: Elizabeth Gibbs, City Manager

PREPARED BY: Phaedra Norton, City Attorney

MEETING DATE: August 25, 2026

SUBJECT: Adoption of the City of Banning's Social Media Policy for Public Officials.

STAFF RECOMMENDATION:

Adopt Resolution 2026-122

In light of the United States Supreme Court opinion in *Lindke v. Freed* (2024) 601 U.S. 187, it is recommended that the City of Banning adopt a Social Media policy that (1) clearly delineates between official social media accounts and personal accounts while discouraging hybrid accounts, and (2) establishes that all official social media accounts are intended to provide one-way informational communications only from the City to the public.

BACKGROUND:

On May 12, 2026, the City Council discussed options related to the City's social media policy. The City Council requested that staff bring back a policy that is consistent with the United States Supreme Court opinion in *Linke v. Freed*. The proposed policy for City Council consideration seeks to clearly delineate between official social media accounts and personal accounts while discouraging hybrid accounts.

In addition, the City's official social media accounts are intended to provide one way informational communications only from the City to the public. The City's official social media accounts are not intended to create or function as a public discussion forum, a public comment forum, or substitute for established governmental processes. Based upon the foregoing, and given the City's fiscal emergency and lack of staffing resources, the City will disable public comments, replies, and similar public responses on all official City accounts whenever the applicable platform permits the City to do so.

The *Lindke v. Freed* decision clarified what forms of social media activity constitute state action, which is subject to the First Amendment protections. State action occurs when (1) an official possesses actual authority to speak on behalf of the government on the matter; and (2) the official purports to exercise that authority in the relevant posts. The proposed policy would apply to all social media accounts created, maintained, administered, or operated on behalf of the City, as well as any personal or hybrid accounts operated by public officials.

JUSTIFICATION:

Failure to distinguish official social media accounts from private accounts may result in First Amendment liability for the City of Banning regarding any matter that qualifies as state action.

FISCAL IMPACT:

None

ATTACHMENTS:

1. [Resoltuion 2026-122_Social.Media.Policy.docx](#)