

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY**

DEPT: Chief Executive Office

BOARD AGENDA: 4.B.1
AGENDA DATE: February 13, 2018

SUBJECT:

Approval to Introduce and Waive the First Reading of an Ordinance Adopting Chapter 4.70 of the Stanislaus County Code to Allow Advertising and Commercial Activities on County Property

BOARD ACTION AS FOLLOWS:

RESOLUTION NO. 2018-0079

On motion of Supervisor Monteith _____, Seconded by Supervisor Olsen _____
and approved by the following vote.

Ayes: Supervisors: Olsen, Chiesa, Withrow, Monteith, and Chairman DeMartini _____


Noes: Supervisors: None _____

Excused or Absent: Supervisors: None _____

Abstaining: Supervisor: None _____

- 1) Approved as recommended
- 2) Denied
- 3) Approved as amended
- 4) Other:

MOTION: INTRODUCED AND WAIVED THE FIRST READING OF ORDINANCE C.S. 1210

ATTEST: 
ELIZABETH A. KING, Clerk of the Board of Supervisors File No. ORD-56-B-7

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Chief Executive Office

BOARD AGENDA:4.B.1
AGENDA DATE: February 13, 2018

CONSENT:

CEO CONCURRENCE: YES

4/5 Vote Required: No

SUBJECT:

Approval to Introduce and Waive the First Reading of an Ordinance Adopting Chapter 4.70 of the Stanislaus County Code to Allow Advertising and Commercial Activities on County Property

STAFF RECOMMENDATION:

1. Introduce and waive the first reading of an ordinance adopting Chapter 4.70 of the Stanislaus County Code to allow advertising and commercial activities on County property.
2. Approve the Stanislaus County Advertising Guidelines.

DISCUSSION:

Many local jurisdictions, including cities in Stanislaus County, allow advertising on city and county property such as buses, bus shelters, facilities, and other infrastructure. There have been recent instances where advertising on County property would be appropriate. Prior to engaging in advertising on County real or personal property for the purposes of raising revenue, California Government Code §26109 requires the Board of Supervisors to adopt an ordinance authorizing such advertising.

If passed, this ordinance would allow for any County department to engage in advertising. Currently Parks and Recreation and Public Works would be the two most apparent beneficiaries of the ordinance. The Public Works – Transit Division’s fleet of buses, bus benches, and bus shelters would make for optimal advertising locations. The advertising revenue generated can be applied to the Fare Box ratio calculation that transit operators must meet.

The Department of Parks and Recreation has set a goal to reduce its reliance on the General Fund through increased revenue derived from the County’s regional parks. The County’s regional parks include Woodward Reservoir Regional Park, Modesto Reservoir Regional Park, Frank Raines Regional Park, Laird Regional Park, and La Grange Off-Highway Vehicle Park. Third-party events like the Symbiosis Gathering, which has been held at Woodward Reservoir Regional Park and Department-organized and sponsored events like the annual Easter Egg Hunt and Boat Show have pushed the Department closer to its goal. If the proposed ordinance is approved, the Department’s organized events and other county-organized events could solicit corporate sponsorships to pay for event expenses.

As mentioned, the proposed ordinance would allow all County departments to pursue advertising revenue; however, it is not anticipated County property will be overwhelmed with advertising. An internal policy, the Stanislaus County Advertising Guideline, has been developed (Attachment A) to help prevent any objectionable advertisements from appearing on County property. The County exercises sole discretion regarding who is eligible to advertise, according to the terms of the Advertising Policy, and possesses sole and final decision-making authority for determining the appropriateness of any proposed advertising, reserving the right of refusal.

POLICY ISSUE:

California Government Code §26109 requires the Board of Supervisors to adopt an ordinance to allow advertising on County property.

FISCAL IMPACT:

Allowing advertising on County property will generate a modest amount of revenue for those departments who choose to pursue such opportunities.

BOARD OF SUPERVISORS' PRIORITY:

The recommended action is consistent with the Board's priority of *Delivering Efficient Public Services and Community Infrastructure* by enabling the engagement in advertising on County property in order to raise revenue.

STAFFING IMPACT:

Existing County staff will develop the guidelines and processes associated with implementing this ordinance.

CONTACT PERSON:

Keith Boggs, Assistant Executive Officer
Jami Aggers, Director of Parks and Recreation

Telephone: 209-652-1514
Telephone: 209-525-6770

ATTACHMENT(S):

1. Proposed Ordinance
2. Stanislaus County Advertising Guidelines

ORDINANCE NO. C.S. _____

AN ORDINANCE TO ALLOW SALE OF ADVERTISING ON COUNTY PROPERTY

The Board of Supervisors of the County of Stanislaus, State of California, do ordain as follows:

Section 1. Chapter 4.70, "Use of County Property," is added to the Stanislaus County Code to read as follow:

"Chapter 4.70 Use of County Property.

"4.70.010 Advertising on County Property.

"The Board of Supervisors of Stanislaus County, pursuant to the provisions of Government Code Section 26109, hereby authorize the sale of advertising space on county real or personal property, including county websites, subject to such plans, policies and procedures as may be adopted by the board, by resolution, from time to time."

Section 2. This ordinance shall take effect 30 days from and after the date of its passage, and before the expiration of 15 days after its passage, it shall be published once with the names of the members voting for and against the same in the Modesto Bee, a newspaper in the County of Stanislaus, State of California.

Upon motion of Supervisor _____, seconded by Supervisor _____, the Foregoing ordinance as passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this _____ day of _____, 2018, by the following called vote.

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

Jim DeMartini
Chairman of the Board of Supervisors
Of the County of Stanislaus, State of California


ATTEST:

Elizabeth A. King
Clerk of the Board of Supervisors
Of the County of Stanislaus, State of California

By: _____
Deputy Clerk

APPROVED AS TO FORM:

John P. Doering
County Counsel

By:  _____
Amanda DeHart
Deputy County Counsel

Attachment A

Stanislaus County Advertising Guidelines

I. Statement of Policy

Stanislaus County permits the sale of advertising on County real or personal property, under limited circumstances as a means to generate funds for improving or expanding various programs and services pursuant to Stanislaus County Code section 4.70.010. The County exercises sole discretion regarding who is eligible to advertise according to the terms of this policy.

- The County will neither seek nor accept advertisers that manufacture products or take positions inconsistent with local, state, or federal law or with County policies, positions, or resolutions. The County shall have sole discretion to make this determination.
- The establishment of an advertising agreement does not constitute an endorsement by Stanislaus County.
- An advertisement allows an external entity (for-profit or not-for-profit) to market their business or program on property owned by the county for a specified period of time and for a fee.

II. Authority, Structure for Review and Approval

The County possesses sole and final decision-making authority for determining the appropriateness of any proposed advertising and reserves the right of refusal. Advertising agreements shall require the written approval of the impacted Department's Director or a designee.

III. Criteria for Advertising Proposal Review

Departments wishing to engage in advertising on County real or personal property shall submit specific advertising proposals or a marketing plan for approval by the Board of Supervisors. Advertising proposals or marketing plans shall clearly outline the program and content of marketing campaign and the following information:

- Primary business, product or program information

- Other advertising efforts
- Conditions under which the advertising agreement will be terminated
- Duration of the proposed advertising campaign
- How advertising will align with Stanislaus County priorities

Upon approval by the Board of Supervisors and a finding that the Department's marketing plan comports with Stanislaus County Advertising Guidelines, any County authority under these guidelines may be delegated to an appropriate person within the Department.

IV. Permissible Advertisers and Message Content

The County intends to preserve its rights and discretion to exercise full editorial control over the placement, content, appearance, and wording of advertisements placed on County property. Advertising by an organization that is engaged in any of the following activities, that has a mission supporting any of the following subject matters, or that, in the sole discretion and judgment of the County, is deemed to be unsuitable for and contrary to community standards of appropriateness for government publications and display, and shall be prohibited on any County property:

- Promotion of the sale or consumption of alcoholic beverages, or promotion of establishments that are licensed to sell and primarily do sell alcoholic beverages, including bars; provided, however, that food service establishments or places of lodging may be authorized only when the sale of alcohol is incidental to providing food service or lodging;
- Promotion of the sale or consumption of tobacco products;
- Commentary, advocacy, or promotion of issues, candidates, and campaigns pertaining to political elections or political issues;
- Promotion of gambling, betting, or games of chance, in name, likeness or implication, or promotion of establishments providing such services or activities of a related or similar nature;
- Depiction in any form of profanity or obscenity, or promotion of sexually oriented products, activities, or materials;

- Use of language or descriptive material which taken in form and context is deemed to be unsuitable for and contrary to community standards of appropriateness for governmental or family publications and display;
- Use of words, language, representations or descriptive material of any kind having more than one meaning or connotation, one of which would otherwise be prohibited under this Policy;
- Promotion of the sale or use of firearms, explosives, or other weapons, or glorification of violent acts; and
- Promotion or depiction of illegal products, or glorification of illegal products, activities, or materials.

The advertiser should recognize that entering into an advertising agreement does not constitute an endorsement of the entity, services and/or products, but does imply an affiliation. Such affiliation can affect the reputation of Stanislaus County. Therefore, any proposal in which the involvement of an outside entity compromises the public's perception of the County's neutrality or its ability to act in the public interest will be rejected.

The County shall consider the following criteria before entering into an advertising agreement:

- Aesthetic characteristics of the public display or advertisement;
- Importance of the advertisement agreement to the goals and objectives of Stanislaus County;
- Coordination required on behalf of County staff to implement the advertisement;
- Inconsistencies between County policies and the known policies or practices of the potential advertiser;
- Other factors that might undermine public confidence in the County's impartiality or interfere with the efficient delivery of County services or operations, including, but not limited to, current or potential conflicts of interest between the advertisers and Stanislaus County employees, officials, or affiliates; and the potential for the advertisement to tarnish the County's standing among its citizens.