

RESOLUTION NO. 2014-085

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK AMENDING SECTION D OF THE DIGITAL BILLBOARD USE POLICY TO ALLOW CERTAIN MESSAGES FOR WELCOMING NEW BUSINESSES TO ROHNERT PARK AND ELIMINATING EXHIBIT D LISTING THE LOCAL NONPROFIT ORGANIZATIONS IN ROHNERT PARK

WHEREAS, the City of Rohnert Park ("City") entered into a Digital Billboard Lease ("Lease") dated April 23, 2013 with Veale Investment Properties dba B.P.O. of California ("Billboard Operator");

WHEREAS, under the Lease, the City has leased certain property owned by the City that is adjacent to the 101 freeway to the Billboard Operator for the purpose of developing and operating a digital billboard; and

WHEREAS, under the Lease the City is allocated 10% of total advertising time on the digital billboard for City use; and

WHEREAS, City adopted a Digital Billboard Use Policy on October 22, 2013 outlining the rules and procedures for distribution of information, advertising and announcements of Citywide and Community events displayed on the sign; and

WHEREAS, City desires to amend Section D of the Digital Billboard Use Policy to allow certain messages for welcoming new businesses to Rohnert Park, and

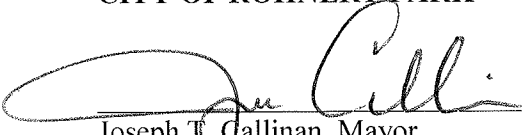
WHEREAS, City also desires to eliminate Exhibit D of the Digital Billboard Use Policy listing the local nonprofit organizations in Rohnert Park.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rohnert Park hereby adopts the amended and restated City of Rohnert Park Digital Billboard Use Policy, a copy of which is attached hereto as Exhibit "A" and incorporated by this reference; and

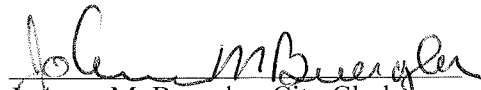
BE IT FURTHER RESOLVED that the City Council authorizes and directs the City Manager to implement the Digital Billboard Use Policy for and on behalf of the City of Rohnert.

DULY AND REGULARLY ADOPTED by the City Council of the City of Rohnert Park this 22nd day of July, 2014.

CITY OF ROHNERT PARK


Joseph T. Callinan, Mayor

ATTEST:


JoAnne M. Buerger, City Clerk

Attachment: draft policy



BELFORTE: ABSENT MACKENZIE: ABSENT STAFFORD: AYE AHANOTU: AYE CALLINAN: AYE
AYES: (3) NOES: (0) ABSENT: (2) ABSTAIN: (0)

CITY OF ROHNERT PARK
CITY COUNCIL POLICY



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DIGITAL BILLBOARD USE				

PURPOSE

The City has entered into a Digital Billboard Lease dated April 23, 2013 (Lease) with Veale Investment Properties dba B.P.O. of California (Billboard Operator), under which the City has leased certain property owned by the City that is adjacent to the 101 freeway to the Billboard Operator for the purpose of developing and operating a digital billboard (Digital Billboard). The primary purpose of the Digital Billboard is to generate advertising revenues used to help support City operations. The Digital Billboard is not intended to provide a general public forum for the purposes of communication, but to make use of City property held in a proprietary capacity in order to generate revenue.

Under the Lease, the City is allocated 10% of the total advertising time on the Digital Billboard for City usage. The purpose of this Digital Billboard Use Policy is to provide guidelines and procedures for the identification, priority, submission and display of messages regarding City and community events on the Digital Billboard.

DEFINITIONS

City: means the City of Rohnert Park and its departments and events sponsored by the City.

City Manager: means the City of Manager of the City or the Manager's designee.

Community/Civic Events: mean local events that are of a civic, public, or educational nature, including City festivities and other similar events that promote the community and are open to the general public.

New Local Business: means a business or organization that has initially opened a place of operation within the past 90-days within the City of Rohnert Park. New local businesses include a franchise or corporate branch operating within City Limits.

For-Profit Organization: means a business or other organization whose primary goal is making money (a profit) or has not been deemed eligible for nonprofit status by the Internal Revenue Service.

Local Nonprofit Organization: means an organization that has been conferred eligible for nonprofit status by the Internal Revenue Service under United States Internal Revenue Code Section 501(c) and maintains its principal office or place of operation within the City of Rohnert Park.

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Local Public Educational Institutions: means and includes the Cotati-Rohnert Park Unified School District and Sonoma State University.

Non-City: means and includes Local Nonprofit Organizations and Local Public Educational Institutions.

POLICY

A. Responsibility

The Department of Public Works/Community Services or such other department as designated by the City Manager is responsible for managing and submitting messages for display on the Digital Billboard. If there are any questions regarding content of the message, or whether or not a group requesting use of the Digital Billboard is authorized under this policy, the City Manager will serve as the final decision-making authority.

B. Policy

Requests to display messages consistent with this policy shall be submitted to the Department of Public Works/Community Services or such other department as designated by the City Manager. City message requests will have priority over all Non-City requests. Revenue-generating City events have precedence over non-revenue generating City events. Revenue-generating City events include, but are not limited to: Performing Arts Center productions, Farmer's Market, Holiday Arts & Crafts Faire, Animal Shelter Mutt Strut and other fundraising events. Non-revenue generating City events include, but are not limited to: Public Safety National Night Out, Public Safety service announcements and the Health and Safety Fair. Based on historical use the anticipated City allocation is as follows (based on the 10% of message time allocated to the City under the Lease):

City Use Structure	Allocation Spots/Hour	
1. Community Services/Performing Arts Center (PAC) <ul style="list-style-type: none">• Trade Agreements• PAC Productions	7.5%	45
2. Community Services (other) City-sponsored events	1.0%	6
3. Public Safety <ul style="list-style-type: none">• Community alerts• Public Safety service announcements	1.0%	6

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4. Administration <ul style="list-style-type: none">• Community alerts• Non-City community/civic events and new local business welcome messages	.5%	3
TOTAL	10%	60/hour

Non-City Use Structure

Non-City community/civic events messages and new local business welcome messages will be part of the Administration allocation.

For-Profit Organizations: For-profit organizations are not covered under this policy and will be referred to the Billboard Operator for their advertising needs as outlined in the Lease.

C. General Information, Procedures and Prioritization

General Information

1. Requests will be approved on the basis of availability, and conformity to the prioritization and advertising criteria as outlined in this policy.
2. Duration of all messages will be determined on a case by case basis by the City Manager.
3. Each message will be displayed for the prescribed time and must conform to the parameters outlined in Exhibit A.

NOTE: Under the Lease, the Billboard Operator has sole discretion in determining the advertising time placement within the advertising display loop.

Procedures

1. City message requests must be submitted a minimum of one week prior to the desired beginning display date.
2. Non-City community/civic events message and new local business welcome message requests must be submitted by Local Nonprofit Organizations on the Digital Billboard Message Request Form (Exhibit C) a minimum of 10 business days prior to the desired beginning display date.

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3. The Request Form is located on the City's website at: www.rpcity.org. The request form must be completed legibly and in its entirety in order to be considered.

Prioritization

1. In the event that there are several requests for any given time period, priority shall be given in the order as follows:
 - 1) Revenue generating City messages
 - 2) Non-revenue City messages
 - 3) Local public educational institution messages
 - 4) Local nonprofit organization messages
2. If there is unbooked City usage time, the Digital Billboard will default to display PAC Productions and Trade Agreements based on approval by the City Manager.

D. Message Content

1. All messages submitted for display must adhere to the criteria outlined in Section 7.12 (Advertising Rights) of the Lease, which is restated as follows:

7.12 Advertising Rights

7.12.1 Operation of the Message Center. In operating the Message Center, Tenant shall conform to all valid and applicable laws and regulations, including laws and regulations pertaining to outdoor advertising, including the criteria and limitations set forth in the Lease Agreement. Unless otherwise legally obligated to do so, Tenant shall not display any message that in the judgment of the Rohnert Park City Manager or his or her designee:

- i. is false, misleading, or deceptive;*
- ii. promotes the sale or use of tobacco products, or medical marijuana, whether directly or indirectly, provided that advertising for hydroponics shall not be deemed indirect promotion of marijuana;*
- iii. promotes the sale of alcoholic beverages in a manner that violates the best standards of the outdoor advertising industry for the promotion of*

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wineries or alcoholic beverages;

iv. depicts violence or anti-social behavior or relates to illegal activity;

v. contains "obscene matter," as that term is defined in California Penal Code section 311 on the Effective Date, or promotes adult entertainment;

vi. promotes or opposes a candidate for public office or promotes or opposes a ballot measure;

vii. holds a person or group of persons up to public ridicule, derision, or embarrassment, or defames a person or group of persons; or

viii. contains language that is obscene, vulgar, profane, or scatological, or that presents a clear-and-present danger of causing riot, disorder, or other imminent threat to public safety, peace, or order.

As used in this Section 7.12.1, "legally obligated" shall mean under a court order from a court with competent jurisdiction.

2. Community/Civic Events messages - Messages announcing community/civic events will be limited to the name of the event, the sponsor, date, time and other specific factual details of the event.
3. New local business welcome messages - Messages welcoming new local business to Rohnert Park that have opened within City limits within 90 days of the message will be limited to the name of the new local business, the logo of the new local business and a brief welcome to Rohnert Park message. A single welcome message will be allowed for each new business and no more than three new local businesses may be included on one advertising spot. The new business welcome messages shall originate from a local nonprofit organization.
4. If despite such preliminary review by the City, a message is subsequently determined to be in violation of these criteria, the City Manager may cause such message to be removed. If a Non-City message is removed, a pro-rated refund will be provided by the City.

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E. Digital Specification Requirements

It is the responsibility of the requestor to provide the desired message in the following format:

1. File Size: 200px Height x 704 px Width
2. File Type: Uncompressed.jpg
3. DPI: 72 default setting
4. Color Mode: RGB and CMYK

F. Authority

1. The City Manager is authorized to accept or reject requests, including the content of the message, and may propose alteration to the requestor in order to comply with the guidelines set forth in this policy.
2. The City Manager may pre-empt, remove or delay displaying any City message.
3. For Non-City message displays, the City Manager may delay the display or remove a playing message for non-payment of the applicable advertising rate. There will be no refunds or reductions in charges for any resulting loss of message display time. However, if a Non-City message is delayed for reasons or circumstances beyond the control of the City, the City will use its best efforts to have the Billboard Operator extend or increase in the frequency of the affected message.

G. Cost Recovery :

There will be no cost recovery rate applied to City message displays.

There will be no cost recovery rate applied to Local Public Educational Institutions for non-ticketed or non-fee charged events or announcements.

Non-City messages will be charged at the rates indicated in the attached Cost Recovery Rate Schedule (Exhibit B).



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Exhibit A

Advertising Dimensions and Durations

It is the responsibility of the requestor to provide the desired Digital Billboard display in the following format:

1. File Size: 200px Height x 704px Width
2. File Type: Uncompressed.jpg
3. DPI: 72 default setting
4. Color Mode: RGB and CMYK

Message Duration:

- Minimum frame display duration: 6 seconds
- Minimum total message duration: 2 days
- Maximum total message duration: (TBD) days, dependent upon availability and at the City Manager's discretion.

Under the Lease between the City and the Billboard Operator, the City is allocated 10% of the total advertising time on the Digital Billboard. This allows for all City uses up to one spot per minute and sixty spots per hour.

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Exhibit B
Cost Recovery Rate Schedule

Non-City	Duration	Rate
Local Nonprofit Organizations	* __ Weeks Maximum per Ad	
	Weekdays and Weekend	\$100/Entire week
	Weekends only	\$40/Weekend
	Weekday rate (minimum 2 days)	\$25/Day
Community/Civic Events	* __ Weeks Maximum per Ad	
	Weekdays and Weekends	\$200/Entire week
	Weekends only	\$80/Weekend
	Weekday rate (minimum 2 days)	\$50/Day

*To be evaluated and approved on a case-by-case basis.

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Exhibit C



**CITY OF ROHNERT PARK
DIGITAL BILLBOARD MESSAGE REQUEST APPLICATION**

Organization/Group Name: _____

Contact Person(s) _____ Contact Number(s) _____

E-mail address _____

Type of Event _____ Date of Event _____

Time of Event _____ Location of Event _____

Dates Requesting to Display Message:

Beginning: _____ End: _____

Mail, Fax or Deliver Application to:

City of Rohnert Park

Attn:

ADDRESS

Rohnert Park, CA 94928

Fax # (707) XXX-XXXX Phone # (707) XXX-XXXX

e-mail: _____

Applications must be received at least 10 business days prior to the desired posting date.

Print the message as it should appear on the Billboard. Under the City's Digital Billboard Use Policy, Non-City messages are limited to the name of the event, the sponsor, date, time and other specific factual details of the event. The City of Rohnert Park reserves the right to modify content and format for policy compliance.

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Disclaimer of Liability

On behalf of the requesting organization, it is agreed that the City of Rohnert Park will not be held liable for any improper or incorrect use of the information displayed on the Digital Billboard and that the City assumes no responsibility for any organization's use of the Digital Billboard. In no event may the City be liable for any damages, whether direct, indirect, incidental, special, exemplary or consequential regardless of cause, and on any theory of liability, whether in contract, strict liability, or tort (including negligence or otherwise) arising in any way out of the use of the Digital Billboard, even if advised on the possibility of such damage.

I certify that I am authorized to submit this request by the organization identified above.

Signature

Date

Print Name