

RESOLUTION NO. 2017-066

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK ADOPTING A COMMUNITY CENTER DIGITAL BILLBOARD USE POLICY

WHEREAS, the City of Rohnert Park ("City") entered into a Digital Billboard Lease dated April 23, 2013 with Kirk Veale, dba Veale Outdoor Advertising ("Billboard Operator"); and

WHEREAS, the City entered into a First Amendment to the Digital Billboard Lease dated July 12, 2016; and

WHEREAS, the First Amendment stipulated that the Billboard Operator would make payment to the City for the construction and installation of a new digital billboard sign ("Billboard") at the City's Community Center Complex; and

WHEREAS, the First Amendment further stipulated that Veale would be relieved of any additional responsibility for the Billboard; and

WHEREAS, the First Amendment prohibited the City from engaging in commercial advertising on the Billboard; and

WHEREAS, the purpose of the City's Community Center Digital Billboard Use Policy ("Policy") is to provide guidelines for the purpose and use of the Billboard, and the procedures for the submission, prioritization, and display of messages on the Billboard.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Rohnert Park hereby adopts the City of Rohnert Park Community Center Digital Billboard Use Policy attached hereto as Exhibit "A"; and

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

DULY AND REGULARLY ADOPTED this 23rd day of May, 2017.

CITY OF ROHNERT PARK


Jake Mackenzie, Mayor

ATTEST:


JoAnne M. Buergler, City Clerk

Attachment: Exhibit A - Community Center Digital Billboard Use Policy

AHANOTU: Aye BELFORTE: Aye CALLINAN: Aye STAFFORD: Aye MACKENZIE: Aye
AYES: (5) NOES: (0) ABSENT: (0) ABSTAIN: (0)

CITY OF ROHNERT PARK
CITY COUNCIL POLICY



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PURPOSE

The purpose of the Community Center Digital Billboard (Billboard) is to communicate to the public about: 1) City sponsored community events, 2) performances and events at the Performing Arts Center (PAC), 3) public safety and public service alerts and/or notifications, and 3) other City alerts and announcements. The Billboard will also be made available to 1) promote events sponsored by local non-profit organizations, 2) promote events sponsored by renters of the Community Center and/or PAC that are open to the public, and 3) notifications from local educational institutions.

The purpose of this Community Center Digital Billboard Use Policy (Policy) is to provide guidelines and procedures for the identification, prioritization, submission and display of messages on the Billboard.

DEFINITIONS

Billboard: means the digital billboard located at the Community Center Complex.

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 City Manager's designee.

Community Events: means local events that are held within the City, open to the public, and are of social or economic benefit.

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 an office or provides services within the City of Rohnert Park.

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

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Non-City: means and includes local nonprofit organizations, local public educational institutions, and renters of the PAC/Community Center.

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 Billboard. If there are any questions regarding content of the message, or whether or not a group requesting use of the 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.

The Billboard shall only operate during the hours of 6:00am to 10:00pm and shall not display more than one hundred twenty (120) messages per hour. Animated and video messages are prohibited. City message requests will have priority over all Non-City requests and the City will reserve eighty-five percent (85%) of the Billboard's operational time for City messages. The remainder fifteen percent (15%) of the operational time will be available for Non-City notifications. The Billboard will not be available for commercial advertising by For-Profit Organizations, with the exception of renters of the Community Center and/or PAC who are sponsoring events that are open to the general public through free admission or as a ticketed event. Allowable uses of the Billboard are defined as follows:

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Allowable Use:	Allowable Time Allotment:
City Use <ul style="list-style-type: none"> ▪ Emergency or urgent notifications to residents ▪ City-sponsored PAC productions ▪ City-sponsored community events ▪ Public Safety alerts and announcements ▪ Public service alerts and announcements ▪ Other City alerts and announcements 	85%
Non-City Use: <ul style="list-style-type: none"> ▪ Events and productions open to the general public and sponsored by renters of the PAC and/or Community Center ▪ Community ticketed and non-ticketed Community Events sponsored by Local Non-Profits, which are held within the City, open to the public, and are of social or economic benefit ▪ Community related announcements and events by Local Public Educational Institutions <p>* Non-City messages are limited to the name of the event, the sponsor, date, time and other specific factual details of the event.</p>	15%

C. General Information, Procedures and Prioritization

General Information

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

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NOTE: The City has sole discretion in determining the notification time placement within the 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 events and announcement message requests must be submitted on the Community Center Digital Billboard Message Request Form (Exhibit C) a minimum of 10 business days prior to the desired beginning display date.
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

City message requests will be prioritized according to the following criteria:

1. Emergency or urgent notifications to City residents;
2. City events to be held at the Community Center Complex have precedence over other City events;
3. Revenue generating City events will be prioritized 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;
4. Public Safety alerts and service announcements;
5. Public service alerts and announcements;
6. Other City alerts and announcements.

Non-City requests to utilize the Billboard will be prioritized according to the following criteria:

1. Non-City events to be held at the Community Center Complex have precedence over other Non-City events.

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NOTE: If there is un-booked non-City usage time, the Community Digital Billboard will default to display City events and announcements based on approval by the City Manager.

D. Message Content

The City shall not, (in the judgment of the Rohnert Park City Manager or his or her designee), display any message that:

- i. is false, misleading, or deceptive;
- ii. includes commercial advertising by for-profit businesses (renters of PAC and/or Community Center who want to promote events at those venues that are open to the general public are exempted from this prohibition)
- iii. depicts violence or anti-social behavior or relates to illegal activity;
- iv. promotes or opposes a candidate for public office or promotes or opposes a ballot measure;
- v. holds a person, or group of persons up to public ridicule; derision; or embarrassment; or defames a person or group of persons; or
- vi. 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.

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.

E. Digital Specification Requirements

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

1. File Size: 200 pixel Height x 704 pixel Width
2. File Type: Uncompressed.jpg
3. DPI: 72 default setting

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4. Color Mode: RGB and CMYK

F. Authority

1. The City Manager or designee 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 or designee may pre-empt, remove or delay displaying any City message.
3. For Non-City message displays, the City Manager or designee may delay the display or remove a playing message for non-payment of the applicable fee. 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 extend or increase the frequency of the affected message.

G. Cost Recovery :

There will be no fees or charges applied to City message displays.

There will be no fees or charges applied to local public educational institutions for non-ticketed or non-fee charged events or announcements. Local public educational institution messages for ticketed or fee charge events will be charged as Non-City messages. Ticketed performances and events held at the Green Music Center are considered commercial and are excluded from the use of the Community Center Digital Billboard.

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: 200pixel Height x 704pixel Width
2. File Type: Uncompressed.jpg
3. DPI: 72 default setting
4. Color Mode: RGB and CMYK
5. Messages shall be limited to a maximum of nine words of text

Message Duration:

- Minimum frame display duration: 30 seconds
- Minimum total message duration: 2 days
- Maximum total message duration: TBD days, dependent upon availability and at the City Manager's discretion.

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Exhibit B
Cost Recovery Rate Schedule

Non-City Use:	Duration:	Rate:
Renters of PAC and/or Community Center	___ Weeks Maximum per Ad	Cost and duration to be included in rental agreement
	Weekdays and Weekend	
	Weekends only	
	Weekday rate (minimum 2 days)	
Local Nonprofit Organizations	* ___ Weeks Maximum per Ad	
	Weekdays and Weekends	\$50/Entire week
	Weekends only	\$20/Weekend
	Weekday rate (minimum 2 days)	\$12/Day
Local Public Educational Institutions **	* ___ Weeks Maximum per Ad	.
	Weekdays and Weekends	\$50/Entire week
	Weekends only	\$20/Weekend
	Weekday rate (minimum 2 days)	\$12/Day
	** No charge for non-ticketed events or community announcements	

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

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Exhibit C

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

Organization/Group Name: _____

☐ Local Non-Profit ☐ Local Public Educational ☐ City

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

E-mail address _____

Type of Event _____ ☐ Ticketed ☐ Non Ticketed☐ Open to Public ☐ Ticket Holders Only ☐ Admission Charge ☐ Free

Date and Time of Event _____ Location of Event _____

Dates Requesting to Display Message:

Beginning: _____ End: _____

E – Mail Application To:

City of Rohnert Park

e-mail: digitalbillboard@rpcity.org

note: message request must include the actual message image intended to be displayed in a properly formatted jpeg file (Exhibit A).

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 Community Center 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. Community-related announcements are permitted by local public educational institutions. 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