

RESOLUTION NO. 2007-58

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE APPROVING THE DEVELOPMENT OF TRANSIT SERVICES POLICIES AND PROCEDURES ON THE PLACEMENT OF PUBLIC SERVICE ANNOUNCEMENTS ON CITY TRANSIT VEHICLES

WHEREAS, the City of Elk Grove desires to develop a policy regarding the placement of Public Service Announcements inside **e-tran** and **e-van** vehicles; and

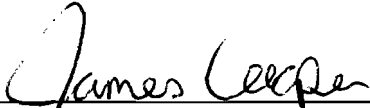
WHEREAS, nonprofit organizations and City departments expressing interest in the placement of Public Service Announcements inside **e-tran** and **e-van** vehicles shall comply with the policy; and

WHEREAS, commercial advertisements are prohibited inside all **e-tran** and **e-van** vehicles; and

WHEREAS, upon receiving approval from the Transit System Manager or designee, all nonprofit organizations and City departments placing Public Service Announcements inside **e-tran** and **e-van** vehicles shall be responsible for all production costs in developing the Public Service Announcement.


NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove does hereby approve the City of Elk Grove Policy and Procedures for the placement of Public Service Announcements inside **e-tran** and **e-van** vehicles as shown on Exhibit A attached hereto.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 14th day of March 2007.




JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



JONATHAN HOBBS,
INTERIM CITY ATTORNEY

Section 1: Public Purpose

In adopting this policy it is the City's declared intent and purpose to not permit any promotion that individually or in combination would cause any real or personal property owned or controlled by the City to become a public forum for the dissemination, debate, and/or discussion of public issues.

Section 2: Public Service Announcements (PSA) Inside e-tran Buses by Permission

Any PSA approved by the City for the placement of a noncommercial promotion inside **e-tran** buses must be consistent with the provisions of this policy. No PSA shall be allowed on the exterior of any side of an **e-tran** bus. A PSA will have an expiration date. The City will be responsible for placing and removing the PSA.

Section 3: Authorized Promotions and Announcements

Any promotion placed by a third party inside an **e-tran** bus must be a public service announcement. For the purpose of this policy:

A public service announcement is an announcement that:

1. Is replaced by the City of Elk Grove or a California public entity and is not otherwise prohibited under Section 5. A public service announcement must bear the following legend if the sponsor is not readily or easily identifiable from the content of the proposed announcement: "This message is sponsored by _____ (name of sponsor)."
2. Is placed by a nonprofit corporation if the following criteria are met:
 - a. The organization sponsoring the promotion is qualified as a tax exempt organization under Section 501^c(3) of the Federal Internal Revenue Code;
 - b. The organization provides the City with a letter on the letterhead of a California city, county, or state agency attesting that the proposed announcement is limited to providing information that either advances the public health, safety, or welfare or announces an upcoming event or service provided by or sponsored by a California public entity, which letter must be signed by the City Manager, County Executive, or a department or agency head of such entity;

- c. The announcement includes the following in prominent text in the display promotion: "This message is sponsored by _____ (name of nonprofit corporation);"
- d. The announcement is not otherwise prohibited under Section 5.
- e. The announcement is placed in the spaces provided by the City and that no handbills, brochures or flyers related to the announcements are distributed or placed inside *e-tran* buses.
- f. Only one announcement per entity is allowed on a bus. No duplicated announcements are allowed on the same bus.

Section 4: Viewpoint Neutral Limitations

The following viewpoint-neutral content-based limitations are established. No announcement (hereinafter referred to as "Promotion") is permitted on or may be maintained on any *e-tran* bus if information contained in it falls within one or more of the following categories:

- A. Commercial Transactions, or false, misleading, or deceptive commercial speech. The Promotion proposes a commercial transaction, and the Promotion, or any material contained in it, is false, misleading, or deceptive.
- B. Unlawful goods or services. The Promotion, or any material contained in it, promotes or encourages, or appears to promote or encourage, the use or possession of unlawful or illegal goods or services.
- C. Unlawful conduct. The Promotion, or any material contained in it, promotes or depicts or encourages, or appears to promote, depict or encourage, unlawful, anti-social or illegal behavior or activities.
- D. Endorsement. The Promotion, or any material contained in it, implies or declares an endorsement by the City of Elk Grove of any service, product or point of view, without prior written authorization of the City of Elk Grove (through its City Manager).
- E. Obscenity. The Promotion, or any material contained in it, contains obscene matter or any other matter that is prohibited under the provisions of Chapter 7.5 (beginning with Section 311) of Title 9 of Part 1 the California Penal Code, and as such laws may be amended or supplemented.
- F. Prurient Interests. The Promotion or any material contained in it, contains harmful matter or any other matter that is prohibited under the provisions of Chapter 7.6 (beginning with Section 313) of Title 9 of Part 1 of the California Penal Code, and as such laws may be amended or supplemented.
- G. Profanity, Vulgarity, Riot. The Promotion, or any material contained in it, is profane or vulgar, or presents a clear and present danger of causing a riot, disorder, or other imminent threat to public safety, peace or order.
- H. Community Standards. A material that is objectionable under contemporary community standards as to be reasonably foreseeable that it will result in harm to, disruption of, or interference with the transportation system.

- I. Libelous speech, Copyright infringement. The Promotion or any material contained in it, holds up an individual or groups of people to public ridicule, derision or embarrassment, or it libelous, or is an infringement of a copyright, trademark or registered mark.
- J. Tobacco. The Promotion, or any material contained in it, promotes or depicts the sale or use of tobacco or tobacco-related products, except products that counteract symptoms of tobacco habituation.
- K. Alcohol. The Promotion, or any material contained in it, promotes or depicts the sale or consumption of wine, liquor, beer, or distilled spirits.
- L. Firearms. The Promotion, or any material contained in it, directly or indirectly promotes the sale or use of a firearm or contains an image of depiction of a firearm.
- M. Political Campaign Speech. The Promotion, or any material contained in it, contains political campaign speech. For purposes of these guidelines, the term "political campaign speech" is speech that (1) supports or opposes or appears to support or oppose a ballot measure, initiative, or referendum, or (2) refers to any candidate for public office.
- N. Traffic Interference. The Promotion, or any material contained in it displays any word, phrase, symbol, or character likely to interfere with, mislead, or distract traffic, or conflict with any traffic control device.
- O. Distraction. The Promotion, or any material contained in it, incorporates any rotating, revolving, or flashing devices, or any other moving parts.
- P. Violence. The Promotion, or any material contained in it, contains an image of description of graphic violence, including, but not limited to (1) the depiction of human or animal bodies or body parts, or fetuses, in states of mutilation, dismemberment, decomposition, or disfigurement, and (2) the depiction of weapons or other implements or devices associated in the advertisement with an act or acts of violence or harm on a person or animal.
- Q. "Adult"-oriented goods of services. The Promotion, or any material contained in it, promotes or encourages, or appears to promote or encourage, a transaction related to, or uses brand names, trademarks, slogans or other materials which are identifiable with, films rated "X" or "NC-17," video games rated "A" or "M," adult book stores, adult video stores, nude dance clubs and other adult establishments, adult telephone services, adult Internet sites, and escort services.
- R. Special provisions regarding web addresses and telephone numbers. The Promotion, or any material contained in it, directs viewers to a website or telephone number that contains material that violates this Policy.
- S. Public Forum
The Promotion, or any material contained in it, if posted individually or in combination with other Promotions, causes **e-tran** buses to become a public forum for the dissemination, debate, and/or discussion of public issues.
- T. Disclaimer or Attribution
The Promotion fails to contain any disclaimer or attribution as required under Section 6 and 7 of this Policy.

Section 5: Disclaimer

City reserves the right, in all circumstances, to require an announcement inside an **e-tran** bus to include a disclaimer stating that it is not sponsored by, and does not necessarily reflect the views of the City of Elk Grove.

Section 6: Attribution

All announcements inside **e-tran** buses must clearly and unambiguously identify the person or entity that has sponsored, paid for, or caused the announcement to be placed on **e-tran** buses. Website addresses or phone numbers without additional information are insufficient to satisfy this section.

Section 7: Moratorium

At the discretion of the City Manager, the City may at any time subject to any contractual obligations, declare a complete ban or moratorium on all PSAs inside an **e-tran** bus, and direct that no announcements of any kind, other than the City of Elk Grove or **e-tran** announcements, be accepted for display and posting.

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2007-58**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO)
CITY OF ELK GROVE) ss


I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on March 14, 2007 by the following vote:

AYES : **COUNCILMEMBERS:** *Cooper, Leary, Davis, Scherman, Hume*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN : **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



**Peggy E. Jackson, City Clerk
City of Elk Grove, California**

