

RESOLUTION NO. 2018-169

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
ESTABLISHING GUIDELINES AND PROCEDURES FOR THE IMPLEMENTATION
OF AN EVENT ADVERTISING SIGNAGE PILOT PROGRAM ("SIGN PROGRAM")**

WHEREAS, the City Council of the City of Elk Grove intends to distinguish Elk Grove as a city with an array of opportunities for sports and cultural activities for residents of all ages and backgrounds, with venues and entertainment districts that also promote and leverage economic growth and attract a variety of age groups to participate in the community; and

WHEREAS, on April 27, 2016, the City Council directed the Public Works Department to construct two signs on City-owned property to promote local community events as part of an event advertising signage pilot program; and

WHEREAS, on March 8, 2017, the City Council directed the City Manager to develop guidelines, procedures, and a process for managing the Event Advertising Signage Pilot Program ("Sign Program") through the Public Affairs division; and

WHEREAS, construction of two signs located on City-owned property – one at Laguna Boulevard near West Stockton Boulevard and one at the intersection of Big Horn Boulevard and Elk Grove Boulevard -- are forecasted for completion in the fall 2018; and

WHEREAS, implementation of the Sign Program requires an approved framework for managing the program in order to begin soliciting potential event advertisers prior to the completion of construction and in perpetuity of the program.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Elk Grove hereby adopts the guidelines attached hereto as Exhibit A for the purposes of implementing the Sign Program.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 25th day of July 2018.



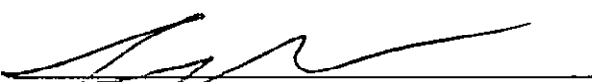
STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

EXHIBIT A

Event Advertising Signage Pilot Program Guidelines

I. About the Program

The City Council of the City of Elk Grove has adopted an Event Advertising Signage Pilot Program ("Sign Program") to promote local Community Events in high traffic areas within the City. The purpose of these Event Advertising Signage Guidelines ("Guidelines") is to set forth the procedures for placement and removal of Sign Copy on the City Signs.

II. Definitions.

For purposes of these Guidelines, the following words shall have the following meaning. Undefined words shall have their ordinary and common meaning.

"Applicant" or "Advertiser" shall mean any person or entity who applies for the placement of Sign Copy on a City Sign, as provided herein.

"City" shall mean the City of Elk Grove.

"City Council" shall mean the City Council of the City of Elk Grove.

"City Manager" shall mean the City Manager of the City of Elk Grove or his/her designee.

"City Sign" shall mean one of two City owned sign/sign structures placed at locations within the City of Elk Grove, as set forth herein.

"Community Event" shall mean, subject to the limitation set forth at Section VI, any planned gathering open to the public that includes, but is not necessarily limited to, a fair, festival, sporting event, performance, or other activity on public or private property of a temporary nature. Community Events may be a one-day event, a multi-day event occurring on consecutive days, or a related series of events over an extended period of time.

"Sign Copy" shall mean the message placed on an advertising panel on any City Sign, as provided for herein.

III. Signage Locations

One City Sign shall be constructed on City property at each of the following locations, for a total of two City Signs: (1) Laguna Boulevard near West Stockton Boulevard; and (2) Big Horn Boulevard at Elk Grove Boulevard. The City Council may, in its discretion, authorize the construction of additional City Signs on City property as it deems appropriate.

IV. Application Process

Applicants for placement of Sign Copy on a City Sign to advertise a Community Event shall submit an application to the City on forms prescribed by the City Manager containing, at a minimum, the name of the person or entity requesting the Sign Copy, the name and description of the Community Event, a drawing or graphic of the Sign Copy, and payment of any applicable application fee. The Applicant must be the primary organizer of the Community Event. Application must be submitted at least six (6) weeks prior to the Community Event.

In order to keep Sign Copy uniform in appearance and most readable, the City shall develop and make available for Applicants six (6) pre-approved design templates for an Applicant to select their preferred template.

Upon receipt of a completed application, the City Manager shall grant, conditionally grant, or deny any such application within ten (10) days of the submission of a completed application. Any application not acted upon within fourteen (14) days of submittal shall be deemed denied. The exclusive remedy for any person or entity claiming that the City improperly denied an application for Sign Copy on a City Sign shall be a petition for writ of mandate pursuant to Code of Civil Procedure section 1094.8.

Should there be more applications for Sign Copy than there is space available, priority shall be given to applications as follows:

- First Priority – City of Elk Grove
- Second Priority – Other Public Agencies serving the City (e.g. Elk Grove Unified School District, Cosumnes Community Services District)
- Third Priority – Community Events sponsored by local non-profit entities
- Fourth Priority – Community Events sponsored by local for-profit entities
- Fifth Priority – Community Events sponsored by an entity (public or private) who does not have an office or other physical place of business located in the City.

A proof of the layout of approved Sign Copy will be sent to the Applicant at least five (5) days before the Sign Copy is scheduled to be displayed on the City Sign. The proof must be approved by the Applicant before the Sign Copy will be produced or installed. Failure to approve the Sign Copy within three (3) days of it being sent by the City to the Applicant shall be deemed a forfeiture of the Sign Copy application, all subject to re-application. The City Manager shall have discretion to waive any fees upon such re-application.

Any Applicant issued a permit for Sign Copy on a City Sign shall comply with all applicable laws for conducting the Community Event. Any Applicant issued a permit for Sign Copy on a City Sign shall comply with any insurance requirement of the City, and shall agree to defend, indemnify, and hold harmless the City, its governing body, officers, employees, and agents, from and against any and all actions, claims,

demands, losses, damages, liabilities, costs, and expenses, including reasonable attorney's fees and costs, arising out of, or in any way related to the permit for the Sign Copy.

V. Fees

Advertisers submitting applications for placement of Sign Copy on a City Sign shall be charged a fee as adopted by resolution of the City Council in an amount not to exceed the reasonable cost to produce, install, and remove the Sign Copy.

VI. Sign Copy Criteria

The placement of the City Signs and the Sign Copy shall be limited to advertising Community Events. The City Signs and all Sign Copy on City property shall be considered government speech. The City Sign and all associated City property shall remain a non-public forum. Nothing herein creates, nor shall be construed to create, a public forum in any City Sign, Sign Copy, or any associated City property.

Each City Sign includes five interchangeable advertising panels. Sign Copy on the advertising panels of the City Signs shall, at a minimum, comply with the following criteria:

1. The Sign Copy shall be suitable for viewing by all ages;
2. The Sign Copy shall not contain nudity;
3. The Sign Copy shall not contain sexual images;
4. The Sign Copy shall not contain depictions of violence;
5. The Sign Copy shall not include religious content;
6. The Sign Copy shall not contain political or campaign content;
7. The Sign Copy shall not depict or reference tobacco or illegal drugs (including marijuana/cannabis, which remains a controlled substance under federal law.);
8. The Sign Copy shall not include personal messages (e.g., birthdays, engagements, weddings);
9. The Sign Copy shall not contain any obscene, indecent or profane images or language, including, but not limited to, those indecent words that were the subject of the case of *FCC v. Pacifica Foundation*, 438 U.S. 726 (1978);
10. The Community Event advertised on the Sign Copy must take place within five (5) miles of the City limits;
11. The Community Event advertised on the Sign Copy must be open to all Elk Grove residents. Nothing herein shall preclude the Advertiser from charging a fee to attend the Community Event.

An Applicant shall not acquire any property interest in the placement of Sign Copy, and the City reserves the right to suspend and/or remove Sign Copy at any time, whether it complies with the criteria in these Guidelines or not.

VII. Display Period

Upon approval of the Sign Copy on a City Sign, Advertisers may display the Sign Copy for two to six weeks prior to the event, depending on availability on the Sign, and all as approved by the City Manager. Sign Copy for any City-held or sponsored Community Event is exempt from display period restrictions.

Sign Copy will be removed by the City within three (3) days following the Community Event. Once removed, Applicants shall retrieve their signs from City Hall within ten (10) days of notification of removal of the Sign Copy. The City may destroy or otherwise dispose of any sign left at City Hall longer than fifteen (15) days after notification of its availability for retrieval without any liability to the City or any other person.

VIII. Seals for Non-Profit Service Organizations.

Each City Sign will bear eighteen (18) fixed circular seal spaces in addition to the interchangeable event advertising signage space. Non-profit service organizations located in Elk Grove recognized by the California Secretary of State that raise and disperse funds to other non-profit organizations or programs serving the Elk Grove community, the region, state, country or global causes are eligible to appear on a fixed seal space. There shall be no cost to these eligible service organizations for the production of these seals and organizations are selected in keeping with the criteria above at the City's sole discretion.

The following Proposed service organizations are pre-approved for placement on the fixed seal spaces:

1. American Legion
2. Elk Grove Masonic Lodge
3. Elk Grove Optimist Club
4. Elks Lodge of Elk Grove
5. Kiwanis Club International
6. Lions Club International
7. Marine Corps League
8. Native Sons of the Golden West
9. Rotary Club
10. Soroptimist International of Elk Grove Club
11. Veterans of Foreign Wars

Other non-profit service organizations may be added as determined by the City Manager. The pre-approved and approved non-profit service organizations shall not acquire any property interest in the placement of a seal. The pre-approved and approved non-profit service organizations shall have no specific time limitation as to the duration of its seal on the City Sign, provided, however, that the City Manager may require the removal of the seal at any time within his/her discretion without any liability to the City.

**CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2018-169**

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

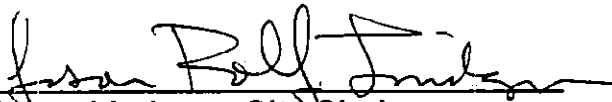
I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on July 25, 2018 by the following vote:

AYES: COUNCILMEMBERS: Ly, Suen, Detrick, Hume, Nguyen

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



**Jason Lindgren, City Clerk
City of Elk Grove, California**