Item #: 2

Prepared by: Grace Hutchinson

Approved by: Felisa Cox

RESOLUTION ADOPTING AN ADVERTISING POLICY FOR THE SALE OF ADVERTISING FOR REVENUE GENERATION UTILIZING COUNTY ASSETS, DOCUMENTS AND COMMUNICATION LINKS. SPONSORED BY COMMISSIONER CARPENTER.

WHEREAS, It is the intent of the Shelby County Board of Commissioner to establish a process by which advertising space utilizing county assets, documents and communication links can be sold to generate revenue for the County; and

WHEREAS, It is necessary establish a policy that defines goods or services that are acceptable for consideration for this purpose and eligibility criteria for advertisers to be considered for advertising placement; and

WHEREAS, This Board of Commissioners has previously determined in Ordinance No. 344 that adult-oriented establishments create adverse secondary effects regarding crime, property devaluation, and the health of patrons; and in order not to further those adverse secondary effects the advertising of said businesses is specifically prohibited; and

WHEREAS, The policy is stated in Exhibit A, which is attached hereto and incorporated herein by reference; and

WHEREAS, This policy will be in force for all offices and departments of County government for use as outlined below.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE, That the advertising policy for the sale of advertising for revenue generation for the County is hereby adopted as attached hereto and incorporated herein as Exhibit A.

BE IT FURTHER RESOLVED, That this policy upon adoption, shall govern the sale of advertising for revenue generation for any department or office of Shelby County Government.

BE IT FURTHER RESOLVED, That this policy be implemented upon adoption by the Shelby County Board of Commissioners.

BOARD OF COUNTY COMMISSIONERS SHELBY CO., TENN. AGRICULTURE COMMERCE

A C Wharton, Jr., County Mayor

Date: Sept 16, 2008

ATTEST:

Clerk of County Commission

AS AMENDED
ADOPTED: SEPTEMBER 8, 2008

Exhibit A

POLICY FOR THE SALE OF ADVERTISING OPPORTUNITIES FOR REVENUE GENERATION FOR SHELBY COUNTY GOVERNMENT

Purpose

To establish a nonpublic revenue generating advertising forum within Shelby County and establish standards for advertising with that forum, which encourage long-term commercial advertising and avoids the appearance of governmental favoritism, governmental entanglement with particular viewpoints, and does not disrupt government by creating controversy.

General Advertiser Eligibility

Commercial advertising for the purpose of this policy is defined as advertising with expressions related solely to economic interests and offers for sale a product or service. Potential advertisers include commercial entities and non commercial entities which are sponsored by or funded by government programs. Local businesses will be considered favorably.

Disclosure Requirements for all Eligible Advertisers

Advertisers must disclose prior to the execution of any contract that the business being advertised is in good standing regarding any local or business tax obligations and have all appropriate business licenses required by local or state governments.

Prohibited Advertisements

(1) Advertisements shall not include commentary, advocacy, or promotion of or on social, political, religious or rhetorical issues; advertisements for political candidates, campaigns, or organizations; or advertisements advocating a position on any public policy or social issue.

(2) Advertisements shall not promote or contain content that refers to, displays or promotes the use of tobacco products, consumption of alcoholic beverages, gambling, or weapons.

(3) Advertisements shall not promote services for which the advertiser lacks the professional certifications required by licensing boards or regulatory agencies.

(4) Advertisements shall not include objectionable or controversial material such that inclusion of the advertisement would be contrary to or would detract from the mission of any department of Shelby County Government. Inappropriate or objectionable advertisements on this basis will be determined by high level officials or administrators in affected county offices.

(5) Advertisements shall not considered from individuals or organizations that have financial or legal conflicts with local , state or federal government.

(6) Advertisements shall not contain content which includes, but is not limited to, that which is obscene, inflammatory, slanderous or libelous.

(7) Advertisements shall not be considered from individuals or organizations that are not in compliance with federal EEOC and Title VI regulations and other applicable federal, state and local employment regulations.

(8) Advertisements shall not promote bail bonding services or process serving services.

(9) Advertisements shall not contain content that is fraudulent, deceitful, or effectively misrepresents or misleads.

(10) Advertisements may not violate trademark and/or copyright infringement laws and regulations.

(11) Advertisements shall not promote adult oriented establishments as defined in Tennessee Code Annotated, Section 7-51-1101 (et seq).

Basis for Rejection

Shelby County Government reserves the right to refuse advertising in the county publications or displayed on county assets (including the county and elected officials' websites) or in county mailings as determined by elected officials, directors, administrators and county legal counsel or other officially designated county representatives.