

# Chapter 40. Sale or Lease of Advertising Space<sup>1</sup>

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### **40.001 Authority**

- (a) Texas Local Government Code sections 263.251 and 291.011 allow a county to lease advertising space in and on its buildings, on its vehicles, and on its website, and to sell advertising space on correspondence distributed by US Mail.
- (b) Federal regulations in 41 Code of Federal Regulations 102-173 govern the use of .gov. Internet domains so that these remain the official and trusted Internet presence of the federal, state, and local levels of government.

### **40.002 Intent of Chapter**

Although Travis County owns many assets worth millions of dollars that may provide income if other entities are allowed to use space on them for advertising, Travis County's governmental operations and missions must not be adversely impacted by this use.

### **40.003 Application**

This subchapter applies to the sale or lease of advertising space on all county assets under the control of any county official or employee.

### **40.004 Effective Date**

This chapter is effective when approved by Commissioners Court.

### **40.005 Definitions**

In this chapter:

- (1) "Building" means a building or part of a building that is owned by Travis County.

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<sup>1</sup> Chapter 40 was adopted by Travis County Commissioners Court September 18, 2018, Item 22.A.1.

- (2) "Vehicle" means a device in or by which a person or property is or may be transported or drawn on a public highway, other than a device used exclusively on stationary rails or tracts that:
- (A) Is owned by Travis County, or
  - (B) Is leased by Travis County if the vehicle owner has provided written consent to the advertising.

This definition is consistent with Texas Transportation Code, section 502.001 and is automatically amended to remain consistent with that section.

- (3) "Website" means the official Travis County website.

**40.006 Federal Regulatory Restrictions on Use of .gov Internet Domain Website**

- (a) Any Website on the .gov Internet domain may not be used to advertise for private individuals, firms, or corporations, or imply in any manner that the government endorses or favors any specific commercial product, commodity, or service.
- (b) Any Website on the .gov Internet domain may not be used for political campaigning, and may not be directly linked to or refer to websites created or operated by a campaign or any campaign entity or committee. No political sites or party names or acronyms may be used.
- (c) Any Website on the .gov Internet domain may not display criminal activities, obscene images, inappropriate sexually oriented materials or extremist material and may not send these to users.
- (d) Any Website on the .gov Internet domain may not allow criminal activities, obscene images, inappropriate sexually oriented materials or extremist material to be displayed on or sent to system users from any Website on the .gov Internet domain.
- (e) Any Website on the .gov Internet domain may not include content with advertising materials, political or campaign information, substantially incorrect information, incorrect redirects, or inappropriate web links (i.e., to sites that violate content restrictions).

**40.007 Responsibility for Identification of Potential Advertising Space**

- (a) In coordination with the officials or departments that use a Building, the Director of Facilities Management may identify for the Purchasing Office space at locations in or on a Building or part of it (except for Buildings in any Travis County Park) on or in which the Department of Facilities Management proposes leasing space for advertising.
- (b) The County Executive of Transportation and Natural Resources (TNR) may identify for the Purchasing Office locations in or on a Building or part of it in any Travis County Park on or in which TNR proposes leasing space for advertising.

- (c) Upon request of the Vehicle Users Committee and in coordination with the officials or departments that use the proposed Vehicles, the County Executive for TNR may identify for the Purchasing Office one or more Vehicles on which the Vehicle Users Committee proposes leasing space for advertising.
- (d) In coordination with the officials or departments that use the affected space on the Website, the Chief Information Officer (CIO) may identify for the Purchasing Office one or more locations on any portion of the Website that is not on the .gov Internet domain where the CIO proposes leasing or selling space for advertising.
- (e) In coordination with the officials or departments that use the affected space on the Website, the CIO may identify for the Purchasing Office one or more locations on any portion of the Website including the .gov Internet domain where the CIO proposes leasing space for advertising by other governmental entities.

**40.008 Court Determination of Appropriateness of Space for Advertising**

- (a) Annually, the Purchasing Office presents all locations identified as potential spaces for advertising to the Commissioners Court.
- (b) The Commissioners Court considers each location and takes appropriate action regarding the sale or lease of each location as space for advertising.
- (c) In evaluating each location, the Commissioners Court may consider some or all of the following:
  - (1) The likelihood of receiving an offer;
  - (2) The costs, in both monetary and management resources, of procuring another entity to lease or purchase space at the location and the benefits from the advertising, both financial and otherwise;
  - (3) The appropriateness of any advertising being placed at that particular location;
  - (4) Any enhancements of a County use or purpose that could result from the use of the advertising space; and
  - (5) The fund or line item to which revenues received from the advertising sale or lease would accrue.

**40.009 Required Contract Provisions**

All contracts for advertising space must include the following contract provisions:

- (1) “Contractor shall not use the official Travis County seal (shown below) in any manner, or in connection with advertising any product or service;



- (2) “Contractor shall not place any advertising on any Vehicle or Building in a manner that interferes with any County markings on them;
- (3) “Contractor shall not place any advertising on any Vehicle or Building or Website in a manner that obscures or dilutes the County missions which must remain clearly and easily identifiable after the advertising is placed;
- (4) “Contractor shall not place any advertising on any Vehicle or Building in a manner that interferes with the public’s ability to clearly identify the department or office using the Vehicle or Building and the fact that the Vehicle or Building is Travis County property;
- (5) “Contractor shall securely attach any advertising on any Vehicle so that the advertisement does not cause a safety hazard or damage to the Vehicle or Building;
- (6) “Contractor shall attach any advertising to any Vehicle so that the advertisement is easily removable without damage to the Vehicle or Building;
- (7) “Contractor advertising may not include any content, data, work, materials, or service that is obscene, offensive, defamatory, harassing, malicious or illegal in the selected location;
- (8) “Contractor shall not include any content, data, work, materials, or service that would reflect adversely on the reputation and dignity of Travis County or the Travis County (insert location of advertising) or both;
- (9) “Contractor shall not include any content, data, work, materials, or service that would adversely impact the operations of Travis County, its ability to provide its services, or the achievement of Travis County’s missions, which include:
  - (A) “The operation of the criminal justice system with special emphasis on the following:
    - (i) “The reduction in recidivism by rehabilitation of offenders through counseling related to use of drugs or alcohol and sexual offenses
    - (ii) “The prosecution of such crimes as driving under the influence, domestic violence and crimes against minors;
  - (B) “The maintenance of order and good government;
  - (C) “Construction and maintenance of roads and bridges;
  - (D) “Promotion of the public health, safety, peace, morals, and general welfare;

- (E) Providing assistance and support to low-income and otherwise disadvantaged residents requesting county services; and
  - (F) Sustaining and providing good stewardship over the county's economic, environmental, and natural resources.
- (10) "Contractor shall indemnify Travis County for any damages to Vehicles or Buildings or the reputation and dignity of Travis County or the Travis County (insert location of advertising) arising out of use of the advertising space by Contractor; and
- (11) "If Contractor breaches or in any way fails to honor any of these warranties, County may terminate this contract, and revoke any advertising rights granted immediately."

**40.010 Notice of Intent to Sell or Lease Advertising Space**

- (a) Before a sale or lease of advertising space, the Purchasing Office shall publish a notice of the County's intent to sell or lease the advertising space.
- (b) The notice must be published:
- (1) At least one time in a newspaper of general circulation in the county at least 14 days and not more than 30 days before the date the award of the sale or lease of the advertising space is made; and
  - (2) On the Website continuously for at least 14 days immediately before the date of the award of the sale or lease of the advertising space is made.
- (c) The notice must include:
- (1) The date and time by which bids or proposals must be submitted;
  - (2) The address to which bids or proposals must be submitted;
  - (3) A description of the space available for advertising, including its location; and
  - (4) The part of any real or personal property that the space occupies;
  - (5) A location on the Website where potential advertisers may read any contract provisions that must be included in the contract for use of the space; and
  - (6) The procedure by which bids or proposals for the sale or lease of the space may be submitted.

**40.011 Development of Contracts for Sale or Lease of Advertising Space**

- (a) The Purchasing Office and the user official or department review the bids or proposals received for lease of advertising space on that official's or department's Vehicles, Buildings or space on the Website; or for sale of advertising space on that official's or department's correspondence.
- (b) The official or department formulates a recommendation.

- (c) The Purchasing Office submits the official's or department's recommendation about appropriate actions on the bids or proposals received to the Commissioners Court.
- (d) The Commissioners Court takes appropriate action and may provide additional direction about considerations to be addressed in the contract.
- (e) The Commissioners Court may reject any or all bids or proposals submitted.