

CHAPTER ONE. ORGANIZATION, FUNCTIONS AND GENERAL PROVISIONS

Subchapter Five. Guidelines for Publication of Town Newsletters

1.05.010 Statement of Purpose

The sole purpose of publishing a Town newsletter is to provide information of the Town's choosing to recipients regarding information, activities, events, resources and services for the general health, welfare and safety of the Town's residents and businesses. The publication of one or more newsletters is not intended to establish a forum or other means by which public discourse, exchange of opinions or ideas, or discussion on issues of any nature may occur.

[History: Res. 2001-07, 4/11/01; Res. 2012-10, 4/11/12]

1.05.020 Editor.

The City Manager shall act as editor of each newsletter published by the Town and shall, subject to these Guidelines, have sole and absolute discretion over the content of information published in the newsletter. Except as otherwise stated in these Guidelines, all copy shall be authored, created, and edited by or under the supervision of the City Manager. Nothing herein shall give the right to any person to have any copy published in any Town newsletter, either in form or substance.

[History: Res. 2001-07, 4/11/01; Res. 2012-10, 4/11/12]

1.05.030 Guidelines Only Directory.

These Guidelines are directory, not mandatory. Failure of the Town to adhere to the Guidelines shall not be grounds for a legal action against the Town.

[History: Res. 2001-07, 4/11/01; Res. 2012-10, 4/11/12]

1.05.040 General Restrictions.

A newsletter published by the Town may not:

- (a) Promote any candidate for public office at the local, state, or national level;
- (b) Include or feature any topic not encompassed within the purpose of the newsletter;
- (c) Advertise any commercial venture, sale, enterprise or activity;
- (d) Include any material that is false, misleading, deceptive or offensive to the moral standards of the community, or contrary to good taste;

(e) Include any material that disparages, either pictorially, graphically or otherwise, any person; or

(f) Publish letters from readers.

[*History*: Res. 2001-07, 4/11/01; Res. 2012-10, 4/11/12]

1.05.050 Elected Officials.

(a) A newsletter published by the Town may not include the name, office, photograph, signature, or other reference to any elected official, or single out the elected official by the manner of display of his or her name or office in the layout of the document, such as by headlines, captions, type size, typeface, or type color.

(b) Notwithstanding the foregoing, a newsletter published by the Town may include an elected officer's name and city phone number in the heading or masthead provided that the names of all elected officers must appear in the same type size, typeface, type color, and location.

[*History*: Res. 2001-07, 4/11/01; Res. 2012-10, 4/11/12]

1.05.060 Use of a Trade Name or Business Name.

General Rule. A newsletter published by the Town may not include the trade name, business name, trademark, service mark, or logo (hereafter, "mark") of any business, except when:

- (1) the use of the mark is reasonably necessary to accurately identify or refer to a business or to describe its products or services;
- (2) the identification of the business or its products or services is reasonably related to providing information for the general health, welfare and safety of the Town's residents and businesses; and
- (3) use of the mark does not suggest sponsorship or endorsement of the business or its products or services.

(b) *Definition.* A reasonably necessary use of a trademark occurs when no more of the mark's appearance is used than is necessary to identify the product and make the reference intelligible to the consumer.

(c) *Exceptions.* Notwithstanding paragraph (a), a newsletter published by the Town may:

- (1) publish the name and location of a business in connection with an offer of goods and services by such business for the benefit of Colma residents only, where the offer is not a promotion of the business, and the goods or services may be fully

received and enjoyed without payment of any monetary consideration of any kind by the resident; and

- (2) promote doing business in the Town of Colma, provided that a particular business or brand is not singled out.

(d) *Examples of Permissible References.* Each of the following references to a business in the *LiveWire* is permissible:

- (1) "The Colma Police Department will be doing fingerprinting of children at the [name of business] parking lot." [*Comment:* The notice is permissible because the service is offered by the Police Department and the location of the service is necessary to direct the residents to the offer itself.]
- (2) "TUV Company will be offering free Christmas dinners for residents." [*Comment:* The notice is permissible because the dinner may be fully received and enjoyed without payment of any monetary consideration of any kind by the resident.]
- (3) "Buy Your Car in Colma." [*Comment:* This reference is permissible because it promotes doing business with any car dealer in Colma and does not single out any particular dealership or brand of car.]

(e) *Examples of Impermissible References.* None of the following references to a business in the *LiveWire* is permitted:

- (1) "WXY Store will offering free gift-wrapping services [or, a 10% discount] to Colma residents at its store." [*Comment:* The notice is not permissible because the offer is promotional in nature, and the gift-wrapping service or discount is tied into purchases being made by the recipient.]
- (2) "DOE Company will be offering a free first aid kit to anyone who visits the store next Saturday." [*Comment:* The notice is not permissible because the offer is promotional and is being made to everyone, not just Colma residents.]

[*History:* Res. 2001-07, 4/11/01; Res. 2012-10, 4/11/12]

1.05.070 Alternative Accessible Format.

The Town is committed to making its newsletters accessible to the largest audience possible and to complying with and upholding the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973.

(a) A Town newsletter shall be made available in appropriate alternative formats to persons with disabilities when requested pursuant to Division 6 of Chapter 1-02 of the Colma Municipal

Code, and when necessary as a reasonable accommodation to provide persons with disabilities with equal access to the newsletter.

[*History*: Res. 2001-07, 4/11/01; Res. 2010-09, 2/10/10; Res. 2012-10, 4/11/12]

1.05.080 *LiveWire* Newsletter.

The Town shall publish and distribute to all residents located in the Town of Colma a monthly newsletter containing information about events and activities that are conducted, sponsored or supported by the Town of Colma; information about events and activities that are conducted for the principal benefit of residents in the Town; articles about the history of the Town of Colma; articles that promote the safety, health or welfare of Colma residents; and jobs available for Colma residents at businesses located in the Town.

(a) The *LiveWire* may include a brief announcement of a meeting or activity provided that the following criteria are met:

- (1) The announcement pertains to a meeting or activity conducted by, and is requested by an organization that is exempt from federal income taxes under section 501(c)(3) of the Internal Revenue Code or whose members are, in the majority, residents of the Town of Colma;
- (2) The organization placing the announcement is not then engaged in, and has not, within the twelve months next preceding the announcement, engaged in, campaigning for the election of any person to local, state or federal election, or for or against any political cause, or for or against any legislative or popular measure, initiative, or bill; and
- (3) The announcement is limited to the identity of the organization and the time and place of the meeting, without any mention of the subject matter of the meeting.

[*History*: Res. 2012-10, 4/11/12]

1.05.090 *Business* Newsletter.

The Town shall periodically publish and distribute to all businesses located in the Town of Colma a newsletter containing:

- (1) information about new businesses that have opened in Colma,
- (2) business retention and attraction events and activities that are conducted, sponsored or supported by the Town of Colma;
- (3) information about proposed and actual changes to Town regulations that affect Colma businesses;

- (4) articles that promote the safety, health or welfare of Colma businesses; and
- (5) information regarding the Town's economic development programs and activities.

[*History*: Res. 2012-10, 4/11/12]