

**Metropolitan Exposition Recreation Commission**

**Resolution No. 99-43**

Approving a MERC Advertising Policy and Standards for all MERC facilities effective October 20, 1999.

The Metropolitan Exposition Recreation Commission finds:

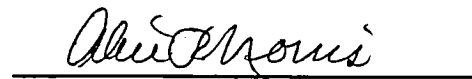
1. That staff has identified advertising packaging as a means to increase facility revenues.
2. That with the OCC Kiosk marketing of advertising capabilities, various companies are purchasing advertising space within OCC.
3. Legal Counsel has recommended an overall MERC Advertising Policy be developed and approved by the Commission.
4. That the MERC Commission has the authority to set policy at all of its managed facilities.

**BE IT THEREFORE RESOLVED** that the Metropolitan Exposition Recreation Commission approves the MERC Advertising Policy and Standards, attached as Exhibit A, to become effective October 20, 1999.

Passed by the Commission on October 20, 1999.

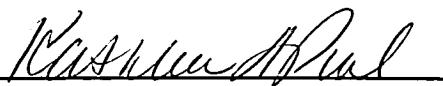


Chair



Secretary/Treasurer

APPROVED AS TO FORM:  
Daniel B. Cooper, General Counsel

By   
Kathleen Pool, Sr. Assist. Counsel

# Metropolitan Exposition Recreation Commission Facilities

Exhibit A

## Advertising Policy and Standards

**Effective: October 20, 1999**

**Approved: MERC Resolution No. 99-43**

### 1. Purpose and Intent

- A. The MERC Commission adopted this advertising policy on October 20, 1999. The MERC Commission has the power to set policy for all MERC managed facilities pursuant to Metro Code.
- B. The purpose of this policy is to create definite, uniform standards for the display of advertising inside and outside all MERC Facilities. This policy is intended to be an objective and enforceable standard for advertising that is consistently applied, and which is consistent with the free speech guarantees of the First Amendment to the United States Constitution.
- C. It is MERC's declared intent and purpose not to allow or cause any of its advertising to become a public forum for the dissemination, debate, and/or discussion of public issues.
- D. It is MERC's declared intent and purpose to take into account interest which are of importance to the operation of MERC's public facilities. These interests include:
  - 1) Maximizing revenues generated by advertising
  - 2) Promoting and marketing of events using the facilities.
  - 3) Maintaining a high standard of quality for all advertisers
  - 4) Having a consistent look in each facility for all advertising
  - 5) Avoiding any potential identification of MERC with the viewpoints of advertisements or advertisers.
- E. MERC reserves the right to amend these policies and standards at any time. Any revisions or amendments to this policy will be in writing and supplied to all advertising contractors. Any member of the public may obtain a copy of these standards at any time, upon request.
- F. At the discretion of MERC's General Manager, MERC may at any time, subject to any contractual obligations, declare a complete ban on all advertising at MERC Facilities or at any one MERC managed facility and direct that no advertisements of any kind be accepted for display and posting.

### II. Advertising Standards and Restrictions

- A. **Limitations Upon Advertisement.** No advertisement will be displayed or maintained if the advertisement or information contained in it falls within one or more of the following categories:
  - 1) Is false, misleading, or deceptive.
  - 2) Promotes unlawful or illegal goods, services or activities.
  - 3) Implies or declares an endorsement by MERC/Metro or any of its facilities of any goods, services or activities.
  - 4) Contains any nudity, obscenity, sexual conduct, sexual excitement, or sadomasochistic abuse as those terms are defined in ORS 167.060, and as such law may be amended, modified or supplemented.

- 5) Contains an image or description which, if furnished or sent to a minor would give rise to a violation of ORS 167.065, 167.070, 167.075 and/or 167.080, and as such law may be amended, modified or supplemented.
- 6) Contains an image or description, which would give rise to a violation of ORS 167.087 and/or 167.090, and as such law may be amended, modified or supplemented.
- 7) Is libelous.
- 8) Promotes the sale of tobacco or tobacco related products.
- 9) Supports or opposes a candidate, issue or cause.
- 10) Supports or opposes a religion, denomination, creed, tenet or belief.
- 11) Promotes any other show in the Portland area similar or competing with current events at a MERC facility or in the same facility.
- 12) Is inconsistent with the mission of MERC and its management of public assembly facilities.
- 13) Displays any word, phrase, symbol, character, or feature likely to interfere with, mislead, or distract vehicular traffic or internal or external pedestrian movement.

**B. Accepted Advertising.** The spaces available at all MERC managed facilities are limited in number. Therefore, advertising that meets the requirements of Section II.A. and the minimum advertising purchase requirements of Section III.A. will be accepted on a first-come first-service basis.

**C. Review of Advertisements.** The MERC General Manager or his/her designee will review all submitted advertisements to make sure none of the standards described above are violated.

- 1) The Facilities advertising contractors will review each advertisement submitted for display and installation on locations at MERC facilities to determine whether the proposed advertisement falls within, or may fall within, one or more of the categories set forth in Section II.A.
- 2) If a MERC advertising contractor determines that an advertisement falls within, or may fall within, one or more of the categories set forth in Section II.A.
  - (a) The Facility's advertising contractor promptly will provide the advertiser with a copy of these standards and written notice of its determination, the reasons for the determination and the advertiser's right to request a prompt review with the Facility Director and General Manager.
  - (b) The facility-advertising contractor will provide the Facility Director and General Manager with a copy of the written notice to the advertiser and the advertisement at issue.
  - (c) Upon written request of the advertiser, the advertising submitted will be reviewed within fourteen (14) days of receipt of a written request of the advertiser, to determine whether the advertisement at issue falls within one or more of the categories set forth in Section II.A.
  - (d) Within five (5) days of the review conducted by the Facility Director and General Manager the advertiser will have a written notice of its determination. The MERC General Manager's determination will be final.

**D. Severability.** If any category set forth in Section II.A is determined to be invalid as applied to any particular type of MERC facility, the category shall remain applicable to all other types of advertisements or displays in other MERC facilities.

### **III. Design Standards and Minimum Advertising Purchases**

- A. **Amount.** Each MERC Facilities advertising department, in cooperation with its advertising contractors, will establish minimum rates and/or amounts of advertising that must be purchased by an advertiser before an advertisement is accepted.
- B. **Schedule.** The minimum rates and/or amounts of advertising required to be purchased will be made available to any potential advertisers by the facility's specific advertising department and/or MERC's advertising contractor if applicable. These rates may not be changed unless they have been approved by the General Manager or his/her designee. Any changes in rates will be approved by the MERC Commission.
- C. **Design Standards.** Advertising design standards for advertising displayed at any of the MERC managed facilities are established by the advertising standards and are attached to this policy as Exhibit A.

### **VI. Other Provisions**

- A. **MERC/Facility Promotions.** MERC will have the right to display advertisements and notices in all of its facilities, which pertain to its own operations, promotions, marketing and management needs.

## MERC Staff Report

**Agenda Item/Issue** Approving a MERC Advertising Policy and Standards for all MERC-managed facilities effective October 20, 1999.

**Resolution No.:** 99-43

**Presented By:** Jeffrey A. Blosser

**Date:** October 20, 1999

**Background and Analysis:** Over the course of the last fifteen months, the MERC Commission approved the construction of the Kiosk inside OCC for the purpose of way finding, event information and advertising. In the last couple of years, budget discussions as well as in the approved budget, the Commission directed staff to sell advertising in the amount of \$200,000 per year, which is more than the current \$35,000.

The OCC Kiosk has been constructed and is now in operation. OCC staff are in the process of marketing the advertising capabilities, both with static displays and video commercials. Ads have been sold and more perspective companies are being sought to place advertising on the Kiosk as well as the solicitation of video spots for our events and producers.

Metro Legal Counsel has recommended that staff draft an overall MERC Advertising Policy to be approved by the MERC Commission in order to control the advertising process in any MERC-managed facility. The current Tri-Met model was used as a guide in drafting MERC's policy.

At the August MERC Commission Meeting, the Commission was provided an overview of the Draft Advertising Policy.

Various facility Advisory Committees have reviewed the draft and approve of the implementation of this policy. Legal Counsel has also reviewed the Policy.

**Recommendation:** Staff recommends that the Metropolitan Exposition Recreation Commission approve the MERC Advertising Policy and Standards for all MERC-managed facilities effective October 20, 1999.