

**JOHNSON COUNTY GOVERNMENT**  
**ADVERTISING POLICY AND GUIDELINES**  
Version 2015, Adopted July 30, 2015, Resolution No. 037-15

**I. GENERAL POLICY STATEMENT**

It is the Policy of the Johnson County Government that commercial messages and/or advertisements shall be strictly prohibited and shall not be placed upon County property or in County publications without the express acceptance and consent of an authorized representative of County government and any such acceptance or consent shall be provided only under and in compliance with established policies, practices and guidelines approved or authorized by the Board of County Commissioners.

**II. SCOPE AND APPLICATION**

This Policy and all related practices, procedures and guidelines shall be applicable to all offices, departments, agencies and related entities of Johnson County Government and shall apply to all property of the County government, which, for the purposes of this Policy, shall include (1) all real estate owned by the County, its agencies or related entities; (2) all leasehold interests in real property held by the County, its offices, departments, agencies or related entities to the extent used and operated for County government purposes; (3) all personal property, equipment, fixtures and vehicles, including buses, owned or used by the County, its agencies or related entities; (4) all records, recordings, transmissions, computer or electronic information systems, and Intranet or Internet connections or communications; and (5) all printings, newsletters, publications or documentary materials produced or distributed by the County.

**III. PURPOSE AND INTENT**

The purpose of this Policy and its related practices and guidelines is to define the conditions upon which commercial messages and advertisements may be placed upon property or in publications of the County government and to establish definitive guidelines for the acceptance and placement of such messages or advertisements. It is the intent of Johnson County Government to preserve its full rights and discretion to restrict access to County properties and publications and to reject or refuse placement of any or all commercial messages or advertisements. To the extent that any such messages and advertisements are accepted, it is the intent of the County government to reserve and exercise the right of full editorial control over the placement, content, appearance and wording and to determine and prohibit types of commercial messages or advertisements which are deemed inappropriate for or inconsistent with the business of County government or the services for County citizens.

#### **IV. AUTHORIZATION REQUIRED**

All property and publications of the County government are intended and exclusively used for the business operations of the County in providing governmental services to and for the citizens, and, except as required by law or expressly established by an affirmative action of Board of County Commissioners, no property or publication of the County government shall be intended or considered as an open or limited public forum, and no person shall have a right to access and use any County property or publication for any purpose other than the intended and authorized governmental purpose or service. Placement of commercial messages or advertisements upon County property or in County publications shall require specific authorization.

#### **V. GENERAL ACCEPTANCE**

Commercial messages or advertisements, not otherwise prohibited by this Policy and its related guidelines, may be authorized and accepted only under the following conditions:

**A. FOR PUBLICATIONS.** Commercial messages and advertisements may be accepted for placement in County publications when approved in writing by the appropriate, authorized representative of the department, agency, office, or related entity responsible for or sponsoring the publication.

**B. FOR FACILITIES AND PROPERTY.**

**1. General.** Commercial messages and advertisements shall not be accepted for placement directly upon or within any real property, building, facility or structure owned or leasehold space occupied by the County, its agencies, departments or related entities; provided, however, that the Board of County Commissioners, or when expressly authorized, the appropriate County official or appointed Board, may generally or on a case-by-case basis, authorize confined, designated spaces on or within such properties for the placement of commercial messages or advertisements when those messages or advertisements are directly related to the governmental services provided at the property or themselves offer or provide related services or information to the clientele, citizens or patrons accessing the governmental services. Any such acceptance and placement, if authorized and granted, shall be made upon terms and conditions consistent with this Policy and guidelines and may include such other conditions and limitations deemed advisable by the Board or other authorized County official or appointed Board.

**2. Recreational Facilities and Activities.** Commercial messages and

advertisements may be accepted for placement at or upon property or facilities which are primarily used for recreational or sporting activities administered by or under the general direction of a department or agency of the County Government when authorized under Policies and procedures adopted by the Board of County Commissioners or the appropriate authorized County official or appointed Board, and then approved in writing by the authorized representative of that department or agency.

**C. VEHICLES AND EQUIPMENT.** Commercial messages and advertisements may be accepted for placement in or upon personal property, equipment or vehicles owned or operated by the County, its offices, departments, agencies or related entities when approved in writing by the appropriate, authorized representative of the County responsible for use and operation of the property, equipment or vehicles and when such placement does not interfere with the safe and proper use, operation or maintenance of such property.

**D. COMPUTERIZED SYSTEMS.** Commercial messages and advertisements may be accepted for placement upon computerized information systems or Internet sites or operations only upon submission of a plan and regulations by the department, agency, office or related entity responsible for such system or operation and approval of the plan by the County Manager.

**E. EXEMPTIONS AND EXCEPTIONS.** Nothing in the Policy or its related guidelines shall be interpreted to prohibit nor require authorization for the following:

1. Merchant or governmental identification, logos or trademarks appearing upon property acquired, installed or used by the County;
2. Public service announcements or announcements of events directly related to services of any governmental entity or not-for-profit entity associated with the County government, its offices, agencies, departments, related entities, or special events;
3. Merchandising or vending operations conducted or established by the County government, its offices, agencies, departments, or related activities as a part of its continuous business operations or services, including, but not limited to established food service vending, park & recreation merchandising, museum merchandising or library book sales;
4. Employee benefit information, including, but not limited to special purchase opportunities provided to County employees through the Human Resource Department; and
5. Special events which are (a) sponsored as a part of a County government function; or (b) conducted as a part of the normal business or service operations of a department, office or agency of the County Government; or (c) recreational or sport activities conducted or offered as a part of the programs or services administered by or under the direction of a County department or

agency; or (d) sponsored by another governmental entity or not-for-profit organization and authorized by the Board of County Commissioners or other appropriate, appointed agency Board.

**VI. PROHIBITED CHARACTERISTICS AND TYPES  
OF COMMERCIAL MESSAGES AND ADVERTISEMENTS**

Any commercial message or advertisement which contains any of the following characteristics or which, in the sole discretion and judgment of the authorized representative of the County or its legal counsel, is of the type or category listed shall be and hereby are expressly prohibited and may not be accepted for placement on any County property, on any County computer system, or in any County publication:

1. Promotion of the sale or consumption of alcoholic or cereal malt beverages, except as permitted under Section VII of this Policy and its guidelines, in name, likeness or implication or promotion of establishments that are licensed for and primarily sell alcoholic or cereal malt beverages, including bars; provided, however, restaurants or other food service establishments and hotels or other places of lodging may be authorized when the commercial message or advertisement promotes only the food service or lodging;
2. Promotion of the sale or consumption of tobacco products or depiction of the use of tobacco products;
3. Commentary, advocacy or promotion of issues, candidates, campaigns or organizations of a social, political, religious, or rhetorical nature;
4. Promotion of gambling, pari-mutual betting, or games of chance, in name, likeness or implication or promotion of establishments providing such services or activities of a related or similar nature; except legal gambling authorized by the state of Kansas;
5. Depiction in any form of nudity or semi-nudity, profanity, obscenity, or lewdness or characterizations which suggest, depict or promote any such element or sexually oriented products, activities or materials;
6. Promotion in any form of illegal drugs, illegal drug use or illegal drug materials or characterizations which suggest or depict the promotion or glorification of any such products, activities or materials;
7. Promotion for the use or sale of firearms, explosives or other weapons, or the depiction, suggestion or glorification of violence or acts of a violent nature;
8. Use of language or descriptive material which taken in form and context is

deemed to be unsuitable for and contrary to community standards or standards of appropriateness for governmental or family publications;

9. Use of words, language, representations or descriptive material of any kind having more than one meaning or connotation, one of which would otherwise be prohibited under this Policy; and

10. Inclusion of materials, depictions, promotions or offerings which are the type prohibited by or by their nature would violate any postal restrictions or regulations or any federal, state, or local law, rule, or regulation.

## **VII. PERMITTED EXCEPTIONS**

### **A. CEREAL MALT BEVERAGE ADVERTISEMENTS.**

When expressly authorized by action of the District board, the Johnson County Park and Recreation District may accept placement of advertisements for cereal malt beverages, as defined by Kansas statutes, under conditions contained within the District's Commercial Advertising Policy, which are reasonably related to those parks or athletic facilities where cereal malt beverages have been authorized for sale and consumption on the premises, but any such advertisements shall be subject to all other provisions of this Policy.

### **B. ISSUE INFORMATION AND PUBLIC SERVICE ANNOUNCEMENTS.**

County departments, agencies, offices and related entities may produce and distribute public information materials related to issues or services provided by the County and matters of public importance, including materials related to public health, safety and welfare.

### **C. SPORT EQUIPMENT AND USE.**

When expressly authorized by action of the District Board, the Johnson County Park and Recreation District may accept placement of advertisements for sport equipment and its use, including target ranges and archery; provided, however, that such advertisements shall be strictly limited under guidelines established by the District Board; shall not promote, depict, suggest or glorify violence or acts of a violent nature; and shall relate directly to programs or activities administered by or under cooperative arrangements with the District.

## **VIII. GUIDELINES AND PRACTICES**

### **A. APPLICATION AND APPROVALS**

Prior to any acceptance or placement of commercial messages or advertisements upon any County property or in any County publications, the office, department, agency or related entity of the County responsible for the use and management of the property or production of the publication shall designate an employee as the authorized advertising editor for such property or publication.

Requests for the placement of advertisements or commercial messages shall be submitted to the designated editor, who shall be responsible for the review, acceptance and approval or rejection of the request. Any approval shall be made in writing as a part of a written placement agreement, which shall, at a minimum, contain references to this Policy and its related guidelines and include provisions covering the General Conditions contained in part C. of these Guidelines and Practices.

The editor shall determine whether any proposed commercial message or advertisement is allowable under the terms of this Policy and its related guidelines, including any additional approved departmental requirements. No commercial messages or advertisements shall be accepted that, in the editor's opinion, make false, exaggerated or misleading claims or which contain offensive comparisons with other products or their makers or which otherwise are or appear to be prohibited by or contrary to the provisions of this Policy and its related guidelines. The editor may request to review copies or samples of products before acceptance of any commercial message or advertisements.

Any placement agreement or any rejection of a commercial message or advertisement shall be reviewed by or under procedures approved by County Legal Counsel or other appropriate, authorized Legal Counsel.

### **B. DEPARTMENTAL REQUIREMENTS**

This Policy and its related guidelines shall not require that the County government or any of its offices, departments, agencies or related entities accept commercial messages or advertisements of any type, and the County offices, departments, agencies or related entities may separately elect not to permit any such message or advertisements. Any County office, department, agency or related entity which does elect to accept commercial advertisements shall comply with this Policy and its related guidelines, including the General Conditions and shall adopt, at a minimum, (1) established procedures for the review and placement of such messages and advertisements and (2) a schedule of rates and charges. In addition, such departments,

agencies, offices, or related entities may establish separate advertising policies, procedures, deadlines, and conditions which are supplemental to or more restrictive than this Policy and its guidelines, but which are not inconsistent with or contrary to them. Any such supplemental policies or procedures and any rate schedules or more restrictive conditions shall be submitted to the County Manager for review and approval prior to implementation.

### **C. GENERAL CONDITIONS**

1. The County reserves the right to approve or reject commercial messages or advertisements and the content, wording, appearance or copy thereof for any reason whatsoever and shall not be liable for damages or otherwise for failing to place or publish an advertisement or commercial message.

2. Advertisers are solely responsible for obtaining necessary permission to use photographs, trademarks, trade names, copyrighted material or any other legally protected property and shall hold the County harmless for any such use, including all consequences or damages resulting therefrom. All commercial messages or advertisements shall be accepted and published by the County upon the representation that the agency or advertiser is authorized to publish the entire contents and subject matter thereof.

3. All advertising copy is subject to approval of the designated editor and the County reserves the right to reject any commercial message or advertising. The advertiser agrees to indemnify and hold harmless the County, its officers, agents and employees against all damages, costs and expenses including, without limitation, attorney's fees resulting from any claim, action or proceeding alleging that the commercial message or advertisement infringes on any copyright, violates any right of privacy, or other personal or property right, constitutes libelous matter, plagiarism, unfair competition, unfair trade practice, infringement of trademarks, or other matter contrary to law or contains any formula or instructions injurious to the user of an advertised product.

4. Advertisers assume liability for all content (including text photographs, representations, illustrations, sketches, maps, labels, trademarks or other copyrighted matter) of advertisements printed or placed and also assume responsibility of any claims arising therefrom made against the County.

5. The County is not liable for delays in publication or presentation of commercial messages or advertisements in any event, including acts of God, action by any governmental or quasi-governmental entity, lack of funds, fire, flood, insurrection, riot, explosion, embargo, strikes whether legal or illegal, labor or material shortage, transportation interruption of any kind, work slowdown, or any condition beyond the control of the County affecting publication or

presentation of advertising in any manner.

6. In the event that the advertiser retains an advertising agency, the agency and the advertiser shall be jointly liable to the County under the terms of any advertising agreement between the advertiser and the County.

7. The designated editor shall have the right, without liability, to determine the placement of advertising copy or commercial messages and to make editorial changes to any such message or advertising in order to comply with this Policy. The editor may collect an advertising fee for the advertiser's failure to deliver copy by the specified publication or placement date after space has been reserved. To the extent deemed necessary by the County, all copy submitted for publication becomes the property of the County unless otherwise arranged.

8. If an error or omission occurs in the publication or placement of any advertising or commercial message, the County's liability shall be limited to the amount of the reduction in the value of the advertising due to the error or omission, but in no event shall liability exceed the total cost payable for the advertising space.

9. The words "paid advertisement" may be added to commercial messages or advertisements that, in the sole opinion of the County, might be confused with editorial matter.

10. Advertising inserts are prohibited unless prior written permission is obtained from the editor for each insertion.

11. No advertisement or commercial message shall suggest endorsement by or association with Johnson County, Kansas, unless such endorsement or association can be readily confirmed by the editor.

#### **D. DECISION REVIEW AND COMPLAINT PROCEDURES.**

Any person or advertiser who has requested the acceptance and placement of a commercial message or advertisement on County property or in a County publication and who wishes to appeal a decision of a designated editor or to file a complaint concerning this Policy or its guidelines or any action or decision taken under them shall submit such appeal or complaint, in writing, to the office of the County Manager. The County Manager, in coordination with the Director or official, or their designee, of the County department, agency, office or other related entity, shall review the appeal or complaint and take such action as he or she deems appropriate to resolve or decide the dispute. Such action or decision shall be consistent with the provisions of this Policy and its related guidelines.



In the event that the appeal or complaint relates to a department, agency, office or related entity which has established supplemental policies and procedures approved under this Policy and its guidelines and which contains procedures for resolving disputes, appeals and complaints, then the County Manager may refer the appeal or complaint for resolution under such procedures.

## **IX. ADDITIONAL CONSIDERATIONS**

### **A. USE OF FUNDS**

All funds derived from the acceptance and placement of commercial messages or advertisements shall be recorded, accounted for and used by the County department, agency, office, or related entity for authorized purposes in accordance with applicable, standard policies and procedures adopted by the Board of County Commissioners for the budgeting and expenditure of funds.

### **B. SOLICITATIONS**

Nothing in this Policy or its related guidelines shall be interpreted to authorize or permit any form of direct or indirect solicitation of or by County employees or other persons on County property or within County facilities, and all such actions and conduct shall be controlled and covered under applicable policies of the Board of County Commissioners for employee conduct and for facility use.

### **C. BUSINESS ENTERPRISES AND LEASEHOLD INTERESTS**

Nothing contained in this Policy or its related guidelines shall be interpreted to apply to those properties or facilities which are leased by the County to private enterprises, including business and industrial tenants located at the County airports, nor shall this Policy or its guidelines affect any term or condition of any lease document executed by the County as landlord, any recorded declaration or covenant or any zoning or subdivision rule, regulation or decision adopted by the Board of County Commissioners.

### **D. SPECIAL EVENTS**

Nothing in this Policy or its guidelines shall be interpreted to prohibit the conduct of special events by County government or its offices, agencies, departments or related entities and the use and recognition of sponsors, products, sales or prizes, including the United Way, Feed the

Need and Arts KC programs or similar programs or events.

#### **E. ETHICAL CONDUCT**

All offices, departments, agencies and related entities of Johnson County Government and their employees shall follow the highest level of ethical standards in dealing with advertisers or in the implementation of this Policy and its guidelines.

#### **F. IMPLEMENTATION**

These Policies and guidelines shall be and become effective upon adoption by the Board of County Commissioners and shall thereafter apply to the acceptance and placement of commercial messages and advertisements as provided in the Policy; provided, however, that commercial messages or advertisements or agreements to place such messages or advertisements which were made prior to the adoption of these Policies and guidelines shall not be considered as violations of the Policy, and to the extent possible shall be construed and completed, if necessary, in the manner most consistent with the Policy and its guidelines.

#### **G. MISCELLANEOUS**

References herein to "County Manager" shall include the County Manager's designee, except for approvals required by Section V., D. relating to computerized systems, which require the County Manager's personal approval.