

RESOLUTION R-21-131

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF MANATEE COUNTY, FLORIDA, AUTHORIZING A DIGITAL ADVERTISING PILOT PROGRAM FOR THE TRANSIT/TROLLEY SYSTEM; RESCINDING RESOLUTION R-08-255; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 125.01, Florida Statutes, and Manatee County Ordinance 74-6 authorize the Board of County Commissioners to establish Public Transportation Systems within the territorial confines of Manatee County, including the establishment of fares and fees; and

WHEREAS, the Board of County Commissioners has previously established a Transit Electronic Advertising Rate Program and adopted Resolution R-08-255 establishing Transit Electronic Advertising Rates; and

WHEREAS, a state-of-the-art onboard infotainment system is now available on the Manatee County Area Transit (MCAT) Transit/Trolley fleet including the capability to provide real-time bus stop arrival information, educational videos, and advertising, including geofencing; and

WHEREAS, onboard digital advertising that is consistent with the policies provided herein will help generate and maximize revenues to offset some of the cost of operating for the Transit/Trolley system without discouraging riders or the comfort, convenience, and enjoyment of minors and adults in the use of the Transit/Trolley system; and

WHEREAS, the Public Works/Transit Division seeks to generate revenues by selling digital advertising on the Fixed Route and Trolley vehicles and utilize a “sales agent” to enter into agreements with parties seeking to advertise on the Transit/Trolley system.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, that:

1. The Chairperson or in their absence, the Vice Chairperson, is hereby authorized to sign the Authorizing Resolution.
2. Commensurate with Board approval of Authorizing Resolution R-21-131, Board Resolution R-08-255 is hereby rescinded.
3. Authorizing Resolution R-21-131 is effective upon Board approval.
4. The BOARD Authorizes the Public Works Director or designee to initiate the digital advertising Pilot Program with a focus on the Anna Maria Island (AMI) Trolley for a duration of one-year starting in September 2021 and concluding in August 2022. The Board authorizes the Public Works Director to extend the test period for the pilot program, if

additional time is deemed necessary to generate sufficient advertising revenue to establish a rate schedule for Board review and consideration. During the one-year pilot period, the rates utilized for digital advertising will be market-driven, and therefore negotiated; and at the conclusion of the pilot period, a proposed rate structure will be developed for Board review and consideration.

5. Authorizing the Transit Division Manager to take the necessary implementation steps to initiate the digital advertising pilot program, effective September, 2021 including but not limited to the following action steps: Coordinating as needed with the digital advertising sales agent and digital content provider to establish onboard digital ads with geofencing, ongoing coordination with Manatee County Government staff and others to effectuate digital advertising onboard the Anna Maria Trolley with the appropriate number of rotations, providing sufficient documentation as might be needed for advertising billings, public outreach efforts, and any other actions steps necessary to ensure a successful pilot program launch, and the provision of continuing support.
6. Authorizing the Public Works/Transit Division to utilize the existing Bradenton Area Convention and Visitors Bureau (CVB) marketing communications firm as the digital advertising “sales agent.” This firm devised similar programs for the Bureau, including cooperative programs engaging local business, including planning these programs, handling outreach to potential advertisers, contracting advertisers, obtaining or devising advertising materials, advertiser billings and reporting all efforts and outcomes to the CVB during the process and after. In this case, advertising sales revenue will fund the “sales agent” work effort, and during or at the conclusion of the pilot program, a revenue “split” will be established between the “sales agent” and Manatee County Government. This provides an incentive for the “sales agent” to pursue a sales volume which is beneficial to both parties,
7. **Policies applying to Transit/Trolley digital advertising:**
 - a. Rates shall be calculated on a "per advertisement" and/or rotational basis.
 - b. Space on the Transit/Trolley infotainment system may be reserved for Manatee County Government customer information.
 - c. Space shall be made available on a first come, first serve basis. No contract shall be for a period beyond one (1) year.
 - d. All advertisements shall be provided by the advertiser in a format approved by the Public Works/Transit Division.
 - e. Advertisements for tobacco products, for products containing alcohol for consumption, containing a depiction of firearms or graphic violence, or that promote use of illegal goods or services or unlawful conduct, or that contain profanity, or that are obscene or obscene as to minors (as those terms are defined in state law), or that contain false or misleading commercial speech, libelous speech, copyright-infringing speech or political campaign speech, shall be rejected. As used herein, political campaign speech is defined as speech that (1) refers to a specific ballot question, initiative, petition or referendum, or (2) refers to any candidate for public office.

- f. Advertisements that contain material that demeans or disparages an individual or group of individuals shall be rejected. The determination of whether an advertisement contains such material shall be based on whether a reasonable prudent person, knowledgeable of the County Transit system riders and using prevailing community standards, would believe that the advertisement contains material that ridicules or mocks, is abusive or hostile to, or debases the dignity or stature of, an individual or group of individuals.

Advertising shall be reviewed within five (5) business days by the Transit Division Manager or designee. Any Advertiser whose ad is rejected shall be advised of the right to appeal the determination in writing to the County Administrator. The County Administrator or his designee shall review the written appeal and proposed advertisement and render a written decision on whether the advertisement may be displayed within ten (10) business days after receipt of the written appeal.

- g. The Public Works Director, or designee, is hereby authorized to develop rules and procedures for the implementation of the Transit/Trolley Digital Advertising Program consistent with the policies set forth in this Resolution and any applicable provisions of law.

Passed and Duly Adopted, with a quorum present and voting, this 10th day of August, 2021.



ATTEST: ANGELINA COLONNESO
Clerk of the Circuit Court

By: *Diabe Jessner*

**BOARD OF COUNTY
COMMISSIONERS OF MANATEE
COUNTY, FLORIDA**

By: *[Signature]*
Vanessa Baugh, Chairperson