

Warren County Board of Supervisors

RESOLUTION NO. 205 OF 2011

Resolution introduced by Supervisors Merlino, Kenny, Belden, Strainer, Goodspeed, McCoy and Conover

REVISING THE WARREN COUNTY TOURISM POLICY CONCERNING PUBLICATION OF ADVERTISEMENTS

WHEREAS, the Warren County Tourism Committee recommended the review and revision of the Warren County Tourism Policy (last revised by Resolution No. 770 of 2004), now, therefore, be it

RESOLVED, that the Warren County Board of Supervisors, after review, hereby authorizes the revision of the Warren County Tourism Policy as attached hereto as Schedule "A".

Schedule "A"

**WARREN COUNTY TOURISM POLICY CONCERNING
PUBLICATION OF ADVERTISEMENTS***

I. INTRODUCTION

For the purpose of promoting and publicizing the County and/or Region, Warren County publishes, publicizes and distributes various tourism publications in the nature of guides, event notices and/or other consumer/trade type publications or advertisements ******(such as restaurant place mats **and calendars**). In addition and in furtherance of the aforesaid purposes, Warren County also sponsors and/or participates in other advertising ventures such as cooperative advertising.

In an effort to preserve the nature, character and purpose of Warren County's advertisements and/or promotions, this policy is adopted. This policy has been developed from an existing informal policy, and Resolution No. 76 of 1986, the same being refined and, in some instances added to and/or revised, **with the most recent revision having been done in 2004.**

II. GENERAL

A. TOURISM PUBLICATIONS

With regard to the various tourism publications, Warren County shall accept and include paid advertisements for the purposes of offsetting costs associated with such publications.

The nature or type of advertisements to be accepted for publication shall be consistent with the overall theme of promoting and publicizing the County and Region and particular publication(s). Classification or type of advertisement to be accepted for publications and other promotional ventures, as well as requirements concerning acceptance and procedures for accepting advertisements as more specifically set forth herein, shall be used to accomplish this purpose and make processing and consideration of advertisements more manageable.

* Original policy adopted by Resolution No. 331 of 1998 and revised to reflect amendments by Resolutions subsequent to adoption of the policy. **** Advertisements include: print ads, television advertisements and videos, electronic ads, banner ads, electronic newsletters and contests, social media, mobile, public relations and OOH (out of house) advertising.**

B. OTHER SPONSORED ADVERTISING AND PROMOTIONAL VENTURES - SPECIAL RULE

With regard to other sponsored advertising and promotional ventures, Warren County's sponsorship and/or participation shall be designed to achieve the purpose of promoting and/or publicizing the advantages of Warren County and/or the Region at the lowest reasonable cost.

III. ADVERTISEMENT/ACCEPTANCE - GENERALLY

A. ACCEPTANCE OF ADVERTISING - GENERALLY FOR PUBLICATIONS - OTHER SPONSORED ADVERTISEMENTS AND PROMOTIONAL EVENTS

Advertisements in compliance with classification and other requirements of this policy will be accepted for publication in the Warren County tourism publications and/or other sponsored advertisements and promotional ventures, in the format and content provided, except that the Tourism Director and/or designee and the Tourism Committee shall, as set forth herein, reject any advertisement determined to: 1) not be consistent with the overall theme of promoting and publicizing the County or Region; 2) not fall within the classification/types of ads to be included in the particular publication; 3) set forth, depict and/or invite comparisons of the advertiser or the advertiser's product or service adverse to the County, Region or other businesses; 4) not be in good taste; and/or 5) be otherwise inappropriate.

The Tourism Department and/or any other board or officer or employee of the County will not edit or otherwise modify the same except to the extent that it may be necessary to adjust the size of the ad or make other accommodations usually made for placement of the ad in a magazine, guide, or other means of communication such as television, newspapers, etc.

B. CLASSIFICATION/TYPES OF ADVERTISEMENTS FOR TOURISM PUBLICATIONS AND/OR OTHER SPONSORED ADVERTISING AND PROMOTIONAL VENTURES

1. Advertisements accepted for tourism publications and/or other sponsored advertising and promotional ventures will be limited to the following classifications or types of commercial activity:

RESOLUTION No.205 OF 2011

PAGE 4 OF 10

Lodging Facilities/Accommodations,

(This category includes hotels, motels, resorts, ranches, inns, multiple cottage/cabin business establishments, bed and breakfast establishments, tourism accommodations with multiple units, condominium establishments, **internet lodging websites** and lodges.) This also includes advertising and listing opportunities to all Warren County Realtors who are located within Warren County, and handle vacation rental properties.¹

Campgrounds, internet campground lodging websites,
Restaurants,
Chambers of Commerce, CVB's, Tourism Trade professionals,
Attractions,

(This category includes fun/water parks, rodeo/horseback riding, airplanes/hot air balloons, **helicopters**, billiards, bowling, carriage rides, cinemas, go-carts, mini-golf, roller skating, indoor amusement centers, trolleys, scenic train rides, museums, **exhibits** and galleries, comedy clubs/dinner theaters, golf courses, cruises, **water sports activities and events such as** sailing, diving, kayaking, boat rentals, wake boarding, **jet skiing, canoeing, stand-up paddling**, parasailing, waterskiing, downhill & cross-country ski centers, dog sledding, snowmobile rentals, outdoor guides not on fishing or hunting lists, (i.e. hiking, canoeing, snowshoeing guides, bicycle touring,) factory outlet centers (main offices only), Aviation Mall, **antique centers, galleries, downtown business alliances**, Glens Falls Civic Center.)

Performance Arts Venues, Sport/Entertainment Venues, Charter/Guide Services (such as fishing, hunting, rafting, tubing **or ballooning**),² Shopping malls/plazas (advertisements for clusters or a number of stores). Profit/nonprofit organizations assisting with promoting travel, vacations, accommodations, etc., to the Warren County area.

Advertising, paid or otherwise, for sale, rental or lease of single family homes, single unit condominiums, or single unit cottages/cabins and/or single timeshare units,³ except vacation rentals (single or multiple),⁴ will not be accepted.

Advertising, paid or otherwise, will not be accepted where the words "For Sale", "Sale" or "Sales" appear except in those instances where sale

¹Added by Resolution No. 728 of 2003

²Updated policy by Resolution 770 of 2004

³Added by Resolution No. 414 of 2002

⁴Amended by Resolution No. 365 of 2003

RESOLUTION No.205 OF 2011

PAGE 5 OF 10

words are used in a legally necessary disclaimer.⁵

2. Paid advertisements for any publication will only be accepted for facilities located in Warren County or services offered in Warren County.

C. REJECTION OF ADVERTISEMENTS AND PROCEDURES

1. REJECTION OF ADVERTISEMENTS. The Tourism **Director** and/or the **Director's** designee shall reject any advertisement, for reasons set forth in subparagraph "A", which in whole or part are deemed not appropriate for insertion in any tourism publication and/or other sponsored advertisement or promotional ventures. The potential advertisers shall be notified of the rejection of the advertisement by either letter, fax and/or telephone call not later than five (5) business days after the deadline date established for acceptance of advertisements for the particular publication. The date of notification shall be documented by the Tourism Department. Notification shall be deemed to have occurred upon the occurrence of any of the following: mailing of the said letter or memo, faxing of a letter or memo, speaking with the potential advertiser by telephone, and/or by leaving a message for the potential advertiser with a person or answering machine at the advertiser's place of business or home address.

2. APPEALS AND OTHER PROCEDURES. Any potential advertiser whose ad is rejected by the Tourism **Director** and/or designee shall have the right to appeal such determination to the Warren County Tourism Committee and/or submit a new or revised advertisement to the Committee in lieu of the appeal as hereinafter provided. Consideration of a new or revised advertisement shall be reviewed and handled by the Tourism Committee in the same fashion as an appeal. The potential advertiser, however, by submitting only a revised or new advertisement shall be deemed to have waived the right to appeal the previously submitted advertisement as well as the new and revised advertisement.

Any appeal must be made in writing by letter or memo (requesting an appeal) delivered to the Tourism Department within five (5) business days of the date the Tourism **Director** or designee notifies the advertiser of the rejection. The Committee shall, subject to the provisions set forth below, meet to decide the appeal within five (5) business days of receipt of the letter or memo requesting

⁵Added by Resolution No. 414 of 2002

RESOLUTION No.205 OF 2011

PAGE 6 OF 10

the appeal. Notice to the advertiser of said meeting shall be provided. Said notification may be made and shall be deemed to have occurred by way of any methods provided for the initial notice of rejection. The Committee shall hear from the potential advertiser (if the advertiser desires to be heard) and the **Director** or designee as well as accept all written and/or other documentation of the party's desire to present. If the potential advertiser is not able to attend a hearing or meeting set by the Committee, the Committee shall not be obligated to establish adjourn dates or provide any further opportunity to the potential advertiser. If the potential advertiser is unable to attend any meetings or hearings, written submissions may be made.

In the event that a quorum of the Committee should not be available to meet within five (5) business days, or if a quorum is not present on the scheduled meeting date, the meeting shall be scheduled or rescheduled as the case may be to such date as a quorum can be available for purposes of determining the appeal. Any determination made at any scheduled or rescheduled meeting of the Committee shall have full force and effect and be considered binding for all purposes regardless of whether the same is made within five (5) business days of receipt of the appeal.

At or after the scheduled meeting, the Warren County Tourism Committee shall make a determination as to whether the advertisement should be included in the tourism publication and/or other sponsored advertising and/or promotional ventures. The Tourism Committee's decision shall be final. The Committee shall promptly notify the potential advertiser of its decision. Said notification may be made and shall be deemed to have occurred by way of any method provided for the initial notice of rejection.

Upon receiving notification that the Committee rejected the advertisement submitted, the potential advertiser shall have the right to submit a new or revised advertisement to the Tourism Department. A new or revised advertisement shall be submitted to the Tourism Department within five (5) business days of notification of the Committee rejection. The new or revised advertisement shall be reviewed and a determination made as to whether the same is acceptable within five (5) business days of receipt of the new or revised advertisement. A formal hearing or meeting shall not be required but the Tourism **Director** and Chairman of the said Committee with counsel from the County Attorney or attorney designated by the County Attorney, shall consider the terms and provisions of this policy as well as the

RESOLUTION No.205 OF 2011

PAGE 7 OF 10

Committee decision, if any, rejecting the initial advertisement submitted by the potential advertiser. The said Tourism **Director** and Chairman shall also consider any additional submissions made by the potential advertiser at the time the new and/or revised advertisement is considered. The determination by the Tourism **Director** and Chairman shall be final and the Tourism Director shall promptly notify the potential advertiser of the decision. Said notification may be made and shall be deemed to have occurred by way of any of the methods provided for initial notice of rejection. Finally, in the event that the Tourism **Director** and/or the Chairman of the Tourism Committee should not be available and/or able, for any reason, to consider the new and/or revised advertisement as set forth herein, the County officer and/or employee designated by the Tourism **Director** and/or Vice Chairman of the Committee shall serve, respectively, for the County officer and/or employee unavailable or not able to participate in the determination process.

D. NO WARRANTIES OR ENDORSEMENTS CONCERNING
ADVERTISEMENTS

Warren County shall make no warranties or endorsements concerning any companies, services, or products or other information appearing in any advertisement. The sum and substance of this statement shall be publicized in a manner determined appropriate by the Tourism **Director** in all tourism publications and to the extent possible in all other sponsored advertisements and promotional ventures.

E. SPECIAL TOURISM PUBLICATION RULES

Warren County tourism related businesses and chambers of commerce in Warren County and surrounding counties within the Adirondack Region may, when appropriate, be entitled to be listed free of charge in the Warren County tourism publications. The business listings shall be restricted to facilities located in or services offered in Warren County and the Adirondack Region. The nature and extent of any listing shall generally consist of the name, address and phone number, and inclusion in any available grids or other offered formats and under such headings or categories as deemed appropriate by the Tourism Department and Committee.

IV. ADVERTISEMENTS DEADLINES

In order to timely publish tourism publications or sponsor advertisements and promotional ventures, it is, of course, imperative that dates be set by which advertisements must be received for inclusion in the

RESOLUTION No.205 OF 2011

PAGE 8 OF 10

same. The Warren County Tourism *Director* shall at such time as may be deemed appropriate, determine an appropriate date by which advertisements must be received for each tourism publication and/or sponsored advertisement and promotional venture, and submit the same for review and approval by the Warren County Tourism Committee. Unless changed by the majority vote of said Committee, all advertisements must be received by the Tourism Department by 5:00 p.m. or the time of closing of the Tourism Department on the date selected. Advertisements received after the established date and time shall be⁶ placed on a waiting list, in the order received, for further consideration by the Warren County Tourism Committee which may, depending upon whether the Committee finds it financially and/or otherwise feasible or in the best interest of the County, accept or reject the advertisements in a manner consistent with the terms and provisions of this policy.

V. ADVERTISING FEES

A. GENERALLY

Advertising fees shall be established by the Warren County Tourism Committee taking into consideration the advice and recommendations of the Warren County Tourism *Director*. An advertisement shall not be published unless the fee is received prior to the deadline date. Advertisements shall not be considered as received for deadline or priority purposes until such time as the fee is paid.

B. TOURISM PUBLICATIONS

In the case of tourism publications, such fees shall not be established in an amount greater than necessary to offset the cost of the Warren County Travel Guide. Costs associated with publication shall include not only the printing cost of the same, but any cost incurred in connection with development, layout, photographs, etc., including the value of time spent by Warren County Tourism Department personnel.

C. OTHER SPONSORED ADVERTISEMENTS/PROMOTIONALS

In the case of sponsored advertisements and promotional ventures, the fee shall be based on the cost of the advertisement or promotional medium and be developed to keep Warren County's share of the cost reasonable, fair and equitable taking into consideration the nature of the sponsored activity and

⁶Amended by Resolution No. 542 of 1998

extent of private participation.

VI. ADVERTISING SPACE ALLOCATION

A. GENERALLY

1. The amount of paid advertising space allocated in each Warren County tourism publication and/or sponsored advertisement and promotional venture, shall be determined by the Warren County Tourism *Director*⁷ subject to review and approval by the Warren County Tourism Committee.

2. The amount of total advertising space that will be made available to any single advertiser desiring to purchase space for one (1) or more advertisements in any one tourism publication, shall be limited to one (1) full page (on a first come, first serve basis, as more fully set forth below), except that an opportunity to purchase additional space is available after all other persons, companies, businesses or other entities desiring to purchase advertising space (on a first come first serve basis and complying with the other requirements of this policy), have had an opportunity to do so.⁸

3. In the event that the County shall receive more paid advertisements than may be included in any tourism publication and/or sponsored advertisement and promotional venture, advertisements will be accepted on a first come, first serve basis. In the event that the size of the last advertisement allowed under this policy will not fit into the space available, the *Director* shall contact the advertiser and provide the advertiser with the opportunity to reduce the size of the ad before proceeding to offer space to the advertiser for the advertisement next received. Finally, in the event that insufficient advertisements are received, the *Director* subject to modification of the Tourism Committee, may use any legal, reasonable and fair method to advise of the availability of such advertising space to interested businesses. All notices of the availability of advertising space shall make reference to and indicate this policy so that all potential advertisers are aware of the same.

B. TOURISM PUBLICATIONS

⁷*Amended by Resolution No. 743 of 2006*

⁸Added by Resolution No. 684 of 2001 - and renumber the existing subparagraph A2 to A3 and added new subparagraph A2

RESOLUTION No.205 OF 2011

PAGE 10 OF 10

With regard to tourism publications, in determining the amount of space to allocate, the *Director* and Committee shall take into consideration, the fact that the paid advertisements are to be incidental to the primary purpose of the tourism publications, as indicated herein. Further, costs associated therewith and practicalities associated with distribution and use by members of the general public of the Travel Guide shall also be considered.

VII. COMMITTEE/DEPARTMENTAL AUTHORITY

All administrative/administerial duties and responsibilities in the carrying out of the terms and conditions of this policy, shall be vested with the Warren County Tourism Committee and the Warren County Tourism *Director*, as more specifically set forth herein.