

CITY OF MENIFEE City Council Policy	Policy Number: CC-30 Approving Authority: City Council
Subject MILITARY BANNER PROGRAM POLICY	Effective Date: February 19, 2020 Last Modified: August 18, 2021 <u>Last Modified:</u> <u>November 15, 2023</u>

1. **SUMMARY**

The Military Banner Program was created to recognize and celebrate Menifee residents or their immediate family members (legal guardian, spouse, mother, father, daughter, son, brother, sister, grandson, granddaughter) who have served or are currently serving in the United States Armed Forces. The display of the military banners will contribute to the community's quality of life which lends a special character to the City of Menifee.

The Menifee City Council has established the Military Banner Program to be administered by the City in accordance with the terms and provisions set forth in this program.

2. **DEFINITIONS**

For the purpose of this policy, the following phrases shall have the following definitions:

- A. "Active duty" means twelve (12) months of continuous and currently ongoing active duty service in the United States Armed Forces.
- B. "Reservist" means twelve (12) months of being assigned to a Reserve unit in the United States Armed Forces.
- C. "United States Armed Forces" means the United States Army, Marine Corps, Air Force, Navy, Coast Guard, Merchant Marines, Space Force, and National Guard-Active Reserve.
- D. "Veteran" means a person that (a) previously qualified as currently serving or active duty in the United States Armed Forces, and (b) was honorably discharged from the United States Armed Forces (and/or currently continues to serve as a reservist).

3. **PURPOSE AND INTENT**

In establishing this program, the City does not intend in any manner to create a public forum or other means by which noncommercial social, religious, or political messages may be conveyed, or by which public discourse, exchange of opinions, or discussion on issues of any nature may occur. The sole and limited purpose of the Military Banner Program is to recognize and honor the contribution of currently serving or active duty and veterans of the United States Armed Forces by permitting the display of banners containing the serviceperson's name, professional grade photo (if available), and service division. Consistent with the intent of the City, as expressed above, the City permits the sponsorship and display of the Armed Forces banners solely in accordance with the following policy:

MILITARY BANNER PROGRAM POLICY

4. **BANNER CONTENT AND SPECIFICATIONS**

- A. The text of a banner must list the name of the person and United States Armed Forces division. Refer to Exhibit 1 for ~~sample~~ banner designs.
- B. No advertisement or other commercial speech shall be permitted on Military Banner Program banners with the sole exception of non-profit agency sponsorship titles or non-profit agency sponsorship logos with City staff approval.

5. **ELIGIBILITY CRITERIA**

- A. Any person or organization can apply for a banner for a currently serving reservist or active duty serviceperson in the United States Armed Forces, or a veteran (an "honoree"). To be considered, the application must include a verification of the honoree's military status. This can be verified through the recognized Military Documents or Military Discharge Documents, such as orders, DD form 214, or military identification for currently serving reservists or active duty servicepersons (collectively, "verification documents").
- B. The honoree must be a resident of the City of Menifee or immediate family member (legal guardian, spouse, mother, father, daughter, son, brother, sister, grandson, granddaughter) of a current City of Menifee resident. Residency must be verified with a recent utility bill, driver's license, or other form of identification listing a current City of Menifee address as deemed appropriate by City of Menifee staff.

6. **DISPLAY TERM**

- A. The banner will be displayed for a minimum of twelve (12) months and a maximum of twenty-four (24) months. City of Menifee staff will exercise discretion as to when it is appropriate to display the banners and for what duration depending on demand and number of participants.
- B. The banner shall be removed if:
 - i. the banner becomes damaged due to wind, age, vandalism, or other reasons as solely determined by the City;
 - ii. the honoree no longer meets the eligibility criteria;
 - iii. the Military Banner Program is discontinued for any reason at the discretion of the City Council;
 - iv. all banner locations are filled, in which case the City shall have the right to replace banners annually, thereby allowing those interested in the program to participate.

7. **PROCESS AND REQUIREMENTS**

- A. Applications will be submitted to the City of Menifee by using the form provided by the City, and shall include the name of the proposed honoree, branch of service, professional grade photo (if available), contact information of applicant, and a copy of a form of identification in order to verify City of Menifee residency of either the honoree or the honoree's immediate family member(s). ~~A current sample of the application form can be found on Exhibit 2.~~

MILITARY BANNER PROGRAM POLICY

The photograph submitted must be of professional grade and have a minimum of 5"x7" dimensions, be either in color or black and white, be of the proposed honoree in uniform, and have a resolution of 300 dpi or higher if submitted electronically. If a photograph is not available, banners can be prepared without the honoree's picture (see Exhibit 1).

- B. Verification documents for the proposed honoree must also be submitted or verified in person. Not providing the accepted forms of verification documents will result in the rejection of the application.
- C. Applications must include payment for the cost of the banner, including installation and removal, paid in full at the time of submittal. If an application is wait-listed, the payment will be requested once a location becomes available and the application is ready to be processed. If an application is deemed ineligible, then the cost will be refunded to the applicant following the City of Menifee's Finance Department's normal reimbursement process and timeframe.

The cost per application is currently \$135, which covers a portion of the costs of application processing, banner design and fabrication, and the installation and removal of the banner. This cost includes a commemorative banner presented to Program participants at City Hall or the City's Memorial Day or Veterans Day events. The City reserves the right to change the application fee without prior notice, and the City Council delegates authority to the City Manager to make such adjustments without further City Council action so long as the adjustment is less than the current full cost of each banner application. Acceptable forms of payment are limited to the methods of payment allowed by the City of Menifee's Finance Department.

- D. Applications may be submitted and will be processed on an on-going basis; however, banners will be installed twice each fiscal year (July 1 - June 30), depending on pole availability. Applications must be completed and submitted by March 4 February 15 to have a banner placed in time for Memorial Day. Applicants who would like their banner installed by Veteran's Day, must submit prior to September 4 August 15.

The City has limited space for the placement of banners and space is assigned to approved applications on a first-come, first-served basis. Due to space limitations, it is possible that not all approved applications will be assigned a space. Approved applications that are not assigned a space at the time of application approval shall be placed on a waiting list to be processed for an assigned space as it becomes available.

- E. Only one banner per honoree is allowed. The lettering of the name and branch of the serviceperson will be sized to fit the personalization area on the banner. Spelling of the name will be taken directly from the application.
- F. Once the application has been processed, the City will create the banner with a manufacturing company selected on the City's staff sole discretion. Once approved, applicants will be notified of approval and banner location.

MILITARY BANNER PROGRAM POLICY

G. The number of, and specific banner locations shall be determined solely by the City, and may be revised without prior notice. An applicant may not pre-select a specific location for the banner. Banner placement is determined by City staff and is currently based on the availability of the poles. If the City in its discretion elects to relocate a banner at the request of an applicant, all costs of relocation will be the sole responsibility of the applicant, and shall be paid in full before the relocation occurs.

~~G.H. Banners will be placed on poles in accordance with the Military Banner Location Map (Exhibit 2) which will include the Sun City area (McCall Blvd, Sun City Blvd, Cherry Hills Blvd.), Newport Road and Menifee Road. Banners can be placed in any of these locations based upon preference and availability regardless of active duty or veteran status.~~

~~H. Military banners for Korean War veterans, Vietnam War veterans, and World War II veterans will have preference in the Sun City community area. City staff will do their best to accommodate the requests for these banners.~~

I. The City is responsible for the removal of banners that are due for removal, or are damaged or destroyed due to age, vandalism, accidents, or any acts of nature, including high winds, and excluding normal warranty repairs. The City is not responsible for maintaining or repairing banners, or for replacing banners that are lost, stolen, damaged, or destroyed due to age, vandalism, accidents, or any acts of nature, including high winds, aside from current normal warranty repairs. Applicants shall either pay for the cost of maintenance or replacement and repair for the banner, or the banner (if in disrepair) shall be removed.

~~J. Removed banners may, in the City's discretion, be returned to the applicant or honoree during the City of Menifee's Memorial Day or Veteran's Day event. A certificate, at the City's discretion, may also be presented to the applicant or honoree.~~

~~K.J.~~ Applicants shall have no right of access to installed banners, but may request removal of the installed banner for their specified honoree. Once a banner is removed following such a request, the applicant shall have no further rights pursuant to this policy.

~~L.K.~~ Photographs submitted with the Military Banner Program application shall become property of the City of Menifee. Photographs with names and military branches maybe posted on the City's website and may be used for other military-related events, unless otherwise requested in writing by the applicant or honoree.

~~M.L.~~ The right to have a banner displayed pursuant to this policy may not be transferred or assigned.

~~N.M.~~ Once a banner is removed, applicants may re-apply for a new banner after a waiting period of 12 months to allow for other participants; however, City staff may use discretion on the waiting period should no other banner(s) be waitlisted. If, after the waiting period, an additional banner for an honoree is approved, the banner will be placed in accordance with paragraph VII(8), above; there is no guarantee that the additional banner will be placed at the same location as the original banner.

N. The City of Menifee reserves the right to revise this policy, discontinue the Military Banner Program and/or revise applicable fees without prior notice. While damaged and/or removed banners will not be retained or returned, participants will receive a commemorative banner.

MILITARY BANNER PROGRAM POLICY

~~If the program is discontinued, each banner will be returned to the applicant to the City's best efforts possible. The City is not responsible for returning banners to for applicants who do not send in address changes and/or provide current address information to the City. The City is also not responsible for any lost banners via inclement weather or via mail during the return process. Please refer to section IX.~~

8. SPONSORSHIP & CRITERIA FOR DONATION USE

- A. The City can accept donations, per the City's donation policy, on an on-going basis to support the Military Banner Program. Any person or organization can be a sponsor of a banner or the program. To make donations in support of the program, checks can be made payable to **City of Menifee**; all donations can be mailed to or dropped off at:

City of Menifee
Attn: Military Banner Donations
29844 Haun Road
Menifee, CA 92586

- B. Donation funds, if available and on a first come-first use basis, may be utilized upon request to fund a Military Banner if the service member is a current City of Menifee resident, or immediate family member of a current City of Menifee resident, and one or more of the following criteria is met:

- i. Fallen Hero (priority given to Gold Star Families)
- ii. Service member received special recognition; or
- iii. Financial hardship (at the discretion of the City Manager or designee)

If at the time of the donation, a clear name is not submitted for the banner(s) with the donation(s) made, then the City of Menifee holds the authority and reserves the right to direct how, who, where, and when the banner(s) are created, displayed or donated to, based on criteria within the banner donation policy. Other special circumstances will be reviewed on a case-by-case basis and will be at the discretion of the City Manager or designee.

9. INDEMNIFICATION AND HOLD HARMLESS

The application form for the placement of banners shall require that each banner applicant indemnify and hold the City of Menifee, and each of its elected officials, officers, employees, agents, and volunteers free and harmless with respect to any and all liabilities, claims, lawsuits and/or damages of any nature whatsoever that allegedly arise from or are connected to the approval of the applicant's banner application, including the display of, and/or damage to or loss of any banner or banners.

MILITARY BANNER PROGRAM POLICY

Revision History

Revision No.	Date Approved	Approved By:	Comments
0	February 19, 2020	City Council	Original Policy
1	August 18, 2021	City Council	Amended Donations, Section 8

Approved:

Bill Zimmerman, Mayor

Date