

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

ORDINANCE NO. 16

**AN ORDINANCE REGULATING
THE USE OF THE ALAMEDA-CONTRA COSTA TRANSIT DISTRICT'S REGISTERED LOGOS AND
SERVICE MARKS AND REPEALING ORDINANCE NO. 11**

WHEREAS, the Alameda-Contra Costa Transit District (District) created a logo for its service when it began service in 1960; and

WHEREAS, the District adopted Ordinance 11 on February 9, 2000 regulating the use of its registered logo to insure it was being used appropriately; and

WHEREAS, on March 7, 2002, the District's Board of Directors authorized the General Manager to update the logo; and

WHEREAS, on April 25, 2005, the District registered its logo as well as other service marks pertaining to its service, such as the Rapid and the Fuel Cell programs; and

WHEREAS, Ordinance No. 16 was introduced at a regular meeting of the Board of Directors on October 22, 2014.

NOW THEREFORE, the Board of Directors of the Alameda-Contra Costa Transit District does resolve as follows:

Section 1. Prohibition

- A. It shall be unlawful for any individual, person, candidate for office, firm, corporation, entity or partnership, regardless of any nature or kind, however formed, regardless of whether for profit or nonprofit purposes, to use any of the District's logos and/or service marks in any manner whatsoever unless authorized by four affirmative votes of the District's Board of Directors or its designee.
- B. It shall be unlawful for any employee, agent or contractor of the District to use any of the District's logos and/or service marks in any manner which has not been authorized in advance by four affirmative votes of the District's Board of Directors or its designee.

Section 2. Exceptions

- A. The provisions of this ordinance are inapplicable to the use by the District of its logos and/or service marks on goods, services or activities associated with the District's transit business, including but not limited to transit information; advertising; promotional, educational and outreach channels; stationery; vehicles (revenue and non-revenue); facilities owned or leased by the District; District

business cards; souvenir items; banners; apparel or goods authorized by any Collective Bargaining Agreements with a recognized District bargaining unit; or advertisements of events or programs sponsored, even in part, by the District.

- B. Whenever the Board delegates, by four affirmative votes, its authority to approve the use of the District's logos and/or service marks to the District's General Manager, authority may then be granted via the General Manager. If said authority is delegated, the General Manager shall provide the Board with a quarterly report on all authorizations granted. If the General Manager denies the use of the District's logo and/or service mark(s), an aggrieved party may appeal this denial to the Board of Directors by written notice and the matter will be considered at the next scheduled Board meeting in which the matter can be agendized.

Section 3. The use of the singular tense in this ordinance also includes the plural tense.


Section 4. Any violation of this ordinance shall be deemed a public nuisance and may be enforced by injunctive relief and any other civil remedy available to the District.

Section 5. In the event any provision of this ordinance is held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provisions of this ordinance.

Section 6. This ordinance shall become effective thirty (30) days after its adoption by the District's Board of Directors, which shall be at least three (3) days after its introduction. This ordinance shall be published once a week, for two consecutive weeks, following its passage in a newspaper of general circulation within the District.

ORDINANCE NO. 16 was introduced at a regular meeting of the Board of Directors held on October 22, 2014, reintroduced at a regular meeting of the Board of Directors held on November 12, 2014, and adopted at a regular meeting held on December 10, 2014 by the votes indicated below.

PASSED AND ADOPTED this 10th day of December 2014.



Greg Harper, President

Attest:



Linda A. Nemeroff, District Secretary

I, Linda A. Nemeroff, District Secretary for the Alameda-Contra Costa Transit District, do hereby certify that the foregoing Resolution was passed and adopted at a regular meeting of the Board of Directors held on the 10th day of December 2014, by the following roll call vote:

AYES: VICE PRESIDENT JOE WALLACE, DIRECTOR H. E. CHRISTIAN PEEPLES, DIRECTORS ELSA ORTIZ, MARK WILLIAMS, JEFF DAVIS, JOEL YOUNG, PRESIDENT GREG HARPER

NOES: None

ABSENT: None

ABSTAIN: None



Linda A. Nemeroff, District Secretary

Approved as to Form and Content:


Denise C. Standridge, General Counsel