

CITY OF SAN MATEO
RESOLUTION NO. ____ (2021)

**APPROVING A POLICY REGARDING ACCEPTANCE OF MARKERS FOR PLACES OF PUBLIC INTEREST IN THE
PUBLIC RIGHT OF WAY**

WHEREAS, the City Council has an interest in acknowledging and commemorating San Mateo's culture and history by recognizing places of significant public interest; and

WHEREAS, the City has received a proposal for installation of marker signifying a place of public interest in the public right of way; and

WHEREAS, streets and sidewalks are generally considered to be traditional public forums subject to First Amendment jurisprudence; and

WHEREAS, markers and other messages installed by the City on public property constitute "Government Speech" and are therefore not subject to First Amendment considerations; and

WHEREAS, the City wishes to adopt objective criteria for the consideration of installation of public markers in the right of way as "Government Speech;" and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN MATEO, CALIFORNIA, HEREBY RESOLVES that:

1. The attached San Mateo City Council Policy on Markers for Places of Public Interest in the Public Right of Way is approved.

**San Mateo City Council Policy on
Markers for Places of Public Interest in the Public Right of Way**
Approved by the San Mateo City Council on _____, 2021.

Introduction

The City may, from time to time, decide to install permanent outdoor markers in City right of way to commemorate persons or events of note (“Government Speech”). By placing markers in City right of way, the City intends to engage in Government Speech and does not intend to open a public forum for free speech activity. The San Mateo City Council is responsible for approving markers commemorating places of public interest in the public right of way. The purpose of this Policy is to establish criteria and guidelines for the installation of permanent outdoor markers in the public right of way.

Policy

The City Council has an interest in acknowledging and commemorating San Mateo’s culture and history by recognizing places of significant public interest. Marker programs are designed to be selective and based upon objective criteria, while still allowing a measure of flexibility. The City may decide, in its sole discretion, to reject proposals and reserves the right to determine appropriate sites.

A. Evaluation Criteria

The City Council will review all complete applications and allow an applicant to make a presentation at a regularly scheduled meeting.

Qualifying Criteria (Applications must meet all five of the following):

1. Site is one of the following:
 - i. A place of public interest, such as a historic property, area of cultural significance, or location of a historically significant event.
 - ii. Represents an organization or person whose contributions were significant to the historical heritage of San Mateo.
2. Site is not currently marked by any other marker or any other program, either public or private. Site would probably not be eligible for the state or national registry.
3. Proposed marker location is in the City’s public right of way. If in the State right of way, the State’s approval will be required before installation.
4. Proposed marker must be in public view and comply with the Americans with Disability Act standards.
5. Proposed marker is privately funded or the Council is willing to commit public funds contingent on availability.

B. Inscriptions and Design

All final marker designs will be reviewed and considered by Council for approval. City staff will work with the applicant on the proposed draft inscription and design to ensure significant information has been included. The inscriptions should not editorialize or speculate; and shall only include widely-acknowledged historical facts. Additionally, space limitations due to the size and configuration of the markers require concise statements. Appropriate images or graphics may be included.

C. Approval Process

1. Sponsors must submit an application to the City Manager's Office. City staff will work with the applicant to ensure the proposed marker is in conformance with the Council's policy. Applicant must provide estimated costs for manufacturing and installation of marker, and information on how it will be funded.
2. The City Council will consider the application during a regularly scheduled meeting and sponsors may make a 5-minute presentation.
3. A simple majority approval by City Council is required to approve a marker.

D. Property and Maintenance

Upon installation, a marker in the City of San Mateo public right of way immediately becomes property of the City. The City will be responsible for overseeing the installation and reasonable maintenance including graffiti removal of the marker. The City may remove or relocate, and shall otherwise have sole control over, any marker in the public right of way. A replacement marker, if any, must be funded by the donor.