

City of Culver City, California
City Council Agenda Item Report

Meeting Date: October 22, 2007		Item Number: <u>A-2</u>	
AGENDA ITEM: Discussion and Introduction of an Ordinance Adding Section 1.02.006 to the Culver City Municipal Code Restricting the Use of the City Seal to Official City Business Unless Otherwise Approved by City Council.			
Contact Person/Dept.: Lisa A. Vidra, City Attorney's Office		Phone Number: (310) 253-5660	
Fiscal Impact: Yes ☐ No ☒		General Fund: Yes ☐ No ☒	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Public Notification: Master Notification List on October 17, 2007			
Department Approval: Carol A. Schwab (10/15/07)		City Attorney Approval: Carol A. Schwab (10/15/07)	
Fiscal Impact Review: Marlee Chang (by M. Noller) (10/16/07)		City Manager Approval: Jerry B. Fulwood (10/17/07)	
<u>RECOMMENDATION:</u> Staff recommends the City Council discuss and introduce for first reading, by title only, an ordinance adding section 1.02.006 to the Culver City Municipal Code restricting the use of the City Seal to official City business unless otherwise approved by City Council, and waive further reading. <u>BACKGROUND:</u> At the July 23, 2007 City Council meeting, the City Council unanimously directed the City Attorney's Office to determine whether there are current restrictions as to the use of the City Seal, and to make recommendations to the City Council. <u>DISCUSSION:</u> In reviewing the provisions of the Municipal Code, Administrative and Council Policies, no restrictions were found. The City Seal was adopted by ordinance in 1936 and has been revised several times (see History of City Seal, Attachment 1). Culver City Municipal Code Section 1.02.005 (Attachment 2) describes the current Seal, and summarizes the use of the Seal ["...the imprint shall hereafter be impressed upon all official documents and an enlarged copy of said seal shall be placed on all motor equipment owned and operated by the City."]. In 1967, the use of the City Seal was further defined by Resolution, which authorized the City Clerk to use the Seal on "any resolution, proclamation, certificate or other instrument			

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approved by City Council when executed by the mayor.” (Resolution CS-5839, Attachment 3).

From time to time, various organizations have requested permission to use the City Seal. In 1989, a movie production company inquired into using the City Seal or the City name. The request was not granted, on the grounds that the specific authorized uses of the City Seal described in the Municipal Code and the Resolution precluded any other use not identified.

In other circumstances, the City Council exercised its discretion and granted the use of the City Seal for a limited purpose. In 1992, Council voted to incorporate the City Seal into the 75th Anniversary Logo, and to grant permission to the Culver City Historical Society to use the 75th Anniversary seal/logo to sell commemorative pins. In 1995, the Rotary Club of Culver City received permission to use the City Seal and “Heart of Screenland” logo for the purpose of creating a “Heart of Screenland” award to be given to a member of the film/communications industry for significant achievement in the industry and charitable endeavors. A limited term agreement was signed between the Rotary Club and the City that provided that all documents in which the logo and Seal were used were to be provided to the Chief Administrative Officer of the City for prior approval. More recently, in 2003, the City Council authorized the use of the City Seal on the Baldwin Hills Area Recreational Trails poster.

The question has arisen whether the City Seal may be “trademarked.” A trademark (or service mark) is a word, name, symbol, or device, or any combination thereof, used to identify and distinguish goods (or services) from the goods or services of others. Technically, a “trademark” designates goods or products, and a “service mark” designates services, but many people commonly use the term “trademark” in relation to goods or services.

Pursuant to federal law, “the flag or coat of arms or other insignia of the United States or of any State or municipality, or of any foreign nation, or any simulation thereof” adopted to serve as a symbol of government authority may not be registered as a trademark. In contrast, a logo used to identify City services may be registered as a service mark. In 2002, the City registered its new logo

*Culver***CITY** as a service mark with the California Secretary of State (see Attachment 4). Similarly, the City of Beverly Hills registered its “City Shield,” the brown shield used as entry signs to Beverly Hills, which differs from the official City Seal of Beverly Hills. Beverly Hills permits others to use a likeness of the brown City Shield, subject to a fee and licensing agreement (see Attachment 5)

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State law provides that any person who uses or allows to be used any reproduction or facsimile of the Seal of a general law city in any campaign literature or mass mailing with the intent to deceive the public (i.e., give the false impression that the document is authorized by a public official) is guilty of a misdemeanor. However, this provision does not apply to charter cities. The proposed ordinance before you would adopt provisions similar to those in general state law. Many cities have adopted Municipal Code provisions limiting the use of the City Seal to official business, and prohibiting the use of the Seal without the authorization of the City Council. Staff has reviewed the Municipal Code of a number of cities and compiled a chart for comparison (see Attachment 6).

The proposed ordinance prohibits any use of the City Seal except for official City business, unless otherwise approved by City Council. (Proposed Ordinance, Attachment 7). Additionally, the proposed ordinance designates the City Clerk as custodian of the City Seal, a duty in the former Charter not in the current Charter. The proposed ordinance also incorporates the provisions of the 1967 Resolution, while broadening the authority to use the imprint of the Seal to include the City Manager. Anyone violating the new ordinance would be guilty of a misdemeanor.

FISCAL ANALYSIS:

There is no fiscal impact associated or anticipated with this item.

ATTACHMENTS:

- Attachment 1: History of the Seal
- Attachment 2: Culver City Municipal Code section 1.02.005
- Attachment 3: Resolution CS-5839
- Attachment 4: Secretary of State registration of City logo
- Attachment 5: Beverly Hills shield
- Attachment 6: Comparison chart
- Attachment 7: Proposed Ordinance

MOTION:

That the City Council:

Discuss the use of the City Seal and, if desired, introduce for first reading, by title only, the ordinance restricting use of the City Seal to official City business, unless otherwise approved by Council, and waive further reading.