

Nonprofit upset that city rejected bus ad criticizing Fresno park disparity

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A Fresno nonprofit is upset that City Hall rejected a bus ad that takes the city to task for differences in park acreage between the northern and southern parts of the city.

Fresno Building Healthy Communities, which advocates for health initiatives in the city's lower-income areas, complained that its ad was turned down by the city as "too political" after the organization contracted and paid for the ad to be wrapped on Fresno's FAX transit buses. The ad uses information from Fresno's general plan indicating that the city has just over one acre of parkland for every 1,000 residents who live south of Shaw Avenue, compared to more than 4.6 acres of parks for every 1,000 residents living north of Shaw.

The city attorney's office determined that the ad ran afoul of part of the municipal code that states "no political advertising matter or sign shall be displayed upon any bus or on transit property." In a written statement, Mayor Ashley Swearingin suggested that the city had no choice but to refuse the ad.

"Local rules prohibit any political speech from being included in city bus ads. So unless those local rules are changed, we can't run these ads," Swearingin said. "We have to apply the rules consistently — whether or not we agree with the political statement being made."

The ad features an image of a young girl, half in stark black-and-white and half in color. The black-and-white half includes in the background old playground equipment behind a chain-link fence to depict south Fresno. North Fresno is illustrated by new and colorful playground equipment. The text of the ad is an attention-grabber: "Your ZIP code shouldn't predict how long you'll live — but it does. ... We need #OneHealthyFresno with better parks for all."

'Political sign' means a sign indicating the name and/or picture of an individual seeking election to a public office, or relating to a forthcoming public election or referendum, or pertaining to the advocating of political views or policies by any person, group or parties.

Fresno Municipal Code, Section 12-1704

Attorney Ashley Werner of the Legal Counsel for Justice and Accountability, a partner with Building Healthy Communities, disagreed with the city's "political" characterization of the ad. "We have a different interpretation, that this is about facts and not about politics," she said.

"The ad is trying to educate residents about information in city general plan about the great disparity that exists in park space between north of Shaw and south of Shaw," Werner said. "With this type of information, people can better participate in local planning and city government ... This gets to the whole 'tale of two cities' issue, that we have one city north of Shaw and another south of Shaw, and that we need to try to address the huge park disparities that exist."

The thrust of the ad is to nudge the city to include money in its budget for 2015-16 for developing a new master plan for parks that helps close the acreage gap between the different parts of Fresno, Werner said. As of now, there is no money for such an effort in the mayor's proposed budget, "but I'm hopeful that we're going to move forward with a budget to get the parks master plan updated," she added.

Werner said Building Healthy Communities wanted to run the ads on city buses instead of other forms of advertising "because buses run from north to south, so people throughout the whole city get to see it." She stopped short of

calling the city's action censorship, but added that "we believe it's wrong for the city to withhold our ability to place the ad in this particular forum."

Swearingin said she appreciates the nonprofit's "willingness to raise awareness of the discrepancies between the older parts of the city and the newer parts that were built according to more modern park ratio standards.

"But even if we agree with their statements, we can't allow the ad," the mayor added. "We encourage BHC to purchase other local forms of advertising that don't have such restrictions on them because, at the end of the day, it's in our entire community's interest to improve the parks and green space in south and central Fresno, as well as throughout the city."

According to the city attorney's office, "whether the ad is true or not is not a legal concern. ... The nature of the ad is the concern, which appears to be prohibited by the Fresno Municipal Code" because "it appears to be pertaining to the advocating of political views or policies by any person, group or parties. It is advocating for a policy (more or better parks) of a person or group."

Mark Standriff, city spokesman, added that developing a new parks master plan "is going to take some time, and unfortunately we're not moving as quickly as BHC wants us to."

Building Healthy Communities had already contracted with Lamar Advertising, which handles ads for the city's bus fleet, and shelled out \$25,000 to run the ads. Werner said the organization is waiting to see when it will receive a refund of the payment.

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