

Scenic San Diego¹
Pamela Wilson
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Vista City Council
c/o Vista City Clerk
200 Civic Center Drive
Vista, CA 92084

Re: Public Comment Regarding Agenda Item D2, March 12, 2013 Council Meeting
Opposition to Digital Message Board Contract

Hon. Councilmembers:

I am again writing to express strong opposition to the proposed Digital Message Boards contract. Vista has a sign ordinance that limits visual pollution, signage blight and traffic hazards caused by off-site advertising. The proposed contract threatens to eviscerate this law and lead to billboard proliferation throughout the City. Comment I submitted for the January 8, 2013 hearing on this proposal warned you that allowing digital billboards on City-owned property exposes the City to costly litigation and damages by private property owners who want to place revenue-generating billboards on their land. The federal court in *Lamar Advertising of Michigan, Inc. v. City of Utica*, (2011) Case No. 09-14218, said a city law that permits billboards on public land but prohibits them on private land is unconstitutional and invalid. (Copy enclosed.)

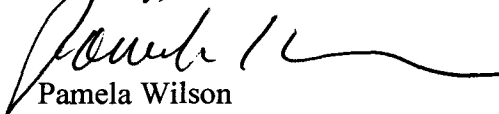
This legal precedent means if Vista signs a binding contract with CBS Outdoor to permit digital billboards on City land, a competitor will sue for the right to place billboards on private land, forcing the City to allow more digital billboards. Soon Vista will be littered with garish signage blight.

CBS Outdoor is same company that induced the City of Utica to enact an exception to its sign restrictions permitting CBS billboards on City land. Shortly thereafter, its competitor, Lamar Advertising, applied for permits to install billboards on private land. After the City denied Lamar the permits, it sued, contending the law unconstitutionally allowed billboards on public land but prohibited them on private land. The federal court agreed, finding the ordinance invalid, and said Lamar was entitled to erect its billboards.

In January I asked you to direct your City Attorney to analyze the legal repercussions of allowing digital billboards on City land. I again urge you to legally analyze this proposal before going forward. In addition to the issues addressed in *Utica*, the contemplated content restrictions are also likely unconstitutional.

Even if you vote to proceed with this contract, it should be strengthened to preserve the City's right to remove the billboards at no expense to the City, should a Court rule allowing billboards on City land means Vista must allow them on private land. The City of Los Angeles carved out an exception to its sign ordinance which a court later ruled was improper. Now, outdoor advertisers claim if the City removes the illegal signs, it will owe advertisers \$100 million or more in lost revenue. The proposed CBS contract does not protect Vista if claims exceed \$5 million and it is unclear whether it encompasses litigation between City and CBS.

Sincerely,



Pamela Wilson
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Enclosure

¹ Formerly, "San Diegans Against Billboard Blight."