

Marine Avenue Business Improvement District

Website Information and External Links Policy

Adopted 11/18/04

SECTION 1: PURPOSE

The purpose of this policy is to identify the types of information to be provided on the Marine Avenue Business Improvement District's official website, and to identify the acceptable criteria for establishing external Internet website links from such website. The MABID (MABID) was established by the City Council of the City of Newport Beach, under the guidelines and limits pursuant to the State of California in the Parking and Business Improvement Area Law of 1989.

SECTION 2: POLICY

In establishing and maintaining its official website, the MABID is not, in any manner, creating a forum or other means by which public discourse, exchange of opinions, advertisement of commercial or non-profit businesses, or discussion on issues of any nature may occur. Rather, the website is maintained for the exclusive use and control of the MABID with the advice and counsel of the City of Newport Beach; such use and control including, but not being limited to, decisions on what content will be available on, or accessible from, the MABID's website. The sole and limited purpose of the MABID website, and of any permitted external links from such website, is to provide non-political and non-religious factual information about the MABID and matters of public interest as may be determined by the Board of Directors of the MABID.

The Marine Avenue Business Improvement District posts information, and establishes links to external websites, on the official website solely in conformance with this policy.

It is the City's policy to limit external links to the following kinds of entities and organizations:

- (1) Local and regional economic development and tourism promotion organizations that assist the MABID in promoting businesses, including the Newport Beach and Anaheim Convention and Visitor's Bureaus, and the Newport Beach Chamber of Commerce;
- (2) Other governmental agencies;
- (3) Hospitals;

- (4) Museums, libraries, historical organizations and similar kinds of established, bona fide organizations that provide cultural resources to residents and visitors of Newport Beach;
- (5) Entities and organizations whose primary purpose is to provide the location, telephone number and/or description of tourism events in the City of Newport Beach;
- (6) Sites providing maps, driving directions, and weather information;
- (7) Entities with which the MABID has an existing formal, contractual relationship through direct funding, co-partnership, or co-sponsorship on programs or events which are related to the MABID's goals;
- (8) Entities that provide, free of charge to the public, software, software services or content services required to process or display content on the MABID's website, and
- (9) Member businesses of the Marine Avenue Business Improvement District, so long as their information is in compliance with all other stipulations in this policy.

Entities and organizations wishing to establish external links on the Marine Avenue Business Improvement District's official website must submit an application on a form provided by the MABID Board of Directors and shall provide all information necessary to verify the facts stated and as may be necessary to establish that the proposed link is in compliance with this policy.

The MABID shall have the right to:

- (1) Deny an external link application as to any person, business or organization when it is determined, following review of a complete application, that the entity or organization for which application is made does not meet the criteria set forth in this policy;
- (2) Deny an external link application as to any person, business or organization which fails to provide all required information, or fails to provide truthful information;
- (3) Remove any external link if the nature of the organization or business to which the link relates no longer complies with the MABID's link policy;
- (4) To discontinue an external link at any time if the entities' websites provide or promote

- false, slanderous, illegal, immoral, or incorrect information at any time;
- (5) To discontinue an external link within ninety (90) days of the delinquency of payment of the BID member's assessment; or
 - (6) To revise this policy without prior notice when to do so is deemed to be in the best interests of the MABID.

The Marine Avenue Business Improvement District official website, and this policy, shall be updated from time to time to incorporate improvements.

The MABID official website shall, in addition to posting this website policy, provide the following warnings and disclaimers:

Unless a copyright is indicated, information on MABID website may be reproduced, published or used with MABID's permission. We request only that the MABID be cited as the source of the information and that any photo credits, graphics or byline be similarly credited to the photographer, author or MABID, as appropriate.

If a copyright is indicated on a photo, graphic, or any other material, permission to copy these materials must be obtained from the original source.

Using or modifying this site's materials and information for commercial or profit making purposes is prohibited and may violate the copyrights and/or other proprietary rights of the MABID or third parties

The following acts or activities are prohibited without prior, written permission from the Marine Avenue Business Improvement District: (1) modifying text, images or other web content from the MABID server; or (2) "mirroring" the MABID information on a non-authorized server.

While the Marine Avenue Business Improvement District attempts to keep its website accurate and timely, the materials and information contained on or obtained from the MABID website, are distributed and transmitted "as is" without warranties of any kind, either express or implied, including without limitation, warranties of title or implied warranties of merchantability or fitness for a particular purpose. Information contained on this website, including information obtained from external links thereon, is provided without any representation of any kind as to accuracy, completeness, or quality of content and should be verified by the user. The MABID is not responsible for any special, indirect, incidental or consequential damages that may arise from the use of, or the inability to use, the website and/or the materials contained on the site whether the materials contained on the website are provided by the MABID, or by a third party.

Messages transmitted via the Internet are not always reliable. Thus, although

the Marine Avenue Business Improvement District will make every effort to maintain the reliability of communications via the MABID website, the MABID is unable to guarantee that any such communications will be received by the MABID. Therefore, if you want or need to communicate to the Board of Directors, the MABID strongly recommends that you contact a member of the Board directly via telephone or personal contact.

Communications made through this website shall in no way be deemed to constitute legal notice or public comment to the City of Newport Beach or any of its agencies, officers, employees, agents, or representatives, with respect to any existing or potential claims or cause of action against the City or any of its agencies, employees, agents, or representatives, where notice to the City is required by any federal, state or local laws, rules, or regulations.