

**TOWN OF  
APPLE VALLEY, CALIFORNIA**

**AGENDA MATTER**

**Subject Item:**

**COMMEMORATIVE BRICKS FUNDRAISER**

**SUMMARY STATEMENT**

At the Town Council meeting of November 18, 2008, Council directed staff to develop a policy that would be broadly protective of everyone's First Amendment rights. Furthermore, Council requested staff to develop guidelines as measured by the contemporary community standard. These standards state the community's values of what is offensive and set guidelines for participation in the community. If the inscription cannot be tolerated by the average person in the community, then it is considered offensive by the community's standard.

Research indicates that the 1973 *Miller v California* case separates obscenity from protected speech and uses a three prong test for determining obscenity, one being whether or not the material violates the local community standards. Obscene messages, including obscenely vulgar or obscenely offensive messages that appeal to prurient interests, describe, in a patently offensive way, sexual conduct, and taken as a whole lack serious literary, artistic, political or scientific value will not be permitted.

Staff commends the Mojave Aquatics Coalition volunteers for their dedication and hard work in making the bricks fundraiser program a success. In an effort to take the burden of determining whether or not the brick inscription meets the contemporary community standard, staff is recommending that all brick applications be submitted to the Town Manager's office by the Mojave Aquatics Coalition. If a brick message doesn't meet the community standard, the applicant would have the right to appeal this decision to the Town Council.

**Attachment:     Proposed Revision - Guidelines for the Brick Pavers Fundraiser  
                      Proposed Revision - Brick Pavers Fundraiser Application**

**Recommended Action:**

Adopt Guidelines in accordance with the Contemporary Community Standard

**Proposed by:**     Linda Mayfield, Administrative Analyst     **Item Number** \_\_\_\_\_

**T. M. Approval:** \_\_\_\_\_     **Budgeted Item**    Yes    No    N/A

## **Guidelines Brick Paver Fundraiser**

We are the Mojave Aquatics Coalition volunteers with a mission to help fund a retractable enclosure for the Apple Valley Pool located next to Town Hall on Dale Evans Parkway.

Apple Valley is a wonderful place to live, work, raise families and enjoy life. By enclosing the pool, we have an opportunity to enjoy aquatic programs all year long.

By purchasing a brick paver, you will have a personalized inscribed brick to be placed within the pool location and support this program to make the enclosure a reality for all to enjoy for years to come.

### **Guidelines**

1. All bricks will be the same red color with black paint accenting the inscriptions. Each square on the order form counts as one character including spaces between names.
2. Personal bricks will be 4 x 8 inches: 4 lines and up to 21 characters per line, 18 are suggested. The inscriptions will be center. **Cost: \$65.00 for each order**
3. Business bricks are defined as having a license to do business in Apple Valley and/or the State of California. They will be 8 x 8 inches: 6 lines and up to 21 characters per line, 18 is suggested. The inscriptions will be centered. Business logos are not available. **Cost: \$130 for each order**
4. The brick pavers have a lifetime guarantee so any problems will be addressed.
5. This is a public area to be enjoyed by children, residents and friends of the High Desert. All brick orders are subject to administrative review by the Town Manager or his designee. Obscene messages, including obscenely vulgar or obscenely offensive messages that appeal to prurient interests, describe, in a patently offensive way, sexual conduct, and taken as a whole lack serious literary, artistic, political or scientific value will not be permitted. If a brick message is rejected, the applicant may appeal the decision to the Town Council.
6. The Town of Apple Valley will be installing the bricks and reserves the right to relocate brick pavers when necessary to accommodate expansions, renovations, etc. of Town property.

Be Part of Tomorrow Today and Buy a Brick!!

For more information  
(760) 240-6316 or by E-mail: [MojaveAquatics@aol.com](mailto:MojaveAquatics@aol.com)

Sales flyers will be located at Town Hall, Parks and Recreation, the James Woody Center and at our booth at community events.

We will be accepting credit cards and on the ordering website, both credit cards and ATMS are accepted.

[www.bricksrus.com/order/MAC](http://www.bricksrus.com/order/MAC)

**Mojave  
Aquatics  
Coalition**



**Paving the way for  
a better way of life**

**Wish you could enjoy the pool all year long?  
You can make this dream a reality!**

# **Brick Pavers Fundraiser**

**Purchase a brick today,  
and be a part of tomorrow.**

**4" X 8" size \$65**

**8" X 8" size \$130**

**Brick may only include the names of  
businesses or individuals and dates.  
Placement within the pool site will be  
determined by the Town of Apple  
Valley.**

**Info: 240-6316**



**Funds will help build a  
retractable pool enclosure.**

**With the endorsement  
of the  
Town of Apple Valley**



