

## CITY COUNCIL POLICY

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SUBJECT: SPONSORSHIPS

NO.: K-21

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### PURPOSE:

This policy is a guide for the City as it pursues sponsorship for its public facilities, programs, and events. It is intended to establish a standardized approach to assessing the compatibility between the City and potential sponsors. This policy will assist the City in remaining fair and objective as it pursues, evaluates, and enters into sponsorship agreements.

The City's ability to sustain current service levels at City facilities, parks, programs, and events depends on maintaining adequate revenue streams through diversified means.

Sponsorships, such as advertising in City publications or sponsoring a special event, can be an effective means of generating new revenue and building community partnerships. Private advertising and sponsorships provide the City of Mountain View an opportunity to develop partnerships with businesses and organizations that share the City's commitment to providing high-quality public services while raising revenue to support and potentially enhance the delivery of services.

Sponsorships are distinct from donations or gifts. Donations or gifts are monetary contributions or material items given to the City without an expectation of benefit in return. Donations or gifts are not subject to this policy and are governed by Council Policy K-6 and Council Policy K-20.

### POLICY:

#### 1. Definitions

- a. **Contribution:** A financial or in-kind payment such as cash, products, services, or involvement in a particular public event, program, or activity, or a combination thereof.
- b. **Sponsorship:** A relationship between a sponsor and the City resulting from the sponsor's contribution in exchange for acknowledgement of the sponsor for their contribution. Sponsorship may be offered through various sponsorship packages. Each package's benefits vary in relation to level of sponsorship.

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- c. Sponsor: A company, organization, or individual who forms a sponsorship with the City or one of the City's departments.
- d. Sponsorship Agreement: An agreement between the City and sponsor whereby the City enters into an agreement with the sponsor for sponsorship. A sponsorship agreement shall be limited to its terms and conditions, consistent with this policy. Each sponsorship agreement may be unique to allow for flexibility in forming sponsorship partnerships.
- e. Naming Rights: A form of sponsorship, formalized in a sponsorship agreement, whereby a sponsor purchases the rights to name a building, structure, facility, or event, or a portion thereof, typically for a defined period of time.

### 2. Sponsorship Agreements

Specific sponsorship agreements will be executed in accordance with City Council Policy A-10.

All sponsorship agreements for naming rights shall be approved by the City Council.

### 3. Sponsorship Opportunities

- a. Sponsorship opportunities may either be City-initiated or proposed by a potential sponsor. Sponsorship opportunities include, but are not limited to, the following:
  - (1) Advertising. Advertising providing the opportunity for the sponsor's name and/or logo to appear in advertising and marketing materials related to a recreation class, Center for the Performing Arts event, or City program or special event such as the Annual Downtown Family Parade, Summer Movie Nights, Thursday Night Live, Tree Lighting Celebration, etc. Marketing materials include items such as printed materials, website references, banners, scoreboards, and any media related to the class, program, or event.

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- (2) Naming Rights. Naming rights sponsorships provide the opportunity to name a City-owned building, structure, facility, or portion thereof, and display sponsor's name and logo on building facility. Naming rights may also be available for a component area within a building, structure, or facility.
    - (3) Other Marketing Materials. Any other marketing or advertising opportunities not addressed above, such as product placement, donation of goods, etc.
  - b. Recognition received for a sponsor's contribution will vary. Each public event, program, activity, facility, or structure for which the City initiates sponsorship opportunities is unique and recognition based on contribution will vary accordingly. The City-initiated requests for sponsorship will provide details of the levels of recognition that are available for the particular opportunity.
4. Administration
- a. The Recreation Division, under the direction of the Community Services Director, will coordinate all sponsorship agreements.
  - b. The department or division initiating the sponsorship opportunity or benefiting from the sponsorship shall be the responsible department or division for the sponsorship. The responsible department or division shall be responsible for review of the sponsorship to ensure the sponsorship is consistent with this policy and any terms and conditions of the sponsorship opportunity.
  - c. The Recreation Division will be responsible for:
    - (1) Managing the City-wide Sponsorship Policy;
    - (2) Presenting sponsorship proposals and agreements to the approving authority;

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- (3) Providing assistance and advice to City departments regarding sponsorship opportunities;
- (4) Reviewing and assisting in the development of sponsorship opportunities as requested;
- (5) Tracking and reporting on a quarterly basis all sponsorships developed by City departments; and
- (6) Reporting to City Council on an annual basis of all sponsorships developed by City departments.

### 5. Guidelines

The City may consider the following guidelines when evaluating acceptance of sponsorship:

- a. The City shall be fair, impartial, and shall not discriminate on the basis of race, sex, color, age, religion, sexual orientation, political affiliation, national origin, gender identity or expression, marital status, physical or mental disability, military or veteran status, ancestry, or genetic information of the proposed sponsor.
- b. Religious and political organizations are not eligible for sponsorship with the City, nor are businesses, organizations, or individuals whose primary products or purpose are firearms, tobacco, "adult" content, or promotes practices or work that violate Federal, State, or local law and/or any of the like. Business organizations whose primary product is alcohol may be eligible for sponsorship when the sponsorship opportunities are consistent with the advertising of alcohol (for example, when the event that is being sponsored allows the sale of alcohol in association with the event).
- c. The City will consider community benefits of the sponsorship.
- d. The City reserves the right to decline a sponsor or sponsorship proposal that appears to be in direct competition with City services/products.

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- e. The City reserves the right to decline a sponsor which would result in a conflict of interest or appearance of a conflict of interest between sponsor and City.
- f. Sponsorship agreements shall conform to the guidelines and procedures set forth in this policy.
- g. All forms of advertising, including signage, shall conform with the City Code.
- h. The City will strive to afford consistent recognition levels for similar levels of contribution across City departments and divisions.
- i. No advertising or sponsorship recognition will be allowed on City uniforms unless the clothing is designed for a specific event or program that has a specific time frame.
- j. No sponsorship agreement will permit the use of the City's logo, seal, or any other City trademark to be reproduced or distributed in any manner by the sponsor without written permission from the City for that specific release.
- k. Contribution offered in exchange for the requested sponsorship opportunity.
- l. Additional guidelines may be provided by the responsible City department/division as needed for the specific sponsorship opportunity.

The City reserves the right to reject any and all sponsorship proposals.

### 6. Procedures

- a. All sponsorship agreements will be submitted to the Community Services Director or his/her designee.
- b. The City Attorney's Office shall review all sponsorship agreements and shall check for potential conflicts of interest.
- c. The Finance and Administrative Services Director shall review all sponsorship agreements for financial terms.

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- d. The Recreation Division shall review all sponsorship agreements and provide comments and a recommendation to the department or division responsible for reviewing the sponsorship for acceptance. A sponsorship agreement may be executed after appropriate City review.
- e. The City department or division responsible for the sponsorship shall collect or facilitate contributions. The terms of the sponsorship agreement may also provide for contribution collection or facilitation, as appropriate.
- f. The City reserves the right to terminate agreements in accordance with the terms of the sponsorship agreement.

### 7. Disclaimers

- a. Sponsorship will not result in any loss of City authority or control of its public facilities, events, or programs.
- b. Unless expressly stated otherwise, the City does not intend to modify or change the nonpublic forum status of any City property by providing sponsorship recognition on City property.
- c. Sponsorship of a City class, program or event, or naming rights will not provide any extra consideration to the sponsor in relation to any City procurement, regulatory activities of the City, or other City business. No City employee or City official is authorized to offer any such extra consideration to a sponsor.
- d. City employees who have primary responsibility for procurement of services, supplies, materials, and equipment or public works should not engage in solicitation of sponsorships.
- e. Acceptance of a sponsorship does not imply endorsement of any individual, entity, or product by the City.

Effective Date: March 4, 2014, Resolution No. 17840

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