

RESOLUTION NO.18-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
ESTABLISHING A POLICY FOR ACCEPTING SPONSORSHIPS**

WHEREAS, the City of Cupertino is empowered by state law to accept or reject any donation, gift, bequest, or devise made to or for the City, consistent with California Government Code section 37354; and

WHEREAS, the purpose of the sponsorship policy is to lessen the impacts on the City funds for community events, provide opportunities for new revenue streams to support and enhance services and programs, and to establish new partnerships with local businesses and organizations; and

WHEREAS, the Cupertino City Council recognizes the numerous contributions made by individuals and organizations to the City – both in cash, in kind or involvement in a particular public event, program, or activity; furthermore the City Council wishes to encourage this form of civic participation in city affairs and to have the opportunity to recognize sponsors for their contributions to the wellbeing of the City and its residents; and

WHEREAS, the City Council desires to establish a City policy for sponsorships to ensure consistency with the values and interests of the City and to make sure there is clarity to potential sponsors, the general public, and city staff concerning the Council's goals and policies respecting sponsorships; and

WHEREAS, this Resolution and Policy only apply to contributions made to the City of Cupertino as a municipal corporation, and

WHEREAS, the Cupertino City Council finds and determines that the above recitals are true and correct and material to the adoption of this Resolution.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Cupertino hereby adopts and approves the attached Sponsorship Policy as the official sponsorship policy of the City of Cupertino.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this ____ day of October, 2018, by the following vote:

| <u>Vote</u> | <u>Members of the City Council</u> |
|-------------|------------------------------------|
|-------------|------------------------------------|

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Grace Schmidt, City Clerk

Darcy Paul, Mayor

CITY OF CUPERTINO SPONSORSHIP POLICY

PURPOSE

The purpose of the City's sponsorship policy is to maximize community resources, promote public engagement in city affairs, and support the financial health of city departments. Therefore the City wishes to create and enhance sponsorship relationships with businesses, non-profit groups and individuals who desire to support city activities through sponsorship opportunities. This policy sets guidelines and procedures regarding the qualifications, responsibilities, and requirements for city staff and participating sponsors.

DEFINITIONS

Sponsorship: A financial or in-kind support such as cash, products, services, or involvement from a private individual, entity or other source, for a specific program, project, event or activity in return for benefits to the sponsor. Sponsorship may be offered through various sponsorship packages.

Sponsorship Agreement: An agreement between City and Sponsor identifying the program, project or activity being sponsored, the tangible or intangible benefits to the sponsor, and other relevant terms and conditions agreed to by the Parties.

Sponsorship Benefits: Tangible or intangible benefits received by the sponsor such as marketing opportunities for their products, name association/recognition, and other allowable benefits as approved by City. This may include opportunities given to the sponsor to have its name/logo appear on City property, printed material or verbal recognition in public for a specified period of time, formalized in a sponsorship application or agreement.

SPONSORSHIP ELIGIBILITY

The following factors and guidelines must be used in determining the qualifications of a sponsor:

1. The sponsors should be businesses, non-profits, or individuals promoting mutually beneficial relationships with the City of Cupertino.
2. All sponsored programs should promote the goals and mission of the City of Cupertino and must be consistent with City policies and regulations.
3. The products/ services are compatible with the mission and values of the City.
4. The sponsorship enhances the Department's priorities, programs and core services.
5. The sponsorship meets City design standards and does not degrade the experience of users of city parks and recreation facilities (for sponsorships involving these city assets).
6. The sponsorship does not commit the department to additional operating and maintenance responsibilities and costs greater than the value of the sponsorship.

7. The sponsorship does not create a conflict of interest for the City.
8. The sponsorship is allowed by law and the sponsor complies with anti-discrimination laws and does not discriminate based on race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, mental or physical disability, medical condition, age, pregnancy, denial of medical and family care leave and pregnancy. Sponsorships that are generally not eligible for participation include those whose primary objectives, products, or services consist of the following:
 - a. Religious and political organizations.
 - b. Organizations in direct competition with City services or products.
 - c. Sponsorships which create a conflict of interest or the appearance of a conflict of interest.
 - d. Products that are substantially derived from the sale of alcohol, drugs, tobacco, gambling, firearms, or sexually explicit materials.
9. No advertising or sponsorship recognition will be allowed on City clothing unless the clothing is designed for a specific event or program that has a specific time frame.

REQUIREMENTS FOR SPONSORS

Sponsors must comply with the following requirements:

1. Submit a sponsorship application or a sponsorship letter of interest to City.
2. Upon approval of the application, for sponsorships valued at more than \$500, enter into a sponsorship agreement with City, including a release and hold harmless clause.
3. Agree not to use, reproduce or distribute the City's logo, seal, or trademark without City's written consent.
4. Obtain and maintain during the term of their agreement, all appropriate permits, certificates and licenses, at his/her sole expense. For example, sponsors providing food must obtain all necessary health permits.

CITY STAFF RESPONSIBILITIES

It is the responsibility of Department Heads, supervisors, and staff to follow this policy.

1. For sponsorships of less than \$500 in value, a sponsorship agreement is not required but an application or letter documenting the sponsorship must be received with the approval of the Department Head or his/her designee. For all other sponsorships, designated staff from each department must use the City's standard sponsorship agreement with any necessary modifications as determined by department supervisor/manager, consistent with the guidelines set forth in this policy.

2. Department Heads may approve sponsorships and sign agreements for up to \$10,000. The City Manager is authorized to sign agreements up to \$25,000. All other sponsorships valued over \$25,000 must be approved by the City Council. All sponsorships involving funds must be reported to the Finance Department.

DISCLAIMERS

This policy, procedures and approval of any sponsorship agreement is subject to the following disclaimers:

1. City retains full authority and control of its facilities, events, programs, or activities.
2. Apart from what is outlined in the sponsorship agreement, Sponsors will not receive any other special considerations from the City.
3. Acceptance of a sponsorship does not imply endorsement of any individual, entity, company, organization, or product by the City.