

CITY OF PLANO POLICIES AND PROCEDURES

140.000

Department Name: City Manager
Procedure: Marketing Partnership Policy

Effective Date: 3/31/2011

Revision Date(s): 3/31/2011

I. Purpose

The purpose of the policy is to provide guidelines for developing and managing municipal marketing partnerships/sponsorships which ensure that all marketing partnerships/sponsorships support the City of Plano's mission while remaining responsive to the public's needs and values. The policy will establish the implementation and administration of municipal marketing.

II. Policy

- A. The City desires to seek partners, sponsors and donors for City assets to include but not limited to activities, events, facilities, projects and programs for the purpose of generating incremental revenue by looking at City assets in a different way. The policy will establish parameters and guidelines to safeguard the City's corporate and citizen values, image, assets, and interests while increasing the opportunities for revenue generation.
- B. The City accepts the principle that third persons may become marketing partners with the City in the sponsorship of City approved programs, projects, events, facilities or activities where such partnerships are mutually beneficial to both parties and in a manner consistent with all applicable policies and ordinances set by the City. Under the conditions of this policy, City staff may solicit such marketing partnerships for the City, where it is allowed by other provisions of this policy and the City of Plano Code of Ethics.
- C. The Policy applies to all advertising activities, including contracts, permits, licenses and agreements, to advertise or receive donor recognition on any City of Plano owned real or personal property in exchange for cash, equipment, supplies, services or other valuable consideration.
- D. At all times, recognition for marketing partners must be evaluated to ensure the City is not faced with undue commercialism and is consistent with the scale of each partner's contribution.

III. Definitions

- A. Advertise – Any of its variants and “Advertising Display” includes the depiction or presentation on a sign, personal property, bench, fixed device or structure of any name, word, statement, message, drawing, picture, painting, mark, motto, symbol or figure for the purpose of calling attention to a business, trade, organization or activity and/or inducing directly or indirectly, the purchase or use of any specific item of commerce or trade.

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- B. Marketing Partnership – a mutually beneficial business arrangement between the City and a third person, wherein the third person provides cash and/or in-kind services to the City in return for access to the commercial marketing potential associated with the City. Marketing Partnerships may include sponsorship of City assets to include but not limited to City’s programs, projects, events, facilities or activities.
- C. Donor – any of its variants means contribution of money, equipment, facilities, material, or other goods or services or consideration in exchange for public recognition in a form and manner determined by the City.
- D. Moral Turpitude – behavior that clearly disregards the prevailing public conventions and morals subjecting either Sponsor or the City or both to public hatred, contempt, scorn or ridicule; or behavior that clearly shocks, insults or offends the community or public morals.

IV. Partnership Limitations

- A. No sponsorship or donation shall be inconsistent with the Vision and Mission of the City of Plano
- B. Those departments that serve in a regulatory or police function within the city would not be eligible to participate in the solicitation aspects of the program.
- C. In general, the following industries and products are not eligible for marketing partnerships with the City of Plano.
 - 1. Police-regulated businesses not limited to the following examples:
 - a. Any sexually oriented anatomical area
 - b. Any obscene acts, gestures or words
 - c. Any sale or use of illegal drugs or paraphernalia
 - d. Any illegal act unless depicted in a Public Service Announcement for health, safety or welfare of the community
 - 2. Companies whose business is substantially derived from the sale or manufacture of tobacco products.
 - 3. Companies whose business is substantially derived from the sale or manufacture of alcoholic beverages

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4. Companies whose business is substantially derived from the sale or manufacture of sexually oriented materials
 5. Companies whose business is substantially derived as a sexually oriented business.
 6. Parties involved in a lawsuit with the City
 7. Parties involved in any stage of negotiations for a City contract unless contract is directly linked to a marketing partnership opportunity
 8. Religious messages
- D. No contract, permit, license or agreement may permit the use of the logo of the City of Plano or any of its departments to be reproduced or distributed in any manner which in any way impersonates a city official, safety officer or employee unless it is in compliance of the city policy that regulates such use. (Public Information City of Plano Official Logo Use 130.000)
- E. Sponsor or donor recognition shall be permitted on uniforms worn by City of Plano employees on an exception basis, if approved by the City Manager, Deputy City Manager for the Department, and the Department Director
- F. No contract, permit, license or agreement shall permit a sponsorship or donation display to give the appearance or impression that any commercial product or service is endorsed or recommended by the City of Plano or any of its agencies, departments, officers, elected officials or employees.
- G. Sponsorship will not be a guarantee or preference for receipt of city business or the awarding of contracts. This would not apply when city seeks an exclusive provider for services, i.e. beverage contracts or other commodity and uses an allowed process for that service. The sponsors will not receive any privileges or benefits that are not specified in the sponsorship agreement.
- H. Individual departments are allowed to seek sponsorships from vendors who do business or are likely to do business within their department. Sponsorship opportunities under this condition will be vetted by the Deputy City Manager or those designated by him and agreements shall be reviewed by Legal.
- I. Termination of the sponsorship by the City can occur under the following circumstances, provided the City is not in default of the Agreement. The City may, at its option, terminate this Agreement by giving written notice to the Sponsor without prejudice to any other remedy to which City may be entitled

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either at law, in equity or under this Agreement, for any one (1) of the following reasons:

1. Sponsor is in default under the terms of their sponsorship Agreement.
2. For cause if sponsor commits an act of dishonesty and/or moral turpitude against the City.
3. Sponsor has declared bankruptcy.
4. The city also reserves the right to terminate the agreement without cause and will reimburse the sponsor on a prorated basis.

V. Asset Control

- A. Any asset from a contract, permit, license or agreement entered into with a marketing partner, sponsor or donor shall be subject to the City of Plano Policies and Procedures concerning gifts and gratuities, ethics, finance and purchasing. All staff and council members will conduct business in a manner consistent with the Code of Ethics of the City of Plano.
- B. All funds received as a result of a Marketing Partnership will be deposited through the City of Plano Finance Department to the General Fund or designated department based upon the stipulations of the sponsorship agreement. Exception: Those enterprise departments whose budget pays the salaries of the staff engaged in raising of revenues.

VI. Marketing Partnership Process

- A. The general procedure for developing marketing partnerships will be as follows:
 1. Define scope of marketing partnership program or project, including a description of the community need, financial goals and general marketing strategy.
 2. All signage issues related to sponsorship proposals will be reviewed in regard to city ordinances and codes. Each item will be addressed and resolved on a case by case basis in negotiation of the sponsorship contract.
 3. Develop a Marketing Partnership Agreement with corporate sponsor that is consistent with all applicable City policies and ordinances.

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Submit all Marketing Partnership Agreements to the appropriate deputy city manager for review.

- B. The Marketing Partnership Agreements will utilize the following review and approval process:
 - 1. Submit all Marketing Partnership Agreements with an aggregate value of \$250,000 or greater to the City Council for final approval. Marketing Partnership Agreements with an aggregate value to the City below \$250,000 are subject to the following levels of review and approval:
 - a. From \$50,000 to \$250,000: The deputy city manager and the approval of the City Manager is required.
 - b. Less than \$50,000: The deputy city manager.
 - c. Existing partnership agreements or contracts are suggested but not required to be reapproved through this process.

VII. Marketing Partnership Agreements

- A. All Marketing Partnership Agreements will include contractual language consistent with all applicable City policies and ordinances and good business practices. In general, Marketing Partnership Agreements should include:
 - 1. Contractual Relationship
 - 2. Term - Ensure payment of monies occurs regularly and, at a minimum, be in annual amounts.
 - 3. Renewal
 - 4. Consideration
 - 5. Marketing Rights Fee
 - 6. Commissions
 - 7. In-kind Goods
 - 8. In-kind Services
 - 9. Description of Programs, Projects and Activities

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10. Marketing Rights and Benefits

11. Termination Provisions

VIII. Responsibilities

- A. All marketing partnership activities will be coordinated by this policy under the Direction of the appropriate Deputy City Manager.
- B. The Development Committee will be responsible for:
 - 1. Implementing the City-wide Municipal Marketing Partnership Policy.
 - 2. Providing guidance to all City departments regarding the interpretation and application of this policy.
 - 3. Providing assistance and advice to departments regarding marketing partnership activities.