

UPDATED DRAFT

Amendment in red to add City Commission's recommendation from the Tuesday, Feb. 21, meeting when policy was approved.

I. Statement of Policy

The City of Lawrence will seek sponsors that further the City's mission by providing monetary or in-kind support for the City's Parks and Recreation Department in a manner that respects the noncommercial nature of City property and services. The public's trust, including the public's perception of the City's fairness and impartiality, and the City's reputation (sometimes collectively referred to as 'public trust') may be damaged by sponsorships that are aesthetically displeasing, politically orientated, inconsistent with the City's public mission and core services, or otherwise inappropriate for, or offensive to, the audience or segments of its citizenry. When the City loses the public trust, its ability to govern efficiently and effectively is impaired. Therefore, the City of Lawrence permits certain sponsorship of certain City Parks and Recreation property, facilities, events, activities, programs and services (collectively 'facilities and services') in limited circumstances. The City maintains its sponsorship program as a nonpublic forum and exercises sole discretion over who is eligible to become a sponsor according to the terms of this policy.

Whenever possible, sponsorships should be linked to a specific City Parks and Recreation Department facility or service. The City will neither seek nor accept sponsors that manufacture or provide services or products or take positions inconsistent with local, state or federal law or with City policies, positions or resolutions. The establishment of a sponsorship does not constitute an endorsement by the City or its Parks and Recreation Department of the sponsor, its organization, products, or services.

This policy sets the standards, guidelines and approval criteria for solicitation, consideration and acceptance of sponsorships. This policy is designed to protect the mission, image and values of the City of Lawrence, to protect the image and value of its Parks and Recreation Department facilities and services, to protect the City from risk and to uphold the City's stewardship role to safeguard City assets and interests. No sponsorship shall be approved that will compromise or damage the public trust or conflict with or compromise the City's reputation, mission, image, values or aesthetic interests.

This policy is also designed to:

- a. Ensure an open and fair public process for soliciting and considering sponsorship opportunities;

- b. Provide the City of Lawrence with full and final decision making authority on any sponsorship opportunity, thus protecting its integrity and the integrity of its facilities and services;
- c. Allow eligible outside entities interested in sponsorship opportunities ('potential sponsors') to easily view and understand the various sponsorship opportunities available;
- d. Help potential sponsors, City staff and the public to better understand the procedures for sponsorship.

II. Definition of Sponsorship

'Sponsorship' is financial or in-kind support from an outside person or entity, including other governmental or quasi-governmental organizations, (collectively 'outside entity') to associate outside entity's name, logo, products or services with a City facility or service. Sponsorship is a business relationship in which the City and the outside entity exchange goods, services and/or financial remuneration for the public display of an agreed-upon sponsorship recognition message.

III. Authority Levels to Solicit and Approve Sponsorships

The City of Lawrence possesses sole and final decision-making authority for determining the appropriateness of a sponsorship. Unless a sponsorship opportunity requires city commission approval, the City shall act through its city manager, or designee(s). The City has and reserves the right to refuse any offer of sponsorship. All offers of sponsorship will be reviewed in accordance with this policy.

The department director, in consultation with the City Manager, shall be responsible for determining the facilities and services that are suitable for sponsorship ("eligible facilities and services").

The City Manager may adopt a standard procedure by which sponsorships are sought, considered, and approved.

IV. Levels of Sponsorship:

Levels of Sponsorship:

- a. Level 1, City Commission Approval Required:
 - i. Offers of sponsorship that are for terms of more than five years, or are projected to generate \$25,000 per year or more to the City, or that involve naming rights for a Parks and Recreation Facility, shall require the approval of the City Commission.

- b. Level 2, City Manager Approval Permitted:
 - i. Offers of sponsorship that are for terms of up to five years, and are projected to generate less than \$25,000 but more than \$15,000 per year to the City, may be approved by the City Manager. This approval includes authority to approve sponsorships for a Parks and Recreation program or event. The City Manager may refer any proposed offer of sponsorship or Sponsorship Agreement within the City Manager's authority to the City Commission for approval.
- c. Level 3, Department Director Approval Permitted:
 - i. Offers of sponsorship that are for terms up to four years and are projected to generate \$14,999 or less per year to the City may be approved by the Parks and Recreation Department Director ("the Director"), in consultation with the City Manager's Office.
 - ii. The Director may refer any proposed offer of sponsorship or Sponsorship Agreement within the Director's authority to the City Manager for approval. The Director may delegate authority to approve offers of sponsorship for sponsorships that are within the Director's authority and are for terms of one year or less and projected to generate less than \$5,000 per year to appropriate staff members. All such approvals delegated by the Director shall be made in consultation with the Department Director.

V. Public Access to Sponsorship Opportunities

Public access to information about sponsorship opportunities is important:

- a. To create an open and fair process and to protect against disputes related to sponsorships that are category exclusive;
- b. To market available sponsorship opportunities in an open and efficient manner allowing both the potential sponsor and the City to negotiate efficiently.

Unless other provisions are made by standard procedure, the Parks and Recreation Department should endeavor to make information about potential sponsorship opportunities available through the city's website and other appropriate means.

VI. Criteria for Review of Sponsors and Offers of Sponsorship

Sponsorships of City facilities and services are maintained as a nonpublic forum. Any space made available for advertising for sponsors is declared to be a nonpublic

forum. Although the City recognizes and confirms that entering into a sponsorship agreement is not an endorsement of that sponsor or its services or products, sponsorships do imply some affiliation between the City and the sponsor. As discussed in that Statement of Policy, such perceived affiliation can affect the public trust and the City's ability to govern equitably, efficiently and effectively. Therefore, no potential sponsor and no offer of sponsorship will be approved that might compromise the public trust or the public's perception of the City's ability to act in the public interest, or that the city deems might have a negative impact on its mission, image or values. The City also intends to preserve its right and discretion to exercise full editorial control over the placement, content, appearance, and wording of all sponsorship recognition messages. The City may make distinctions on the appropriateness of sponsors on the basis of the sponsorship recognition message but not on the potential sponsor's viewpoint.

Sponsorships and outside entities that the City deems to be unsuitable for the specific audience or contrary to the community standards of appropriateness for the facility or service, are prohibited, including the following subject matters:

- a. Decisions regarding sponsors and sponsorship opportunities related to alcohol distribution, sales and/or services will be approved at the City's discretion based on the appropriateness of the situation, facility, event, target audience, sponsorship content and materials and consistency with the City's interest and the public interest.
- b. Tobacco products, or products that conflict with the City's Tobacco-Free Parks Policy (adopted 01/12/16).
- c. Political and policy issues, candidates and campaigns.
- d. Profanity, obscenity and hate speech.
- e. Sexually oriented products, activities, or materials.
- f. Depiction in any form of illegal products, activities or materials or which advocate the violation of federal, state or local law or regulation.
- g. Any message that may adversely impact the mission, image and values and goals of the City of Lawrence.

Every sponsorship offer shall also be evaluated by taking into consideration the personalities and characteristics of the average attendee of each facility or service proposed for the sponsorship and the mission, values, and image of the City.

The following criteria shall also be considered in evaluating every offer:

- a. The extent and prominence of the sponsorship recognition message.
- b. The aesthetic characteristics of the sponsorship recognition message.

- c. The importance of the sponsorship to the mission, values and image of the City.
- d. The level of support proposed to be provided by the sponsor.
- e. The cooperation necessary and degree of support from other City departments to implement the sponsorship.
- f. The value of the resources that is provided to the City in fulfilling its overall mission.
- g. Other factors that might affect or undermine the public trust or public confidence in the City's impartiality or interfere with the efficient delivery of City services or operations, including, but not limited to, the existence of, or possibility for, conflicts of interest between the sponsor and the City officers, employees, or City affiliates; the potential for the sponsorship to tarnish the City's reputation or standing among its citizens, or the potential to otherwise impair the ability of City to govern its citizens, or distract the City and its officers and employees from its mission.

VII. Potentially Acceptable Recognition Message Formats

Generally used forms of branding and advertising including, but not limited to, those set forth below, are generally consistent with this policy:

- a. Field and portions of building naming rights, in accordance with this policy;
- b. Signage including:
 - i. Fencing fabric and/or fence signage
 - ii. Light pole and building banners
 - iii. Certain interior walls or court floors
- c. Scoreboards;
- d. PA audio and visual messages;
- e. Inclusion on printed materials of the City;
- f. Inclusion on City maintained facility web-pages;
- g. Inclusion on bulletin boards;
- h. Inclusion on information kiosks;
- i. Inclusion on pavers or other similar permanent fixtures;
- j. TV Shows;
- k. Inclusion in or on a facility or service marketing and promotional materials, items, and messages (including electronic messages, new media and other forms of communication that may arise in the future).

VIII. Park and Facility Naming Rights Sponsorship

The City Commission shall have sole discretion to approve, reject, or modify sponsorship proposals to name a city park and/or parks facility. The Commission shall take into account the best interests of the City in reviewing said proposals.

a. Definition of Naming Rights Sponsorship

'Naming Rights Sponsorship' is financial or in-kind support from an outside person or entity, including other governmental or quasi-governmental organizations, (collectively 'outside entity') to associate outside entity's name, logo, with a City facility. A Naming Rights Sponsorship is a business relationship in which the City and the outside entity exchange goods, services and/or financial remuneration for the public display of an agreed-upon sponsorship recognition message for an agreed upon multi-year time period.

b. Facilities for which a Naming Rights Sponsorship will be Considered

The following facilities are eligible for naming rights sponsorship under this policy:

- a. Park Shelters
- b. Outdoor Sports Complexes
- c. Recreation Centers
- d. Aquatic Facilities
- e. Playgrounds
- f. Golf Course Amenities and Facilities
- g. Nature Center
- h. Recreation Trails

c. Additional items provided to City Commission when reviewing potential

Naming Rights Sponsorship

All relevant information about proposed naming rights sponsorships will be provided to the City Commission and the public when such proposals are presented for consideration, including but not limited to the following:

- a. The cost of construction or purchase of the asset.
- b. The amount of bonds issued related to the asset.
- c. The amount of annual bond payments.
- d. The annual expenditure total to operate/maintain asset.
- e. The amount of asset's revenue generated through fees.
- f. The amount of tax support provided to operate asset.
- g. The annual sponsorship amount.
- h. The amount of fees paid to obtain sponsorship.
- i. The year the asset was constructed or acquired.

IX. Permissible Recognition Messages

Sponsorship recognition messages may identify the sponsor or product, including the use of sponsor or product logos and marks, but should not promote or endorse the sponsor or its products or services. Except as otherwise permitted herein, statements that advocate, contain price information or an indication of associate savings or value, request a response, or contain comparative or qualitative descriptions of products, services, or organization will not be accepted.

Other proposed forms of sponsorship recognition messages, other signage and other visible advertising will be considered on a case by case basis, consistent with this policy.

X. Other Potentially Acceptable Sponsor Opportunities

Potential sponsor opportunities that are more interactive than the permissible recognition messages described above may also be permissible for certain facilities or services under this policy. These include, but are not limited to:

- a. Give away items, coupons, or other sponsor related marketing materials;
- b. Event booth space;
- c. Contests, drawings or other activities that request a response.

XI. Sponsorship Agreement

Upon approval of an offer of sponsorship, the sponsor and City shall enter into a Sponsorship Agreement.

The City will not make any statements that directly or indirectly advocate or endorse a sponsor, their products, or services.

- a. No materials or communications, including, but not limited to print, video, internet, broadcast, or display items developed to promote or communicate the sponsorship using City's name, marks, or logo, may be issued without written approval from the City Manager or designee(s).

XII. Appeal Process

A Level 3 offer of sponsorship that is denied by the department director, or designee, may be appealed to the City Manager. The City Manager's decision shall be final.