

Policy Number: GB-General-1

Approved By: City Manager

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Repeals/Replaces: City Sponsorship Policy (GB05-H) and Res. 2007-153

Authority:

Cross References:

Policy Purpose: To establish general guidelines for entering into sponsorship agreements with entities and individuals for the City's programs, events, and personal property.

1. Introduction

Sponsorships are an important tool to enhance and improve the programs and events for the citizens and visitors of Lenexa as well as provide opportunities for community involvement by local businesses who desire to support and be associated with City programs and events. In addition, sponsorships help offset the costs of offering programs and events, thereby maximizing taxpayers' money.

The City recognizes that the proper operation of democratic government requires the public to have confidence in the integrity and impartiality of its government. As such, sponsorships are maintained by the City as a non-public forum and regulated by the City. The City reserves the right to exercise full discretion and editorial control over the placement, content, appearance, and wording of sponsorship affiliations and messages in accordance with the terms of this policy.

This policy applies to all sponsorship agreements entered into by the City with individuals and entities for the City's programs, events, and personal property. Donations and gifts to the City Endowment Fund are not subject to this policy, nor are third-party entities or individuals who may sponsor community sports teams, community theater organizations, or similar organizations participating in City leagues and productions. This policy does not apply to advertising space made available by the City for paid advertisements. Sponsorships are a privilege, not a right. The decision to grant a sponsorship is discretionary and shall be considered on a case-by-case basis. **The City is under no obligation to approve any requested sponsorship. The Governing Body reserves the right to deviate from the policy and criteria contained herein when it believes it is the City's best interest to do so.**

2. Procedures

A. Sponsorship Application

Application for sponsorship can be submitted by individuals or entities responding to sponsorship opportunities posted on the City's website, targeted direct mailings, and/or other selected methods deemed appropriate by the City. The City may also consider sponsorship proposals initiated and submitted by individuals or entities, but is not obligated to do so. Notwithstanding the foregoing, the City shall not accept applications for sponsorship within the period fourteen (14) days prior to the subject event or program, unless otherwise specifically authorized by the City Manager or his designee.

B. Sponsorship Categories.

Sponsorships are appropriate for the following types of City activities:

1. Festival Sponsorships

A festival sponsorship is the cash or in kind payment for the sponsorship of a City organized festival. City festivals include festivals such as the Lenexa Art Fair, Great Lenexa BBQ Battle, Lenexa Community Days, Lenexa Spinach Festival, Lenexa Chili Challenge and other festivals so designated by the City. The term of a festival sponsorship shall terminate at the conclusion of the festival. Festival sponsorships include the following levels

a. Presenting

A presenting sponsorship requires a minimum cash or in kind payment equal to or greater than the amount as established annually for all Festivals by the Director of the department responsible for the festival. Benefits include, but are not limited to:

- (1) The individual or entity's exclusive presence as presenting sponsor at the festival within the individual or entity's product or service category;
- (2) The individual or entity's name and/or logo associated with the festival in promotions, publications and website;
- (3) A City approved banner, of a size determined by the responsible department Director, prominently displayed at the festival; and
- (4) A booth location at the festival.

b. Major

A major sponsorship requires a minimum cash or in kind payment equal to or greater than the amount as established annually for all festivals by the Director of the department responsible for the festival. Benefits include, but are not limited to:

- (1) The individual or entity's name and/or logo associated with the festival in publications, and on the festival website.
- (2) A City approved banner, of a size determined by the responsible department Director, displayed at the festival; and
- (3) A booth location at the festival, if available.

c. Platinum

A platinum sponsorship requires a minimum cash or in kind payment equal to or greater than the amount as established by the Director of the department responsible for the festival. Benefits include, but are not limited to:

- (1) The individual or entity's name and/or logo on the sponsor board and website;
and
- (2) Booth location at the festival, if available.

d. Gold

A gold sponsorship requires a minimum cash payment equal to or greater than the amount as set forth by the Director of the department responsible for the festival. Benefits include, but are not limited to individual or entity's name on the sponsor board and website.

2. Special Event Sponsorships

A special event sponsorship is the cash or in kind payment for the sponsorship of a City organized special event. A special event sponsorship requires a minimum cash or in-kind payment equal to or greater than the amount as established by the City Manager or designee. A special event includes a one-time occasion or reoccurring event which is generally smaller than a festival, including such events as Movie in the Park, Lenexa Outdoor Concert Series, Get Outdoors Lenexa, Tails on the Trails, Enchanted Forest, Sar-Ko-Aglow, Senior Banquet and other special events as designated by the City. Benefits provided shall be determined by the City Manager or designee. Special Event sponsorships shall terminate at the conclusion of the special event.

3. Program Sponsorship

A program sponsorship is the cash or in kind payment for the sponsorship of a City-offered program for the public. A program sponsorship requires a minimum cash or in-kind payment equal to or greater than the amount as established by the City Manager or designee. A program includes a series of ongoing activities (e.g. classes, senior dances, leagues, etc.) offered by the City. Benefits provided shall be determined by the City Manager or designee. Program sponsorships shall be limited to a term equivalent to the duration of the program.

4. Personal Property Sponsorship

A personal property sponsorship is the cash or in kind payment for the sponsorship of certain City-owned personal property. A personal property sponsorship requires a minimum cash or in-kind payment equal to or greater than the amount as established by the City Manager or designee. Benefits provided shall be determined by the City Manager or designee.

5. Promotional Item Sponsorship

A promotional item sponsorship is the cash payment for the sponsorship of a promotional item handed out by the City at City festivals, special events and/or programs. A promotion item sponsorship requires a minimum cash payment equal to or greater than the amount as established by the City Manager or designee. A promotional item is an article of merchandise selected by the City and may be branded or adorned with the City's name or any brands or logos of the City for the principal purpose of promoting a City festival, special event or program. Benefits provided shall be as determined by the City Manager or designee.

The City may include additional benefits depending upon the type of activity sponsored, the level of the sponsorship and value of the cash or in-kind payment.

C. Sponsorship Criteria

The City shall consider, but is not limited to, the following criteria, if applicable, when evaluating a sponsorship proposal. In all cases the City shall have the ability to accept or reject the proposal:

1. The compatibility of the entity or individual's mission, product and promotional goals with the City's Community Vision, Mission, Values, Ordinances, and Policies;
2. The compatibility and appropriateness of the entity or individual's mission, product and promotional goals with the City program, event or personal property to be sponsored;
3. The compatibility of the entity or individual's proposal with the standards, aesthetic values and visual integrity of City property and expectations of users;
4. The entity or individual's past record of involvement in the community and City projects;
5. The timeliness or readiness of the entity or individual to enter an agreement;
6. The actual value, in cash or in kind goods or services, of the proposal in relation to the benefit of the entity or individual and the City; and
7. The City's operating and maintenance costs, including staff time or other additional responsibilities associated with the proposal;
8. The inclusion of conditions that would limit the City's ability to enter into agreements with other sponsors or to carry out its functions fully and impartially; and
9. The potential for public perception of partiality, impropriety or implied relationship between the City and the individual or entity other than for the limited purpose of the sponsorship.

D. Approval of Sponsorships

Approval of sponsorships shall be made within the sole discretion of the City. All sponsorships shall be memorialized in a written agreement approved by the appropriate authority as set-out herein. The City Manager or designee has the authority to seek and negotiate all sponsorships with individuals and entities. All Presenting sponsorships, as described herein, shall be approved by the Governing Body. All other sponsorships shall be approved by the City Manager or designee. Approval of all sponsorships is subject to the provisions of City Code sections 1-2-A-1 and 1-6-F-2 relating to the authority to execute written agreements.

E. Entities and Individuals Not Considered for City Sponsorships

The City shall not accept a sponsorship from an entity or individual that is engaged in any of the following activities:

1. Entities or individuals involved in the manufacture, distribution and wholesaling of cigarettes, tobacco products, and vapor products;
2. Entities or individuals involved in the manufacture, distribution, and wholesaling of alcohol, except where alcoholic beverages have been authorized for sale and

- consumption on the premises, provided that such sponsorship is not directly linked to activities, assets, facilities, or services targeting people under the age of twenty- one years;
3. Entities or individuals whose business is solely or substantially derived from the sale of pornography;
 4. Entities or individuals involved in the advocacy or endorsement of candidates or campaigns pertaining to political elections

F. Approved Sponsorship Standards

If an entity or individual is selected as a sponsor by the City, its sponsorship shall adhere to the following standards:

The City reserves the right to approve or reject messages or advertisements utilized in association with the sponsorship and the content, wording, appearance or copy thereof for any reason whatsoever and shall not be liable for subsequent damages. The City shall reject all proposed messages or advertisements that contain any one or more of the following:

1. Advocacy or endorsement of candidates or campaigns pertaining to political elections;
2. Depiction in any form of nudity or semi-nudity, profanity, obscenity, or lewdness or characterizations which suggest, depict, or promote any such element or sexually oriented products, activities, or materials;
3. Promotion, depiction, suggestion or glorification of violence or acts of a violent nature;
4. Promotion or depiction of discrimination or the use of hate speech against any individual, group, company or organization;
5. Implication of endorsement by the City or City employees;
6. Content which is false, misleading, deceptive or which otherwise relates to an illegal activity; or
7. Language or descriptive material which taken in form and context is deemed to be contrary to community standards.

Sponsors are solely responsible for obtaining any necessary permission to use photographs, trademarks, trade names, copyrighted material or any other legally protected property.

Approval of a sponsorship does not relieve the entity or individual receiving the sponsorship from also complying with all other applicable City, state and federal laws and regulations.

G. Termination of City Sponsorship

The City reserves the right to terminate any sponsorship at any time if, in the City's sole discretion, continuation of the sponsorship is not in the best interests of the City.

H. Reporting of Sponsorships

The City Manager or designee will provide an annual report to the Governing Body listing all sponsorships approved during the preceding year.

I. Consent to Use Sponsorships in City Photos

By placing a sponsorship at a City event program, or on personal property, sponsor hereby consents to the City's appearance of that sponsorship in the use of photos taken at the program, event, or personal property.

J. Non-use of Names

An approved sponsor shall not use the names and brands of the City unless otherwise permitted in writing by the City.

3. Ethics, Integrity, and City Values

Section 1-6-H-1 *et seq.* of the City Code establishes a Code of Ethics for all City employees. This Code of Ethics is reinforced through the City's Personnel Policies/Procedures and the City's values.

All City employees, elected and appointed officials shall act in an honest and professional manner with regard to entering into sponsorships under this policy, in accordance with the City's values, Code of Ethics, and Personnel Policies/Procedures.

4. Responsibility for Enforcement

The City Manager or designee is hereby authorized to develop additional forms, rules, applications, and procedures as necessary to effectuate the purposes of this Policy. The City Manager shall be responsible to the Governing Body for the enforcement of this Policy.

5. Severability

If for any reason any section, subsection, sentence, portion or part of this Policy, or the application thereof to any person or circumstance, is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Policy or other Governing Body Policies and the Lenexa City Code or other ordinances.

6. Definitions

For the purpose of this policy, the following terms have the meaning set forth below:

- A. **Advertising:** A private commercial message calling attention to a product, service, or need where the individual or entity has paid for the opportunity to make the message available to the public.
- B. **Advertising Space:** City owned property that is made available to private individuals or entities for advertising. Advertising Space is a nonpublic forum subject to regulation by the City.
- C. **City:** The City of Lenexa, Kansas.
- D. **Entity:** Any corporation, partnership, or other type of business organization acting under a legal charter having its own rights, privileges, and liabilities.
- E. **In Kind Payment:** Full or partial payment of a sponsorship fee in goods or services, rather than cash, deemed by the City to be beneficial to the program, event, or personal property sponsored. The value of the goods or services provided in lieu of cash shall be measured by their fair market value. At the time of application for sponsorship, Sponsor shall document in writing the valuation of the goods or services to be provided.
- F. **Sponsor:** An individual or entity selected for sponsorship.
- G. **Sponsorship:** Display by a specific entity or individual of its logo, message or other form of recognition at a City event, program, or on personal property, in exchange for support, financial and/or in kind payment, of the City Event, program or personal property.-