

Sponsorship Policy

City of Kettering
Parks, Recreation and
Cultural Arts Department

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CITY OF KETTERING

PARKS, RECREATION AND CULTURAL ARTS DEPARTMENT

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1. Introduction

1.1 Purpose of Policy

The purpose of this policy is to provide guidance for the appropriate development and management of advertising and sponsorship on and for City of Kettering Parks, Recreation and Cultural Arts Department facilities, assets, programs and services while acknowledging the revenue generating potential for the City of Kettering from such activities. This policy provides the framework for the City to enter into the advertising and sponsorship arena in a planned and controlled fashion, while acknowledging the potential for revenue generation from City facilities, assets, programs and services.

1.2 General Policy Statement

The City of Kettering shall seek sponsors that further its mission by providing monetary or in-kind support for City programs, services or facilities. The City of Kettering recognizes that the public trust and perception of its impartiality may be damaged by sponsorships that are aesthetically displeasing, politically oriented, or offensive to segments of its citizenry. When the City loses public trust and public perception of impartiality, its ability to govern effectively in the interests of its citizens is impaired. Therefore, the City of Kettering permits private sponsorships of government programs or services in limited circumstances as a means to generate funds for improving or expanding those programs and services.

The City of Kettering exercises sole discretion over who is eligible to become a sponsor according to the terms of the Policy. Whenever possible, sponsorships shall be linked to specific activities, events, facilities, programs, or publications. The City of Kettering will neither seek nor accept sponsors that manufacture products or take positions inconsistent with local, State, or federal law or with City of Kettering policies, positions, or resolutions. The establishment of a sponsorship agreement does not constitute an endorsement by the City of Kettering of the sponsor's organization, products, or services.

1.3 Definition of Terms

"Sponsorship" is the right of an external entity (for-profit or not-for-profit) to associate its name, products, or services with City of Kettering's facilities, assets, programs and services or name. Sponsorship is a business relationship in which the City of Kettering and the external entity exchange goods, services, donations and monetary or in-kind support for the public display of a message on City property acknowledging private support. In no way should City of Kettering officers, employees and agents benefit from this exchange.

1.4 Authorization Requirements

All property and publications of the City of Kettering are intended and exclusively used for business operations of the City in providing governmental services and programs to and for the City residents, and, except as required by law or expressly established by an affirmative action of the City Council, no property or publication of the City shall be intended or considered as an open, limited, or designated public forum, and no person shall have a right to access or use any City property or publication for any purpose other than the intended and authorized governmental purpose or service. Placement of sponsorship messages upon City property or in City publications shall require specific authorization. The City of Kettering possesses sole and final decision-making authority for determining the appropriateness of a sponsorship relationship and reserves the right to refuse to enter into any proposed sponsorship agreement. Sponsorship requests shall be submitted through contractual relationship in a manner and form outlined in the following section, and sponsorship agreements shall be reviewed in accordance with the following procedures and guidelines.

Sponsorship agreements projected to generate less than \$25,000 shall require written approval of the Parks, Recreation and Cultural Arts Department Director (or his/her designee), who shall inform and have the contract signed by the City Manager. See page 9 for a sample list of sponsorship opportunities.

Sponsorship agreements projected to generate more than \$25,000 will require City Council approval.

Sponsors are solely responsible for obtaining necessary permission to use photographs, trademarks, trade names, copyrighted material or any other legally protected property and shall hold the City harmless for any such use, including all consequences or damages resulting therefrom. All commercial messages or advertisements shall be accepted and published by the City upon the representation that the agency or sponsor is authorized to publish the entire contents and subject matter thereof. Sponsor agrees to indemnify and hold harmless the City, its officers, agents and employees against all damages, costs and expenses including, without limitation, attorney's fees resulting from any claim, action or proceeding alleging that the commercial message or sponsorship infringes on any copyright, violates any right of privacy, or other personal or property right, constitutes libelous matter, plagiarism, unfair competition, unfair trade practice, infringement of trademarks, or other matter contrary to law or contains any formula or instructions injurious to the user of a sponsor's product.

Sponsors assume liability for all content (including text photographs, representations, illustrations, sketches, maps, labels, trademarks or other copyrighted matter) of sponsorship message printed or placed and also assume responsibility of any claims arising therefrom made against the City.

The City is not liable for delays in publication or presentation of sponsorship messages in any event or for any reason, including acts of God, action by any governmental or quasi-governmental entity, lack of funds, fire, flood, insurrection, riot, explosion, embargo, strikes whether legal or illegal, labor or material shortage, transportation interruption of any kind, work slowdown, or any condition beyond the control of the City affecting publication or presentation of sponsorship in any manner.

If an error or omission occurs in the publication or placement of any sponsorship message, the City's liability shall be limited to the terms of the signed and approved contract.

The words "a paid sponsorship", or some like term, may be added to sponsorship messages that, in the sole opinion of the City, might be confused with editorial matter.

2. Contract & Content

2.1 Criteria for Contractual Review

Contracts for sponsorship of City of Kettering programs or services shall clearly outline the forms of support sought and offered and the recognition to be given by the City. Establishing a contract by the City shall result in the creation of a sponsorship agreement that will detail the following information, at a minimum:

- Activities, products, and services of the private entity, its parent, subsidiaries, affiliates and predecessor companies;
- Benefits to be given to the proposed sponsor by the City of Kettering, and the estimated monetary value of those benefits;
- Benefits to be given to the City of Kettering by the proposed sponsor, and the estimated monetary value of those benefits;
- Prominence of the proposed public recognition of support;
- Content of the proposed public recognition of support;
- Duration of the proposed public recognition of support;
- Conditions under which the sponsorship agreement may be terminated.

The City of Kettering recognizes that entering into a sponsorship agreement with an external entity does not constitute an endorsement of the entity or its services and products but does imply a contractual relationship. Such contractual relationship can affect the reputation of the City of Kettering among its residents and its ability to govern effectively. Therefore, any proposal for sponsorship of a City of Kettering program or service in which the involvement of an outside entity compromises the public interest will be rejected.

The City of Kettering shall consider the following criteria before entering into a sponsorship agreement:

- Extent and prominence of public display of sponsorship;
- Aesthetic characteristics of the public display of sponsorship;
- Importance of the sponsorship to the mission of the City of Kettering;
- Level of support provided by the sponsor;
- Cooperation necessary from other City of Kettering units to implement the sponsorship;

- Inconsistencies between City of Kettering policies and the known policies or practices of the potential sponsor;
- Other factors that might undermine public confidence in the City's impartiality or interfere with the efficient delivery of City services or operations, including, but not limited to, current or potential conflicts of interest between the sponsor and the City of Kettering and its officers, agents, servants, employees, volunteers; and the potential for the sponsorship to tarnish the City's standing among its residents or otherwise impair the ability of the City of Kettering to govern its residents.
- Sound financial state and reputation of the company, organization or products.

2.2 Permissible Sponsors & Message Content

Sponsorships on City of Kettering property are maintained as a nonpublic forum. The City of Kettering intends to preserve its rights and discretion to exercise full editorial control over the placement, content, appearance, and wording of sponsorship affiliations and messages. The City of Kettering may make distinctions on the appropriateness of sponsors on the basis of subject matter of a potential sponsorship recognition message. The City of Kettering will not deny sponsorship opportunities on the basis of the potential sponsor's viewpoint.

Sponsorship from an organization that is engaged in any of the following activities, that has a mission of supporting any of the following subject matters, or that, in the sole discretion and judgment of the authorized representative of the City or the City Council, is deemed to be unsuitable for and contrary to community standards or appropriateness for government publications, shall be prohibited on any City property or in City publications:

- Frazee Pavilion will accept sponsorship from companies selling alcoholic beverages; no other facility or program will accept sponsorship from these companies;
- Promotion of the sale or consumption of tobacco products or depiction of the use of tobacco products;
- Commentary, advocacy or promotion of issues, candidates, campaigns or organizations of a social, political, religious, or rhetorical nature;
- Promotion of gambling, pari-mutuel betting, or games of chance, in name, likeness or implication, or promotion of establishments providing such services or activities of a related or similar nature;
- 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;

- Promotion in any form of illegal drugs, illegal drug use or illegal drug materials, or characterizations which suggest or depict the promotion or glorification of any such products, activities or materials;
- Promotion of the use or sale of firearms, explosives or other weapons, or the depiction, suggestion or glorification of violence or acts of a violent nature;
- Inclusion of materials, depictions, promotions or offerings, which are the type, prohibited by, or by their nature would violate, any postal restrictions or regulations or any federal, State, or local law, rule, or regulation.

2.3 Permissible Recognition Messages

Sponsorship recognition messages may identify the sponsor but ordinarily should not promote or endorse the organization or its products or services. Statements that advocate, contain price information or an indication of associated savings or value, request a response, or contain comparative or qualitative descriptions of products; services or organizations will ordinarily not be accepted. In accordance with the provisions of Section 2.1 of this Policy, the City Manager, or his/her designee, shall have the ultimate authority to determine what is permissible in a recognition message. Ordinarily, only the following content will be deemed appropriate:

- The legally recognized name of the sponsoring organization;
- The sponsor's organizational slogan if it identifies rather than promotes the organization or its products or services;
- The sponsor's product or services line, described in brief, generic, objective terms. Generally, only one product or service line should be identified;
- Brief contact information for the sponsor's organization, such as a phone number, address, or Internet website. Contact information should be stated in a manner that avoids an implication of urging the reader to action.

The City of Kettering will not make any statements that directly or indirectly advocate or endorse a sponsor's organization, products, or services. No materials or communications, including, but not limited to, print, video, Internet, broadcast, or display items developed to promote or communicate the sponsorship using the City of Kettering's name, marks, or logo, may be issued without explicit language in the contract.

The City of Kettering will comply with the contractual agreement and meet all obligations pursuant to the sponsorship agreement.

3. Sponsorship Opportunities- Attached brochure

- 3.1 Recreation and Sports**
- 3.2 Habitat and Environment**
- 3.3 Rosewood Arts Centre**
- 3.4 Parks and Open Spaces**
- 3.5 Special Events**
- 3.6 Frazee Pavilion**