

SECTION: General	POLICY 14.5.1	
SUBJECT: <b>Inbound Sponsorship Policy - Under Review</b>		
EFFECTIVE: March 9, 2016	REPLACES:	PAGE:
APPROVED BY: On March 9, 2016 City Council approved the Economic Development Committee Minutes of March 2, 2016 including Resolution EDO34-2016.	PROCEDURAL UPDATES: n/a	

**BACKGROUND:**

The City of Brampton (“City”) welcomes and encourages sponsorships (“Sponsorships”) to assist in the provision of City services and projects. All Sponsorships shall be consistent with the City’s vision, mission and values and will not compromise or contradict any by-law or policy of the City, or reflect negatively on the City’s public image.

**PURPOSE:**

The primary objective of the Sponsorship Policy (“Policy”) is to ensure that the City’s corporate values, image, assets, and interests are safeguarded while increasing the opportunities for community and economic benefit through Sponsorships.

**SCOPE:**

The Policy applies to all City departments (“Departments”). The Policy does not apply to members of City Council.

The Policy applies to all relationships between the City and businesses, not-for-profit organizations and individuals that contribute either financially or in-kind to defined City Sponsorship opportunities in return for recognition, public acknowledgement or other promotional considerations.

The Policy applies to the following:

- Services, programs, initiatives, attractions and special events, as defined herein, that are owned, operated, managed, hosted or supported by the City in relation to which the City may solicit Sponsorship.

Excluded-Out of Scope

The Policy does not apply to:

1. Community Grant-Making: That is, a policy and procedure that guides the City in the determination of a not-for-profit organization’s request for a grant.

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2. Partnerships: Partnership means a formal agreement between two or more parties that have agreed to work together in the pursuit of common goals.
  
3. Naming Rights: A naming right is a type of Sponsorship in which an external company, organization, enterprise, association or individual purchases the exclusive right to name a municipal asset or venue for a fixed or indefinite period of time. Usually naming rights are considered in a commercial context, which is that the naming right is sold or exchanged for significant cash and/ or other considerations under a long-term arrangement. This arrangement is documented in a written agreement signed by the interested parties and has a specified end date to the contractual obligations. Naming rights shall be managed on a case-by-case basis by the Department responsible for managing and administering the municipal asset, and shall be subject to Council approval.
  
4. Advertising: The selling or leasing of advertising space on City property whereby the advertiser is not entitled to any additional benefits beyond access to the space purchased. Advertising is a straightforward purchase of space based on pre-established rates for a specified period of time. Advertising on City property is guided by a separate Policy of the City.
  
5. Donation: A gift or contribution of cash, goods or service given voluntarily toward an event, project, program or corporate asset as a philanthropic act.

Further, the Policy does not govern nor administer strategic alliances, strategic partnerships, tenant-landlord relationships, pouring rights and concession contracts, other contracts in accordance with the City's Purchasing by-law, cooperative marketing initiatives or other partnership agreements managed by the City.

These initiatives shall be managed on a case-by-case basis in accordance with City by-laws and other policies, and by separate agreements, incorporating where applicable, Council approval, and applying definitions, principles, and conditions from this Policy.

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**DEFINITIONS:**

**1 Sponsorship**

An Agreement between the City and an external company, organization, enterprise, association or individual evidenced in writing whereby the external party (sponsor) contributes money, goods or services to City programs and services, and initiatives, events and attractions operated, managed, hosted or supported by the City, and other unique Sponsorship opportunities offered by the City in return for recognition, acknowledgement, or other promotional considerations or benefits.

This does not include donations and gifts to the City where no business relationship or association is contemplated or is required and where no reciprocal consideration is being sought.

Forms of Sponsorship

- Cash: A Sponsorship received in the form of money.
- In-kind: Goods or services of value to the City are received rather than cash.
- A combination of the above.

**2 Ethical Scans**

A general search of a potential sponsor’s main company and subsidiaries, if any, that is performed to determine if the sponsor meets the requirements defined by the Policy or is otherwise affected by the “Restrictions on Sponsorships” section of the Policy.

Departments shall refer to the sponsorship guidelines or standard operating procedures for more information on how to conduct this research.

The applicable Department managing Sponsorship arrangements aggregating more than \$10,000 from a single potential sponsor will conduct ethical scans and retain a record of their

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findings. Should a conflict be discovered which is contrary to the provisions of this Policy then the applicable Agreement shall not be executed by the Department.

**APPLICATION:**

**General Requirements**

Sponsorship Agreements must comply with federal and provincial statutes, Ontario Human Rights Code, municipal by-laws, the Brampton Employee Code of Conduct and other applicable policy and procedures of the City.

The following conditions apply when establishing Sponsorship relationships:

- The City will maintain control over the planning and delivery of sponsorship activities.
- Agreements shall not in any way invoke future consideration, influence, or be perceived to influence the day-to-day business of the City, or endorsement of the Sponsor's products and/or services by the City.
- The relationship must not cause a City employee to receive any product, service or assets for personal gain or use.
- The promotional or other consideration to be received under a Sponsorship Agreement shall not adversely impact the City or its values, image, assets or interests.
- The sponsorship opportunity should be appropriate to the target audience.
- Departments shall manage all aspects of a Sponsorship Agreement, including approvals, execution, reporting, performance, administration and recognition.
- Acceptance of Sponsorships shall also be based on, but not limited to, the following criteria:
  - the value of the product, service and cash provided to the City.
  - the relationship must be beneficial for both parties.
  - the sponsorship must be consistent with the vision, policies and goals of the City.
  - the sponsorship must enhance the development, delivery, awareness or continuance of one or more City programs, services or facilities.

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- the value of the Agreement must be consistent with the level of recognition or acknowledgement of the sponsor, and not result in increased cost to the City.

### **Restrictions for Sponsorship**

The City will not solicit or accept Sponsorship from companies whose reputation could prove detrimental to the City's public image and/or whose main business is derived from:

- The sale of tobacco.
- Pornography.
- The support of or involvement in the production, distribution, and sale of weapons and other life-threatening products.
- Represents political endorsement of a party, elected representative or candidate from any level of government

### **Solicitation, and Consideration of Sponsorship Opportunities**

Sponsorship activities should continue, as always, to be the result of direct solicitation by the applicable City Department.

Unsolicited Sponsorship proposals received by the City will be reviewed and evaluated by the City in keeping with corporate procedures and may be declined, accepted, referred or reported to Council.

The City reserves the right to reject any unsolicited Sponsorships that have been offered to the City and to refuse to enter into agreements for any Sponsorships that originally may have been openly solicited by the City.

The City reserves the right to terminate an existing sponsorship Agreement should conditions arise that make it no longer in the best interests of the City.

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**RESPONSIBILITIES:**

**Delegation of Authority**

Staff are authorized to enter into Sponsorship Agreements that do not exceed the following pre-authorized limits and have been approved as to form and content in accordance with this Policy:

**1. Manager and Director Approval**

Managers are responsible for approving and may execute all Sponsorship Agreements with a value equal to \$5,000.00 or less provided they satisfy all provisions of this Policy.

Directors are responsible for approving and may execute all Sponsorship Agreements with a value equal to \$50,000 or less provided they satisfy all provisions of this Policy.

**2. City Manager (CAO) and Department Head Approval**

The City Manager or Department Heads are responsible for approving and may execute all Sponsorship Agreements for values equal to \$100,000.00 or less provided they satisfy all provisions of this Policy.

**3. City Council Approval**

Council approval is required for any contract equal to or exceeding \$100,000 or that that does not satisfy the provisions of this Policy.

For the purposes of determining delegated authority in accordance with the foregoing provisions, the value of any Sponsorship Agreement shall be the aggregate of all monies and value of goods and/or services that might be given over the term of the agreement including any renewals or extensions.

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### **Sponsorship Agreement**

All Sponsorships shall be confirmed in a legal Agreement. All Agreements are to be prepared by the City, using an approved legal form. All Sponsorship Agreements shall be approved as to content by the applicable Department Chief pursuant to the Policy. All Agreements are required to be approved as to form satisfactory to the City Solicitor.

Departments are responsible for soliciting, negotiating, preparing and administering their own Agreements, including contract management. Staff approving sponsorship proposals must ensure that all relevant by-laws and policies are adhered to, appropriate consultation and approval authorities are respected, and where applicable that insurance, indemnification, ethical scans, and permits have been obtained. Furthermore, Departments are responsible for ensuring that all agreements consider the References noted in this Policy.

### **Reporting**

Departments are responsible for maintaining a log of all Sponsorship Agreements each administers and for maintaining communications with the Sponsor. The total value of Sponsorship contributions (in-kind and cash) shall be reported in a consolidated report, prepared by the team identified in the Governance Section of the Policy, to the CAO, Executive Leadership Team and Treasurer by March 31 of each year for the prior calendar year.

### **GOVERNANCE:**

In the absence of a centralized marketing function at the City, a cross-functional department team comprised of subject matter experts from applicable Department(s) shall oversee the Policy and related Sponsorship guidelines and/or operating procedures. In addition, this team shall provide strategic coordination of sponsorship activities across Departments to focus on continuous improvement.

### **RELATED DOCUMENTS:**

1. Delegation of Authority By-law
2. Employee Code of Conduct

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3. Ontario Human Rights Code
4. Visual Standards Guidelines
5. Advertising on Municipal Property Policy
6. Staff Attendance and Sponsorship of Community Events

**ADMINISTRATIVE CONTACT:**

The designated contact responsible for updating the Policy is the staff Chair and/or Vice Chair of the Sponsorship Committee (or assigned designates).