

POLICY STATEMENT 156

Sponsorships

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Statement of Policy

The Town of Cary will seek sponsors that further the Town's mission by providing monetary or in-kind support for the Town in a manner that respects the noncommercial nature of Town property and services. The Town of Cary permits ~~certain~~ sponsorship of certain Town property, facilities, events, activities, programs and services (collectively 'facilities and services') in certain circumstances. The Town 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 Town facility or service. The Town 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 Town policies, positions or resolutions. The establishment of a sponsorship does not constitute an endorsement by the Town 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 Town of Cary, to protect the image and value of its facilities and services, to protect the Town from risk and to uphold the Town's stewardship role to safeguard Town assets and interests. No sponsorship shall be approved that will compromise or damage the public trust or conflict with or compromise the Town's reputation, mission, image, values or aesthetic interests.

This policy is also designed to:

- Ensure an open and fair public process for soliciting and considering sponsorship opportunities;
- Provide the Town of Cary with full and final decision making authority on any sponsorship opportunity, thus protecting its integrity and the integrity of its facilities and services;
- Allow eligible outside entities interested in sponsorship opportunities ('potential sponsors') to easily view and understand the various sponsorship opportunities available;
- Help potential sponsors, Town staff and the public to better understand the procedures for sponsorship

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 Town facility or service. Sponsorship is a business relationship in which the Town and the outside entity exchange goods, services and/or financial remuneration for the public display of an agreed-upon sponsorship recognition message.

Authority Levels to Solicit and Approve Sponsorships

The Town of Cary possesses sole and final decision-making authority for determining the appropriateness of a sponsorship. Unless a sponsorship opportunity requires town council approval, the Town shall act through its town manager, or designee(s). The Town has and reserves the right to refuse any offer of sponsorship. All offers of sponsorship will be reviewed in accordance with this policy. Each department director, in consultation with the town manager, shall be responsible for determining the facilities and services for which his or her department is responsible that are suitable for sponsorship ('eligible facilities and services'). The town manager may adopt a standard procedure by which sponsorships are sought, considered, and approved. The town manager may contract with an independent contractor for services related to solicitation and consideration of sponsorships. Unless other provisions are made in a standard procedure or contract with an outside independent contractor, each department director should receive all offers of sponsorship for eligible facilities and services of his or her department, determine that the offer is complete and properly executed, and shall determine the level, defined below, of each offer and the corresponding approval process. Each department director should also determine, for offers that might involve exclusivity, whether there are active or potential sponsorships in the same category and identify such other sponsorships.

Levels of Sponsorship:

Level 1, Council Approval Required:

Offers of sponsorship that are for terms of more than five years, or are projected to generate \$500,000 or more, or that involve naming rights for any Town facility, shall require the approval of the town council.

Level 2, Manager Approval Permitted:

Offers of sponsorship that are for terms of up to five years, and are projected to generate less than \$500,000 over the term, may be approved by the town manager, deputy manager or assistant ~~or deputy town manager~~ (referred to hereafter as 'manager'). This approval includes the authority to approve sponsorships for naming rights of designated portions of Town facilities, such as naming rights for a specific athletic field or a specific room within a Town facility, provided such naming right otherwise meets the requirements of this Level 2 authority. All Sponsorship Agreements within this Level 2 shall be approved by the manager. The manager may refer any proposed offer of sponsorship or Sponsorship Agreement within the manager's authority level to the town council for approval

Level 3, Department Director Approval Permitted:

Offers of sponsorship that are for terms of up to five years, are projected to generate \$90,000.00 or less and do not involve any naming rights for Town facilities may be approved by the department director responsible for the particular facility or service ('appropriate department director'), who may also execute the resulting Sponsorship Agreement. This approval level does include naming rights for programs and events provided it otherwise meets the requirements of this Level 3 authority. Any director may refer proposed offers of sponsorship or Sponsorship Agreement within the department director's authority level to the manager for approval.

Level 4, Departmental Staff Approval Permitted:

A department director may delegate the authority to approve offers of sponsorship and to execute Sponsorship Agreements 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 and do not

involve the naming of programs or events to an appropriate staff member. All such approvals shall be in consultation with the department director.

Public Access to Sponsorship Opportunities

Public access to information about sponsorship opportunities is important:

1. to create an open and fair process and to protect against disputes related to sponsorships that are category exclusive;
2. to market available sponsorship opportunities in an open and efficient manner allowing both the potential sponsor and the Town to negotiate efficiently. Unless other provisions are made by standard procedure, each department with sponsorship opportunities should endeavor to make information about potential sponsorship opportunities available through the town's website and other appropriate means.

Criteria for Review of Sponsors and Offers of Sponsorship

Sponsorships of Town facilities and services are maintained as a nonpublic forum. Although ~~the Town 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 Town and the sponsor. ~~As discussed in the Statement of Policy,~~ **Such** perceived affiliation can affect the public trust and the Town'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 Town's ability to act in the public interest, or that the town deems might have a negative impact on its mission, image or values. The Town 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 Town 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 Town 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:

1. Alcoholic beverages, and establishments that are licensed to sell and primarily do sell alcoholic beverages, including bars; provided, however, that food service establishments or places of lodging may be authorized as sponsors only when the sale of alcohol is incidental to providing food service or lodging. Limited sponsorships that include alcohol pouring rights may be considered for events or facilities at which alcoholic beverages are sold.
2. Tobacco products.
3. Political and policy issues, candidates and campaigns.
4. Profanity, obscenity and hate speech.
5. Sexually oriented products, activities, or materials.
6. Depiction in any form of illegal products, activities or materials.
7. Any message that may adversely impact the mission, image and values and goals of the Town of Cary.

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 sponsorship and the mission, values, and image of the Town.

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

1. The extent and prominence of the sponsorship recognition message.
2. The aesthetic characteristics of the sponsorship recognition message.
3. The importance of the sponsorship to the mission, values and image of the Town.
4. The level of support proposed to be provided by the sponsor.
5. The cooperation necessary and degree of support from other Town departments to implement the sponsorship.
6. The value of the sponsorship that is provided to the Town in fulfilling its overall mission.
7. Other factors that might affect or undermine the public trust or public confidence in the Town's impartiality or interfere with the efficient delivery of Town services or operations, including, but not limited to, the existence of, or possibility for, conflicts of interest between the sponsor and Town officers, employees, or Town affiliates; the potential for the sponsorship to tarnish the Town's reputation or standing among its citizens, or the potential to otherwise impair the ability of Town to govern its citizens, or distract the Town and its officers and employees from its mission.

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:

- Park and building naming rights, as approved by town council;
- Field and portions of building naming rights, in accordance with this policy;
- Signage including:
 - Fencing fabric and/or fence signage
 - Light pole and building banners
- Certain interior walls
- Scoreboards;
- PA audio and visual messages;
- Inclusion on printed materials of the Town; including news releases on a case by case basis
- Inclusion on Town maintained facility web-pages;
- Inclusion on bulletin boards;
- Inclusion on information kiosks;
- Inclusion on pavers or other similar permanent fixtures;
- TV Shows;
- Inclusion in or on a facility or service marketing and promotional materials, items, and messages including electronic messages and social media.

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 associated savings or value, request a response, or contain comparative or qualitative descriptions of products, services, or organizations 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.

Facilities and Services for which Sponsorship is Prohibited

The following facilities and services are not eligible for sponsorship under this policy:

- Greenway signage
- Trail signage in parks
- Naming Hemlock Bluffs

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, events, or services under this policy. These include, but are not limited to:

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

Sponsorship Agreement

Upon tentative approval of an offer of sponsorship, the sponsor and town shall enter into a sponsorship agreement. The sponsorship agreement should include the Town's standard terms and conditions and ~~set forth a standard form~~ and other matters related to the sponsorship, such as a rate chart, 'sponsorship activation' checklist and schedule, special obligations of each of the parties, a 'morals clause' and other appropriate terms and conditions. The Town will not make any statements that directly or indirectly advocate or endorse a sponsor, their 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 Town's name, marks, or logo, may be issued without written approval from the town manager or designee(s).

Appeal Process

A Level 3 or Level 4 offer of sponsorship that is denied by a department director, or their designee, may be appealed to the manager. The manager's decision shall be final.