

**CERTIFICATION OF CLERK**

I, Brenda K. Wolf, the duly appointed, qualified, and Assistant City Clerk of Manhattan, Kansas, do hereby certify that the foregoing Resolution was duly adopted at a meeting of the City of Manhattan, Kansas, held on the 24<sup>th</sup> day of April, 2012, and that said Resolution has been compared by me with the original thereof on file and of record in my office, is a true copy of the whole of said original.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the City of Manhattan, Kansas, 24<sup>th</sup> day of April, 2012.



*Brenda K. Wolf*

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Brenda K. Wolf, CMC, Assistant City Clerk

**POLICY MANUAL**  
**RESOLUTION NO. 042412-A**  
**CITY OF MANHATTAN, KANSAS**

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<b>SUBJECT</b>	<b>EFFECTIVE DATE</b>
Sponsorships	April 25, 2012

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**A. BACKGROUND:**

Sponsorships supplement City funding in making possible enhanced and improved assets, facilities, programs, services, projects, or events for the citizens and visitors of Manhattan, while providing the sponsor with the measurable benefit of marketing, advertising, participation or signage in association with the City asset, facility, program, service, project, or event being sponsored.

**B. PURPOSE:**

The purpose of this policy is to establish guidelines for City departments to enter into sponsorship agreements with third parties for the support of City assets, facilities, programs, services, projects, or events. In addition to the guidelines, the sponsorship agreement must comply with the City of Manhattan's Code of Ethics (Policy Resolution No. 102108-B).

City staff may solicit such sponsorships pursuant to this policy. The City shall not relinquish to the sponsor any aspect of the City's right to own, operate, manage or control the City's assets, facilities, programs, services, projects, or events without express consent from the City Commission.

**C. SCOPE:**

This policy applies to sponsorships involving all City of Manhattan departments and divisions. This policy does not apply to:

1. Philanthropic contributions or donations to the City that are considered tax-deductible gifts.
2. Tax-deductible donations made in exchange for naming rights to Parks and Recreation Department facilities as addressed in Policy Resolution No. 012412-C or other policies of the Parks and Recreation Department.
3. Funding obtained through grant programs.
4. Third parties that lease City property or hold permits/agreements to use City facilities for non-City programs, projects, services or events.
5. Employee benefits products or programs made available to City employees and their families through a City department.

6. General advertising on the City website, public education channel (Cox Cable Channel 3), City social media sites, utility billings, or other similar resources of the City.

#### **D. DEFINITIONS:**

1. "Sponsorship" shall mean an agreement between the City and a third party, wherein the third party provides funding and/or in-kind services to the City in return for a benefit to Sponsor in the form of marketing, advertising, participation or signage in association with a City asset, facility, program, service, project, or event being sponsored.
2. "Sponsorship agreement" shall mean the agreement between the City and the Sponsor that reflects the terms of the sponsorship.
3. "Sponsor" shall mean a third party that enters into a sponsorship agreement with the City.

#### **E. POLICY:**

1. **Identification of Sponsorship Opportunities.** Department Heads may determine assets, facilities, programs, services, projects, or events that are appropriate for sponsorship, except that sponsorships will not be considered for programs, services, projects, or events that do not have a direct benefit to the general public, such as city employee trainings or staff retreats.
2. **Solicitation of Sponsors.**
  - a. Once a sponsorship opportunity has been identified, the Department Head, or his/her designee, shall solicit sponsors by informing the public of sponsorship opportunities through the City's website, social media sites, or electronic mail. In addition, City staff may offer or advertise the sponsorship opportunity directly to potential sponsors in person or by U.S. mail, electronic mail, or phone.
  - b. Department Heads are responsible for ensuring that City staff designated to solicit and negotiate sponsorship understand the requirements of this policy and that they are provided with appropriate guidance and/or training related to sponsorship practices.
  - c. Notwithstanding subsections (a) and (b), sponsors may make unsolicited written or verbal sponsorship proposals to the City. In that event, the City may negotiate directly with the sponsor making the proposal without offering or advertising the opportunity to other potential sponsors.
3. **Selection of Sponsor/Selection Criteria.**
  - a. If space or availability for sponsorship is not limited, the City shall select all sponsors who meet the criteria of the sponsorship opportunity and this Policy. If space or availability for sponsorship is limited, the City shall select the sponsor who meets the criteria of the sponsorship opportunity and this Policy, and who offers the highest monetary value for the sponsorship, on a first-come, first-serve basis.

- b. In no case shall the City accept sponsorships from the following third parties: faith-based, religious or political organizations; adult businesses, as such term is defined in the City Code; or entities whose advertising, sales, business, or reputation is substantially related to drugs, tobacco or firearms. The City shall only accept sponsorships from third parties whose advertising, sales, business or reputation are substantially related to the sale of alcoholic beverages if the sponsorship is specific to programs, projects, services or events with an adult audience.
- c. In no case shall the City accept sponsorships from a third party whose general advertising, sales, business or reputation meets the requirements of Section 4(d) of this Policy.
- d. In order to avoid any perception of impropriety, the City reserves the right to refuse a sponsor that is currently involved in a criteria-based selection process in response to a Request for Proposals (RFP) or Request for Qualifications (RFQ) from the City, or if a sponsor has a pending application with the City for rezoning, economic development incentives, or a similar action.
- e. The City has the sole discretion to determine whether a third party meets the requirements of the sponsorship and this Policy.

**4. The Sponsorship Agreement.**

- a. The Department Head, or his/her designee, has the authority to negotiate the terms of the sponsorship agreement, pursuant to the terms of this Policy.
- b. The City and the sponsor shall execute a written sponsorship agreement if the cash or in-kind value of the sponsorship is more than \$500. The written sponsorship agreement shall, at a minimum, define the benefit to the City and the sponsor, the value of the sponsorship, the duration of the sponsorship, and the conditions under which the sponsorship may be terminated. The Department Head shall approve a sponsorship agreement with a cash or in-kind value that is less than \$5,000. The City Manager shall approve a sponsorship agreement with a cash or in-kind value that is between \$5,000 and \$20,000. The City Commission shall approve a sponsorship agreement with a cash or in-kind value that is equal to, or greater than \$20,000.
- c. The sponsorship agreement, whether written or oral, shall ensure that the sponsorship benefit (marketing, advertising, participation or signage), is approved by the City prior to being made public. The sponsor shall submit advertising, marketing, graphic design, and similar materials to the City so the City can, in its sole discretion, determine that such materials are consistent with the terms of this Policy and other applicable City policies and ordinances. If the City rejects such materials, the City and sponsor may mutually agree whether to redesign the materials, or to terminate the sponsorship.
- d. The City shall reject any sponsorship materials provided by the sponsor that meet any one or more of these criteria:
  - i. Is False, misleading or deceptive.
  - ii. Relates to an illegal activity.

- iii. Contains explicit sexual material, obscene material, or material harmful to minors.
  - iv. Advertises adult businesses, drugs, tobacco or firearms.
  - v. Includes language which is obscene, vulgar, or profane.
  - vi. Relates to instruments, devices, items, products or paraphernalia that are designed for use in connection with sexual activities.
  - vii. Depicts violence and/or anti-social behavior.
  - viii. Advocates for or against political issues, ballot issues or candidates for elected office.
  - ix. Promotes organizations or events of a faith-based, political or religious nature.
  - x. Projects an image or message that is inconsistent with the mission and reputation of the City or with the City asset, facility, program, service, project or event that is the subject of the sponsorship.
- e. No sponsorship shall imply endorsement by or association with the City of Manhattan or its employees.
  - f. Any sponsor of a City event is solely responsible for owning or obtaining the necessary permission to use photographs, trademarks, trade names, copyrighted material, or any other legally protected property, and shall hold the City harmless for such use, including all resulting consequences or damages.

**PASSED BY THE GOVERNING BODY OF THE CITY OF MANHATTAN, KANSAS  
THIS 24<sup>TH</sup> DAY OF APRIL, 2012.**



**ATTEST:**

  
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GARY S. FEES, MMC, City Clerk

  
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LOREN J. PEPPERD, Mayor