

THE CORPORATION OF THE CITY OF WINDSOR
POLICY

Service Area:	Communications and Customer Service	Policy No.:	
Department:	Corporate Communications	Approval Date:	April 22, 2014
Division:	Office of the City Clerk	Approved By:	CR109/2014
		Effective Date:	April 22, 2014
Subject:	Corporate Sponsorship Policy	Procedure Ref.:	
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1. POLICY

- 1.1** The City of Windsor welcomes mutually beneficial sponsorships that enrich the lives of residents by enhancing City properties, programs and services.
- 1.2** The Corporate Sponsorship Policy provides eligibility criteria to maximize partnerships and revenue opportunities while safeguarding the corporation's values, image, assets, and interests.

2. PURPOSE

- 2.1** The purpose of this policy is to establish a consistent corporate sponsorship policy that:
 - 2.1.1** Aligns with the City of Windsor's programs and services, and those programs and services of the City's Agencies, Boards, Committees and Corporations;
 - 2.1.2** Aligns with the strategic priorities of City Council.
 - 2.1.3** Identifies administrative roles and responsibilities for managing sponsorship opportunities and contracts;
 - 2.1.4** Creates a systematic approach to soliciting, managing and reporting on sponsorships.

3. SCOPE

- 3.1** For purposes of corporate consistency, this policy shall apply to all City departments and Committees of Council.
- 3.2** The sponsorship policy does not apply to naming rights or advertising.
- 3.3** This policy is not applicable to philanthropic contributions, gifts, or donations in which property is voluntarily transferred by a third party to the City without expectation of return. In such instances, no valuable consideration is provided to, and no business relationship exists with, the third party.
- 3.4** Grants obtained from other orders of government, foundations, trusts, etc. are exempt from this policy.

- 3.5 Sponsorship arrangements that pre-date this policy are not subject to it, but renewals will be dealt with through this policy.
- 3.6 This policy does not apply to City of Windsor financial support of external projects where the City may provide funds to an outside organization.
- 3.7 All corporate properties are subject to this policy.
- 3.8 Any sponsorship proposal which varies from the eligibility requirements of this policy shall be subject to approval by City Council.

4. RESPONSIBILITY

- 4.1 City Council is responsible for sponsorship approvals dealing with Committees of Council.
- 4.2 City Council delegates responsibility for oversight and control of departmental sponsorship dealings:
 - up to \$150,000 to the Chief Administrative Officer. (which aligns with the Purchasing By-law)
- 4.3 The Chief Administrative Officer is responsible for issues regarding the interpretation or application of this policy.
- 4.4 Department Heads or their designates are responsible for:
 - 4.4.1 Securing CAO approval for sponsorships that do not exceed \$150,000
 - 4.4.2 Securing City Council approval for all sponsorship arrangements that are over and above the delegated authority contained in the Sponsorship Policy.
- 4.5 Department Heads or their designates in consultation with the Communications Department, the Legal Department, the Purchasing Department and the Finance Department are responsible for:
 - 4.5.1 Approving the terms and conditions that form part of a sponsorship arrangement. If the agreement involves more than one department, approval must be obtained from each Department Head (or designate).
 - 4.5.2 Ensuring the appropriate Corporate Leadership Team members are aware of sponsorship arrangements prior to finalizing them.
- 4.6 Departments in consultation with the Communications Department, Finance Department, Purchasing Department and Legal Department are:
 - 4.6.1 Free to solicit and negotiate sponsorships, subject to the governing rules and regulations of this policy.
- 4.7 Departments will:
 - 4.7.1 Review the effectiveness of their sponsorship agreements to ensure that the respective parties are adhering to the terms of the written agreement;
 - 4.7.2 Bring an annual report to City Council on sponsorship activity;
- 4.8 The Senior Manager of Communications or his/her designate will:
 - 4.8.1 Be responsible for championing the City's sponsorship growth.

5. GOVERNING RULES AND REGULATIONS

- 5.1** Sponsorship must be for purposes consistent with the receiving department's mandate and must be considered to be in the public interest of the city;
- 5.1.1** Charitable tax receipts shall be issued by the CFO/Treasurer only in accordance with the *Income Tax Act* and the policies of the Canada Revenue Agency;
 - 5.1.2** The City shall retain ownership and control over any sponsored property;
 - 5.1.3** Potential sponsors must not be canvassed in a manner that uses or implies coercion. Prospective sponsors that decline solicitations for contributions shall not be penalized;
 - 5.1.4** The City does not endorse the products, services, or ideas of any sponsor;
 - 5.1.5** All sponsorship relationships shall be confirmed in writing or by contract in consultation with the Legal Department and Finance Department;
 - 5.1.6** Sponsorships are to enhance City property, programs and services, a department's normal funding must not be displaced by the sponsorship arrangement;
 - 5.1.7** Subject to the agreement, proceeds received from a sponsorship in respect of a property or service shall be applied to the property or service intended.
- 5.2** In order to expedite partnership development and recognize the uniqueness of sponsorship opportunities, a formal competitive process is not required when soliciting sponsorship opportunities. Opportunities will be presented to at least three potential sponsors in an effort to maximize contributions and opportunities for contribution. If it is not possible to solicit at least three offers for a given opportunity, the circumstances, limitations and reasoning must be included in the report prior to acceptance of the sponsorship.
- 5.3** Sponsors shall not be canvassed during any active procurement process in which they are or reasonably may be participating.
- 5.4** Sponsorship Criteria:
- 5.4.1** The City will consider all sponsorship proposals but has no obligation to accept any of them. The City reserves the right to refuse any proposal, including, but not limited to, those submitted by third parties whose activities are perceived, at the sole discretion of the City, to be incompatible with the City's goals, values or mission;
 - 5.4.2** Any renewals of sponsorship agreements are at the sole discretion of the City of Windsor, with responsibility for renewals consistent with section 4 of this policy. The City reserves the right to cancel any sponsorship agreement at any time should the arrangement no longer meet the eligibility requirements of the Sponsorship Policy or should the arrangement no longer be considered compatible with values, image, assets or interests of the City of Windsor;
 - 5.4.3** The sponsorship must not confer a personal benefit, directly or indirectly, to any particular City employee, volunteer, elected official or member of the City's related ABCs. City staff and volunteers are governed by the City of Windsor Employee and Volunteer Code of Ethics and Conflict of Interest Policy;

- 5.4.4 The sponsorship must not create an ongoing financial obligation for the City;
- 5.4.5 Sponsorships shall conform to all applicable federal and provincial statutes, and to all applicable City bylaws, policies and practices;
- 5.4.6 The sponsorship must not interfere with existing contractual obligations;
- 5.4.7 The sponsorship must not unduly detract from the character, integrity, aesthetic quality or safety of property or unreasonably interfere with its enjoyment or use;
- 5.4.8 The sponsorship must not result in, or be perceived to result in preferential treatment for the sponsor outside of the sponsorship agreement.

5.5 Sponsorship Eligibility and Restrictions:

- 5.5.1 To protect the privacy of Windsor’s residents, sponsors are not to have access to personal information held by the City;
- 5.5.2 No form of indemnification will be provided to any sponsor without the express approval of the City Solicitor;
- 5.5.3 Sponsors are prohibited from implying that their products, services or ideas are sanctioned by the City of Windsor;
- 5.5.4 There shall be no actual or implied obligation for the corporation to purchase products or services from the sponsor.

5.6 Definitions:

“**Advertising**” denotes the sale or lease of advertising or signage space on City-owned property. Unlike sponsorship, it involves the use of public advertising contracted at pre-determined rates for a set period of time. Advertising does not imply any reciprocal partnership arrangement since the advertiser is not entitled to any additional benefits beyond access to the space.

“**A donation**” (gift), as defined in the Income Tax Act, is a voluntary transfer of real or personal property without valuable consideration.

“**Naming rights**” is the right to name a piece of tangible property or an event in exchange for financial considerations, documented in an agreement signed by all parties.

“**Municipal property, buildings and park elements**” include City-owned buildings, rooms and elements within those buildings, parks and elements of parks including walkways, bicycle paths, fountains, squares, gardens, landscape features, bridges, etc.

“**Sponsorship**” is a mutually beneficial business arrangement wherein an external party, whether for profit or otherwise, provides cash and/or in-kind services to the City in return for commercial advantage. This may take the form of publicity, promotional consideration, merchandising opportunities, etc. Because of these marketing benefits, a sponsorship does not qualify for a tax receipt.

“**Value-in-kind**” is a sponsorship received in the form of goods and/or services rather than cash.

5.7 The following City of Windsor Policies apply to this policy:

- 5.7.1 Donations Policy;
- 5.7.2 Code of Conduct for Members of Council;
- 5.7.3 Code of Ethics/Conflict of Interest Policy;
- 5.7.4 Naming/Renaming or Dedicating of Municipal Property, Buildings and Park Elements;
- 5.7.5 Coat of Arms Policy;

5.8 The City's Communications Standards are available upon request.

6. **RECORDS, FORMS AND ATTACHMENTS**

6.1 Documents and records generated as a result of this policy will be maintained in accordance with the City of Windsor Records Retention By-law 21-2013.