

# CITY OF MILWAUKEE

## Corporate Sponsorship Policy Document



*Presented By:*

  
**Superlative**

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## **I. INTRODUCTION**

This Corporate Sponsorship Policy Document serves as the first deliverable to the City of Milwaukee (the City) from The Superlative Group, Inc. (Consultant), which was hired by the City to develop the Milwaukee Civic Partnership Initiative (MCPI) to generate non-tax revenue for City programs, departments, and events. The purpose of MCPI is to develop mutually beneficial partnerships with private and non-profit sector partners for the generation of revenue, continuation of services, and the general benefit of Milwaukee's residents.

The purpose of this document is to provide the City with recommended procedures and approval guidelines in order to facilitate the process of obtaining corporate partners through City procurement, marketing, and legal departments. These guidelines are established to protect the City from risk while maintaining the flexibility necessary to establish meaningful relations with existing and potential civic partners. This document also outlines specific aspects of corporate partnerships and sponsorships that may have political and/or public concerns during implementation; specifically, partnerships that the City cannot engage in because of City policy, ordinances and/or planning considerations. This policy shall be applied uniformly, consistently, and within legal parameters.

This document highlights elements that ensure that all Corporate Partnerships/Sponsorships and the solicitation process thereon support the City's community, and objectives are properly reviewed and approved prior to implementation. Additionally, these agreements need to provide fair compensation to the City for the rights being granted to the partner/sponsor.

Through MCPI, the City seeks to generate additional revenue to fund existing and proposed facilities, projects, programs, and activities. It also seeks to avoid and be sensitive to any excess commercialization. While this is a subjective matter, the Policy will proactively seek to create an environment where corporate partnership/sponsorship

activities shall be subject to a general review for consistency with the mission and values of the community. Additionally, all relevant provisions of the City Charter and Code of Ordinances, its procurement processes, and relevant Wisconsin laws, rules, and regulations, shall be adhered to in the development, negotiation, and acquisition of Corporate Partners/Sponsors.

## **II. DEFINITION OF PARTNERSHIP**

For the purpose of this policy a Partnership may include:

- A mutually beneficial business arrangement between the City and a third party, wherein the third party provides cash, in-kind goods or services, or other resources beneficial to Milwaukee's residents to the City in return for access to the commercial marketing potential or other benefits associated with the City.
- MCPI agreements may include the following categories:
  - **Program Partnership:** Sponsorship or partnership for a specific city event, program, or asset;
  - **Purchasing Partnership:** Any partnership that would include purchasing of commodities, materials, equipment, or services for a substantial discount to the City;
  - **Cost Share:** The ability for individuals, neighborhoods, or companies to contribute to infrastructure improvements;
  - **Naming Rights:** Partnerships that would grant naming rights to an asset or program of the City.

### **III. APPLICABLE EXISTING ORDINANCES AND POLICIES**

All opportunities considered under the MCPI shall comply with existing code provisions, policies and procedures. Recognizing that the City may currently have code provisions, policies or procedures that could conflict with certain provisions of a corporate sponsorship program, each proposed Corporate Sponsorship will be reviewed in line with the City Charter and Code of Ordinances prior to the offer or consideration of any sponsorship agreement. Any sponsorship, advertising, naming rights or direct marketing agreement may need to be approved by the Common Council by resolution similar to Common Council File Number 120811 adopted on October 16, 2012, a resolution directing the Department of Administration to implement a pilot program on advertising on City vehicles. The City Attorney's Office will provide guidance on this matter.

The City's Legislative Reference Bureau conducted a review of the City Ordinances which may need to be changed to enable sponsorship, advertising, naming rights, direct marketing or other opportunities to support City assets under MCPI. The findings of the review are provided as Appendix A to this document.

### **IV. RESPONSIBILITY FOR MCPI**

A Review Committee made up of representatives from various City departments shall review all proposed partnerships brought forth from the Consultant in conjunction with the Department of Administration. The Department of Administration may receive proposals or opportunities from City departments which shall be forwarded to the Consultant and Committee for review. This will include providing guidance to all City Departments in accordance with the Corporate Sponsorship policy, assisting Departments with Sponsorship activities (including competitive solicitations if necessary) and conducting periodic reviews of all Corporate Sponsorship endeavors the City enters into. These reviews may examine revenues and in-kind benefits generated through a Corporate Sponsorship program, as well as, the impact on services and public sentiment.

## **V. PROCESS FOR COMPETITIVE BIDS AND RFP'S**

The process of soliciting Corporate Sponsorship opportunities is a unique revenue generating practice and some cases presents no requirement for a competitive bid process and can be solicited out-right by the Consultant. The identification of sponsors to pursue for a corporate sponsorship opportunity is typically the result of research to identify a sponsor whose goals and needs match the goals and needs of the City. It is the responsibility of the City to evaluate the value of the sponsorship opportunity and determine if a direct solicitation would provide the best value for the City. Sponsorship opportunities may not be subject to a formal competitive process if the proposed partnership/sponsorship is determined to be unique and/or without any interested competitors. In addition, partnerships/sponsorships that consist primarily of donated goods and/or services that lack revenue generation potential for the City or the corporate partner may also be exempt from a formal competitive process.

Some sponsorship categories may require a competitive process if there are certain in-kind sponsorships, or there is a supplier relationship in combination with a sponsorship.

In any case, where:

- i. An interested sponsor is already a vendor of the City;
- ii. It is clear that the City could have a vendor relationship in the future with potential sponsors; or
- iii. Where some form of supplier exclusivity is being considered;

then the City's Purchasing Director and the Office of the City Attorney will be consulted. This consultation will consider the nature of the sponsorship, the revenue potential, procurement risk involved, and whether the sponsorships are more appropriately designed as a Request for Proposal or Competitive Bid. All Corporate Sponsorship Agreements forwarded to the Common Council for their consideration that are not the result of a competitive process shall include an explanation of why a competitive process was determined to be unnecessary.

## **VI. PROHIBITED ACTIVITIES & EXCLUSIONS**

The City will not become involved in situations where Corporate Sponsorship partners would be given, or are perceived to be given, preferential treatment outside of the Sponsorship Agreement. The City will also not enter into agreements with a firm whose products or services present an obvious conflict of interest with the mandate, policies or objectives of the City. City Departments having responsibility for the enforcement of local, state or federal laws or regulations shall not enter into Sponsorship Agreements that may result in an actual or perceived conflict of interest. In this spirit, the City may restrict certain industries or products from Sponsorship opportunities (if such restrictions are lawful). Some of these restrictions may include the following:

- In general, organizations that are participants in the following industries, or those affiliated with the listed products, are not eligible for participation in the MCPI with the City:
  - i. Police-regulated businesses;
  - ii. Companies whose business is substantially derived from the sale of tobacco or pornography;
  - iii. Parties involved in a law suit with the City or any of its component units;
  - iv. Parties involved in any stage of negotiations for a City contract unless contract opportunity was solicited with the expressed intent to contain a MCPI opportunity;
  - v. Faith-based or political organizations, including all public issue and non-commercial advertising.
- All advertising for the MCPI must be submitted to the City for approval and must follow all relevant state and local laws and guidelines. All advertising must meet the following criteria:

- Shall not be false, misleading, or deceptive;
- Shall not relate to an unlawful or illegal activity;
- Shall not contain explicitly sexual or obscene material, or contain material that could be deemed harmful to minors;
- Shall not contain imagery that could be deemed violent;
- Shall not infringe upon any copyright, trade or service mark, title or slogan, or infringe upon any patent;
- Shall not demean or disparage any individual or group on the basis of race, color, religion, ethnicity, national origin, ancestry, gender, age, disability, or sexual orientation;
- Shall not defame any individual, group, or entity.

## **EXCLUSIONS**

This policy does not apply to:

- Gifts or unsolicited donations to a department or the City where no business relationship exists including:
  - philanthropic contributions, grants, or unsolicited donations in which no benefits are granted to the sponsor
  - independent foundations or registered charitable organizations from which the City may receive benefits
  - Funding from other governmental organizations
  - Third party organizations that lease City property or hold permits with the City for events
- MCPI proposals forwarded to the City may not be subject to the MCPI Policy if the proposed sponsorship is determined through a good faith effort to be unique and without interested competitors.

## **VII. PARTNERSHIP AGREEMENTS**

All MCPI agreements shall include contractual language consistent with all applicable City policies and ordinances. In general, MCPI agreements should include the following:

- Contractual relationship;
- Term;
- Renewal provision;
- Termination provision; and
- Considerations, including but not limited to:
  - Marketing rights fee;
  - Commissions;
  - Net revenue to the City;
  - In-kind goods;
  - In-kind services;
  - Descriptions of programs, projects, and activities; and
  - Other rights and benefits.

## **VIII. CORPORATE SPONSORSHIP POLICIES AND PROCEDURES**

The City will utilize the following policies and procedures, as they pertain to City departments and personnel, in the MCPI program:

1. City Departments (with the assistance of the Consultant) shall submit partnership/sponsorship ideas or opportunities to the Review Committee, Consultant, and the designated city staff (point person) for consideration, as follows:
2. Departments should develop for submission to the Review Committee a summary that defines in writing the proposed scope of the partnership/sponsorship opportunity, including a description of the City and/or Department need, financial characteristics, and any costs the city may incur as a result or the

partnership/sponsorship. This summary shall identify any code provisions that could impact the proposed sponsorship opportunity.

3. Once a potential partnership/sponsorship receives preliminary approval by the Review Committee, the requesting Department would work with the City's designated staff to prepare a draft Sponsorship Agreement for submission to the Office of the City Attorney for review (including any draft agreements, letters of commitment, or proposal information). The Office of the City Attorney shall determine if any encumbrances exist and if the Purchasing Director should be consulted. Corporate Sponsorship agreements will be subject to applicable City standard procurement policies and requirements and procedures (e.g. risk management, conflict of interest, etc.) and will comply with all other relevant portions of the City code.
4. As specified in Section five of this document, partnership/sponsorship opportunities may not be subject to a formal competitive process if the proposed partnership/sponsorship is determined to be unique and/or without any interested competitors. In addition, partnerships/sponsorships that consist primarily of donated goods and/or services that lack revenue generation potential for the City or the corporate partner may also be exempt from a formal process.
5. The Corporate Sponsorship Policy does not apply to gifts or unsolicited donations to the City and any City department where no business relationship exists, nor does it apply to 501(c)3 organizations or entities that may provide support to the City.
6. The Corporate Sponsorship policies and procedures shall be communicated to all City employees and readily available for consultation, such as through the City's internal website.

7. The Consultant will validate the value of each partnership/sponsorship opportunity. These values should be updated periodically from preset pricing and research, to ensure that the City is being compensated fairly.
8. The Common Council retains ultimate sign off and approval of all Corporate Sponsorship opportunities under the MCPI program. Any relevant ordinance changes necessary to facilitate a partnership will be brought forth and approved by the Common Council in conjunction with the partnership.
9. All written proposals and offers to companies will have the following disclaimer:

*“The City of Milwaukee is a public entity subject to the open records statutes of the State of Wisconsin. All partnership/sponsorship agreements must be approved in accordance with the policies and procedures of the City of Milwaukee. This offer for partnership/sponsorship is made in return for the benefits described herein. Other benefits or obligations that are not described explicitly herein are part of this offer. Benefits may change subject to availability and the City of Milwaukee reserves the right to amend or change any elements of this offer prior to a signed written agreement.”*

10. The City reserves the right to terminate, without cause, any agreement established through the MCPI.

## APPENDIX A

### Review of Code Provisions – Milwaukee Civic Partnership Initiative

DRAFT



# MEMORANDUM

## LEGISLATIVE REFERENCE BUREAU

WWW.MILWAUKEE.GOV/LRB

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**To:** Department of Administration

**From:** Ted Medhin, Ph.D., LRB Supervisor  
Legislative Reference Bureau

**Date:** May 14, 2014

**Subject:** Review of Code Provisions – Milwaukee Civic Partnership Initiative

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A review of the Code of Ordinances and the City Charter indicates that there appear to be no Code or Charter provisions, directly related to sponsorship, advertising, naming rights, direct marketing or other support of City assets.

Any sponsorship, advertising, naming rights or direct marketing deal will likely need to be approved by the Common Council by resolution similar to Common Council File Number 120811 adopted on October 16, 2012, a resolution directing the Department of Administration to implement a pilot program on advertising on City vehicles. The City Attorney's Office will need to provide guidance on this matter.

The following is a list of Code and Charter provisions that may need to be looked into to determine if any revisions are needed. The nature of the revisions depends on the type of proposed sponsorship, advertising, naming right, direct marketing, etc.

### City Charter and Code of Ordinances

Section 7-04 of the City Charter authorizes the Commissioner of Public Works "to take special charge and superintendence" of "all streets, alleys, highways, sidewalks, crosswalks, bridges, walks, public grounds, engine houses, and of all other public buildings and grounds ..."

Section 16-05-2 of the City Charter states that all "work, items, materials, supplies, equipment and services" whose costs exceed \$50,000 must be purchased through formal competitive bidding. Exceptions to formal competitive bidding requirements are provided under s. 16-05-3.

Section 113-3 of the Code of Ordinances provides the City's policy and procedures on the naming of public buildings, facilities and streets, including the review of naming proposals by the Citizen Advisory Committee on the Naming of Public Buildings, Facilities and Streets.

Section 244-4-3 of the Code of Ordinances prohibits the placement of a sign or billboard upon a designated historic building or structure without prior approval from the Historic Preservation Commission.

Section 244-4-3.7 of the Code of Ordinances prohibits the placement of a sign or billboard upon a building, structure or site within the Historic Third Ward without approval of the Architectural Review Board.

Section 244-18 of the Code of Ordinances prohibits the placement of any “banner, picture, handbill, sign, poster, advertising, or notice of any kind ... on any curb, streetwalk, or public thoroughfare surface, fence, board, barrel, box, case, railing, pole, post, tree, barricade, material, bridge, bridge feeder, deck, pile, building or structure of any kind on public ground, or public waterway.

Section 295-407 of the Code of Ordinances regulates signs on private property. These regulations probably do not need any revisions.

Section 295-505 and s. 295-605-5 of the Code of Ordinances (and their counterparts in other zoning districts) provide design standards for signs. These provisions do not necessarily need to be changed.

Under s. 309-1-2 of the Code of Ordinances, the “charge and custody of all physical property of the City, other than records, not assigned to some other officer ...” is granted to the Commissioner of Public Works.

Section 309-10 of the Code of Ordinances requires that, with certain exceptions, all City-owned vehicles and equipment be marked with the words “CITY OF MILWAUKEE,” an identifying number and the letters “DPW”.

#### Municipal Programming Policy Guidelines

Common Council File Number 922010, adopted on November 9, 1993, as amended by Common Council File Number 951361, adopted on January 23, 1996, approved Municipal Programming Guidelines for the City of Milwaukee’s governmental access channel.

Under the Municipal Programming Policy Guidelines for City Channel 25, “advertising or other information which promotes the sale of any product offered, except for promotional announcements for City-sponsored events in City facilities” is not permitted.

In addition, any endorsement of specific brand names of products for consumer use, as well as any advertising or other information concerning any lottery, gift enterprise or similar promotion, regardless of benefit or cause, is not permitted. Political advertising is also not permitted.

These policy guidelines will need to be amended to allow any type of advertising on Channel 25.

TWM:lp  
LRB 152049

cc: Jim Owczarski, City Clerk