



Policy Type: Board

Category: Administrative Practices

Policy Name: Corporate Sponsorship, Marketing and Advertising Policy - Board Policy 3.46

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3.46 CORPORATE SPONSORSHIP, MARKETING AND ADVERTISING POLICY (Adopted 6-19-07; Amended 12-14-10)

Purpose

The purpose of this policy is to provide guidelines for the development, implementation, and administration of Marketing and Advertising Plans developed by County departments pursuant to Ordinance Code Section A36 and Government Code Sections 26109 and 26110. The objectives of this policy are:

- (A) To establish guidelines for entering into Corporate Sponsorship or Advertisement Agreements with third parties who will adhere to the County's commitment to deliver quality programs and services to County residents.
- (B) To generate revenue from Corporate Sponsorship or Advertisement Agreements that can be used to fund County programs, activities, and services.
- (C) To ensure that Corporate Sponsorship and Advertisement Agreements are consistent with and appropriate to the County's mission to advance the health, safety, and welfare of the general



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public and show sensitivity to the County's values, while maximizing revenue and public benefits and minimizing the perception that the County has become commercialized or inappropriately subjected to advertising.

- (D) To maintain a position of neutrality on political and religious issues.
- (E) To enable the County to market its assets to the greatest extent possible subject only to the limitations imposed by the laws of the State of California and of the County of Santa Clara, including, but not limited to Government Code Sections 26109 and 26110 and the Santa Clara County Ordinance Code, Sections 1-8 of Division A36, and this policy.
- (F) To ensure coordination of County department efforts through the County Executive.

Development of Marketing Plans

- (A) Prior to soliciting offers to enter into any corporate sponsorship and licensing agreement, a County department shall consult with a qualified licensing agent to develop a Marketing Plan for consideration by the Board of Supervisors and adoption by resolution that shall:
 - (1) Identify marketing and licensing opportunities, including but not limited to, sale of advertising space and provision of exclusive/non-exclusive designation promotions;
 - (2) Outline a method for evaluating both the revenue potential of proposed contracts and the future revenue impact of a proposed contract;



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- (3) Establish procedures for comparing the revenue potential of alternative contracts;
- (4) Identify opportunities to attract advertisers with messages promoting products and services that assist in implementing the County's Policy on Sustainability (Board Policy 8.0), including, but not limited to products or services that promote sustainability;
 - (a) Walking, carpooling, car-sharing, bicycling and use of public transit and other sustainable transportation methods;
 - (b) Purchase of locally made products, locally grown produce, or minimally processed and nutritious food;
 - (c) Increases use of renewable resources;
 - (d) Planting trees;
 - (e) Reduced electrical energy usage through conservation and improved energy efficiency;
 - (f) Increased reuse, recycling and solid waste diversion from landfills; and
 - (g) Reduced water consumption.
- (5) Identify opportunities to attract advertisers promoting products and services that meet or exceed the County's Environmental Preferable Purchasing Policy Goals (5.3.17.2);



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- (6) Provides procedures for auditing the licensee's performance (if applicable);
 - (7) Provide outreach to public agencies for (paid) advertising of public service messages;
 - (8) As appropriate, ensure County property and resources will continue to be used for County messages; and
 - (9) Detail short-term and long-term revenue goals.
- (B) All corporate sponsorship and licensing agreements must be formalized in a written contract approved by the Board of Supervisors. Contractual language will be consistent with all applicable County policies, ordinances, and good business practices, and will be approved as to form and legality by County Counsel. In general, corporate sponsorship and licensing agreements will include the following:
- (1) Specified term of agreement;
 - (2) Renewal options, if any;
 - (3) Consideration, such as fee, commission, or in-kind goods or services;
 - (4) Description of County programs, projects, and activities that will benefit;
 - (5) Rights and benefits of all parties; and



- (6) Termination provisions.

Development of Advertising Plans

- (A) Prior to soliciting offers to enter into any advertising agreement for the sole purpose of raising revenue, a County department shall develop an Advertising Plan for consideration by the Board of Supervisors and adoption by resolution that shall:
- (1) Identify opportunities for advertising on County real or personal property, including in electronic or written publications;
 - (2) Identify opportunities to attract advertisers with messages promoting products and services that assist in implementing the County's Policy on Sustainability (Board Policy 8.0), including, but not limited to products or services that promote sustainability:
 - (a) Walking, carpooling, car-sharing, bicycling and use of public transit and other sustainable transportation methods;
 - (b) Purchase of locally made products, locally grown produce, or minimally processed and nutritious food;
 - (c) Increases use of renewable resources;
 - (d) Planting trees;
 - (e) Reduced electrical energy usage through conservation and improved energy efficiency;



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- (f) Increased reuse, recycling and solid waste diversion from landfills; and
 - (g) Reduced water consumption.
 - (3) Identify opportunities to attract advertisers promoting products and services that meet or exceed the County's Environmental Preferable Purchasing Policy Goals (5.3.17.2);
 - (4) Evaluate the revenue potential of proposed contracts;
 - (5) Compare the revenue potential of alternative contracts;
 - (6) Provide outreach to public agencies for (paid) advertising of public service messages;
 - (7) As appropriate, ensure County property and resources will continue to be used for County messages; and
 - (8) Detail short-term and long-term revenue goals.
- (B) All advertising agreements must be formalized in a written contract approved by the Board of Supervisors. Contractual language will be consistent with all applicable County policies, ordinances, and good business practices, and will be approved as to form and legality by County Counsel. In general, advertising agreements will include the following:
- (1) Specified term of agreement;
 - (2) Renewal options, if any;



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- (3) Consideration, such as fee, commission, or in-kind goods or services;
- (4) Description of County programs, projects, and activities that will benefit;
- (5) Rights and benefits of all parties; and
- (6) Termination provisions.

Standards for Proposals for Agreements

- (A) Any offer to enter into a corporate sponsorship, licensing or advertising agreement must comply with the following standards:
 - (1) The proposed agreement may not result in any loss of County jurisdiction or authority.
 - (2) In adopting this policy, the County in no way intends to establish any forum for the exchange of views. Therefore, no advertisement, license or sponsor recognition shall be erected on County property or included in a County publication pursuant to a corporate sponsorship, license or advertisement agreement unless the sole and exclusive purpose of the advertisement is to (1) propose a consumer transaction, (2) to publicize the names of sponsors of County programs, services, or facilities, or (3) to publicize a public service message from a public agency.
 - (3) If an advertising, sponsorship or license opportunity would make use of a limited County resource, the Advertising or Marketing Plan should call for an open and competitive



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selection process, or explain why the advertising should be limited to a defined group of commercial enterprises. If the Advertising or Marketing Plan mandates an open and competitive selection process, an offer that conforms to these Standards for Proposals, as well as any additional neutral standards in the Plan, shall not be rejected based solely upon the content of the proposed advertisement. The Plan shall:

- (a) Explain whether advertising will be limited on the basis of a neutral standard reasonably related to the purpose of the Advertising Plan (e.g., the Department of Parks and Recreation may limit advertising in trail maps to outdoor recreation companies);
 - (b) Describe how the selection process will meet the purpose of this policy;
 - (c) Include a statement that the County will reject any offer that does not conform to the Standards for Proposals, or to any additional neutral standard in the Plan; and
 - (d) Include a statement that the County may reject any third party offer at its sole discretion.
- (4) Because one of the purposes of this policy is to further the health, safety, and welfare of the general public, proposed agreements should not conflict with the County's mission. Accordingly, no corporate sponsorship, license or advertisement agreement will be entered into that would involve the County's endorsement of, advertisement on County property of, advertisement in County publications of, or use of the County's logo in connection with (1) alcoholic beverages, (2) tobacco



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products, (3) adult businesses, (4) gambling enterprises, (5) illegal drugs or drug paraphernalia, (6) firearms, (7) beverages, single food items or meals meeting nutritional standards described in Section A18-352 of the Ordinance Code in advertisements targeting children or adolescents, or (8) beverages, snacks or food items that do not meet the minimum nutrition standards in Board Policy 3.45.1. For the purpose of this policy:

Alcoholic beverages and brand references will be excluded to limit exposure by minors to alcoholic beverage advertisements, consistent with findings in Section B13-36 of the Ordinance Code that underage drinking threatens public health, safety, and welfare.

- (a) Tobacco products and brand references will be excluded consistent with findings in Section B13-79 of the Ordinance Code that tobacco products contribute to air pollution, cause cardiovascular disease, and impair respiratory function.
- (b) Adult businesses, as defined in Section 2.10.040 of the County's Zoning Ordinance, will be excluded consistent with the County's authority under Section 4.10.020 of the Zoning Ordinance to regulate these businesses in the interest of public health, safety, and welfare.
- (c) Gambling enterprises, including cardrooms and bingo enterprises, as defined in Section B2-11 and B3-76 of the Ordinance Code, will be excluded consistent with County ordinances prohibiting and regulating such enterprises in furtherance of public health, safety, and welfare.



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- (d) Illegal drugs and drug paraphernalia will be excluded consistent with Sections A20-53 et seq. of the Ordinance Code, which restrict the sale and display of drug paraphernalia to minors.
 - (e) Firearms will be excluded consistent with the County's authority in Section B19-1 of the Ordinance Code to regulate the sale and advertisement of dangerous weapons in the interest of public health, safety, and welfare.
 - (f) In advertisements targeting children or adolescents, beverages, single food items or meals meeting the nutrition standards described in Section A18-352 of the Ordinance Code shall be excluded consistent with findings in Section A18-350 that such items contribute to childhood obesity and other health problems.
 - (g) Beverages, snacks or food items that do not meet the minimum nutrition standards described in Board Policy 3.45.1 shall be excluded consistent with the healthcare mission of the County as stated in the policy and elsewhere.
- (5) The Board may revise this policy to exclude other categories of products and businesses from corporate sponsorship, license or advertisement agreements. Such exclusions shall be reasonably related to the purpose of the County's mission as expressed in ordinances and Board policies, and the Board shall expressly incorporate the exclusion into this Board policy.



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- (6) No corporate sponsorship, license or advertisement agreement will involve the licensing of the private commercial use of the County name, logo, or other intellectual property, or the depiction of County property, unless the corporate sponsorship, license or advertisement agreement contains assurances by the corporate sponsor, licensee or advertiser that it does not discriminate against employees or customers solely on the basis of age, race, color, national origin, ancestry, religion, sex/gender, sexual orientation, mental disability, physical disability, medical condition, political beliefs, organizational affiliations, marital status, or other criteria listed in Board Policy 5.3.5.
- (7) Consistent with the purpose of this policy, no advertisement displayed pursuant to a corporate sponsorship, license or advertisement agreement shall contain content that:
 - (a) Is false, deceptive, or misleading;
 - (b) Constitutes trade defamation or defames the character of any person;
 - (c) Is lewd, lascivious, obscene, or otherwise highly offensive to a reasonable person; or
 - (d) Engenders harmful stereotypes, hatred, or discrimination on the basis of any social category enumerated in Board Policy 3.8.



Administration

- (A) All activities relating to this policy will be coordinated by the Office of the County Executive or an appointed designee. The Office of the County Executive will be responsible for:
- (1) Providing oversight and coordination of Marketing Plans;
 - (2) Providing guidance to all County departments regarding the implementation and application of this policy;
 - (3) Providing assistance and advice to departments regarding Marketing and Advertising Plans activities and implementation, while maintaining the existing departmental responsibilities for program areas that may be included in Marketing and Advertising Plans
 - (4) Reviewing and assisting in the development of the corporate sponsorship, license or advertisement agreements;
 - (5) Assisting the departments with administration, auditing, and monitoring of performance of corporate sponsorship, license or advertisement agreements developed through Marketing or Advertising Plans.

Additional Provisions

- (A) County departments can accept gifts in accordance with the limitations of Santa Clara County Code section A2-17. Any benefits conferred on the donor outside of mere acceptance must be in accordance with approved corporate sponsorship, license or advertisement agreements.



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- (B) The County accepts the principle that third parties may become partners with the County in the sponsorship of County-approved programs, projects, events, facilities, or activities where such partnerships are mutually beneficial to both parties and in a manner consistent with all applicable policies and ordinances. In no event will such a partner be considered an employee, agent, officer, or servant of the County.

Related Policies

None.

Related Forms and Information

None.

History

Date	Changes Made
1/30/2014	Policy Uploaded. (John Myers)
12/14/2010	Policy Amended. View legislative file.
6/19/2007	Policy Adopted. View legislative file.