

RESOLUTION NO. 2023/2024-_____

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CLAY COUNTY, FLORIDA, ADOPTING A REVISED DONATION AND SPONSORSHIP POLICY AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Clay County, Florida initially adopted the Donation and Sponsorship Policy on February 22, 2022; and,

WHEREAS, since initial adoption, various amendments have been incorporated into the Donation and Sponsorship Policy to clarify definitions and terms.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Clay County, Florida, as follows:

Section 1. The Board of County Commissioners of Clay County, Florida hereby desires for its Donation and Sponsorship Policy to be updated and revised accordingly and adopts the revised Donation and Sponsorship Policy attached hereto as Exhibit A which shall supersede and take precedence over all other existing policies and prior procedures effective March 12, 2024.

Section 2. This Resolution shall become effective immediately upon its adoption.

DULY ADOPTED by the Board of County Commissioners of Clay County, Florida this 12th day of March, 2024.

BOARD OF COUNTY COMMISSIONERS
CLAY COUNTY, FLORIDA

By: _____
Jim Renninger, Its Chairman

ATTEST:

Tara S. Green
Clay County Clerk of Court and Comptroller
Ex Officio Clerk to the Board

EXHIBIT A

Clay County
Board of County Commissioners'
Donation and Sponsorship Policy

ADOPTED: February 22, 2022
EFFECTIVE: February 22, 2022
(Resolution 2021/2022-29)

REVISED: March 12, 2024
(Resolution 2023/2024-___)

PURPOSE

The aim of this Donation and Sponsorship Policy (Policy) is to create an authorized environment for accepting donations and entering into sponsorship agreements with third parties where such donations and sponsorships are mutually beneficial to both parties in a manner that is consistent with all applicable policies set by the Clay County Board of County Commissioners. The purpose of the Policy and procedures as outlined is to:

1. Uphold the County's stewardship role to safeguard the County's assets and interests;
2. Provide employees with guidelines and procedures based on best practices;
3. Encourage the use of creative marketing opportunities to generate new revenues and offset costs by maximizing the use of County assets and properties;
4. Offset costs of existing events and programs and expand outreach; and
5. Protect the County from risk.

The Policy provides an enabling environment for the County to accept donations and enter into sponsorship agreements or partnerships within set guidelines and procedures for the purpose of optimizing non-tax revenue sources. Under the conditions of this Policy, County staff may solicit such sponsorship agreements and partnerships.

The County shall not relinquish to the donor or sponsor any aspect of the County's right to manage and control the County's assets or facilities. Sponsorships or partnerships will not result in any loss of Clay County jurisdiction or authority.

SCOPE

This Policy applies to all County departments and divisions.

This Policy does not apply to:

1. Funding obtained from formal grant programs.
2. County sponsorship of external projects where the County provides funds to an outside organization.

RESPONSIBILITY

The Grants Division will review this Policy no less than annually and recommend updates as necessary or as circumstances dictate. The Grants Division will also oversee implementation and administration of this Policy.

DEFINITIONS

"Honorary Naming Rights" shall mean the naming of County property to honor the service, commitment, or other type of participation by an individual, or civic or charitable group. For Honorary Naming Rights defined in this Policy, "individual" shall mean a person that has made a substantial contribution to the community, either through civic involvement, involvement in

historical events relevant to the specific County property, or to the geographical location of specific County property. Honorary Naming Rights are given to individuals posthumously.

“In-Kind Contribution” shall mean a non-cash contribution given in the form of goods, commodities, materials, and/or services.

“Naming Rights” shall mean a type of Sponsorship in which a third party purchases the exclusive right to name a whole asset or venue. The sponsoring of a component of an asset or venue (e.g. – bench or structure in a park, specific room in a building) is not considered to be naming rights for the purposes of this Policy. Naming Rights are considered in the commercial context only, where the Naming Right is sold or exchanged for significant cash or other revenue support. This arrangement must be documented in an agreement signed by the interested parties.

“Naming Rights Agreement” shall mean a written contract evidencing the right to name or re-name County-owned facilities or land that contains terms acceptable to the County. In most cases, indemnification and termination clauses would be required as part of the agreement. All such agreements are to be reviewed by the County Attorney prior to finalization to ensure that the County’s legal interests are protected. The duration of Naming Rights shall be determined or negotiated on a case-by-case basis and shall be included as part of the agreement.

“Partnership” shall mean a collaborative sponsorship in which a third party entity supports County activities by providing cash and/or In-Kind Contributions. At the County’s discretion, reciprocal marketing or advertising benefits may be included in Partnerships. Examples of Partnerships include third parties that participate in County events or programs and/or public events or programs organized by the County through its departments or divisions, including, but not limited to, the Parks and Recreation Department and the Clay County Public Library System. Partnerships should be documented in writing.

“Philanthropic Contribution” or “Donation” shall mean a contribution or donation to Clay County from a third party for which there is no reciprocal commercial and/or marketing benefit expected or required from the County. Such Philanthropic Contribution or Donation may be cash or an In-Kind Contribution. Planned giving or estate giving (i.e. a bequest, appreciated securities, life insurance, real estate, personal property, 401k/IRA or Retirement Plan, charitable gift annuity, etc.) is considered a Philanthropic Contribution. In-kind services and matching or cost sharing arrangements and/or agreements for the purchase of capital assets or improvements, including maintenance, are also covered by this definition.

“Sponsor” shall mean a third party that enters into a Sponsorship Agreement with the County.

“Sponsorship” shall mean a mutually beneficial business arrangement between the County and a third party, wherein the third party provides cash and/or an In-Kind Contribution to the County in return for access to the commercial and/or marketing potential associated with the County. Sponsorships may include sponsorship of one or more of the County’s services, projects, events, programs, facilities, or activities. This arrangement must be documented in a Sponsorship Agreement signed by the interested parties. Sponsorships also include negotiated naming rights for a fixed period of time, in which a reciprocal benefit is documented in a Sponsorship

Agreement or Naming Rights Agreement.

“Sponsorship Agreement” shall mean a contractual agreement that reflects the business arrangement for a Sponsorship in exchange for a commercial and/or marketing benefit between the County and a Sponsor for a specified period of time.

RESTRICTIONS

In general, the following industries and products are not eligible for Sponsorships within Clay County: police-regulated businesses; faith-based and political organizations; companies whose business is substantially derived from the sale of alcohol, tobacco, medical marijuana, vaping, firearms, adult use, or similar services and items. Sponsorships by sponsors that fall into one of the above-stated categories shall be subject to review and approval by the Board of County Commissioners.

Any Sponsorship or Partnership may be revoked at any time for non-compliance with the standards set forth herein.

Any advertising or naming rights that fit within any of the below categories is prohibited and will not be displayed:

1. False, misleading, or deceptive;
2. Relates to an illegal or criminal activity;
3. Explicit sexual material, obscene material, or material harmful to minors;
4. Advertises tobacco products, including medical marijuana, vaping, and similar items;
5. Includes language which is obscene, vulgar, profane, discriminatory, or scatological;
6. Relates to instruments, devices, items, products, or paraphernalia that are designed for use in connection with specific sexual activities; or
7. Depicts violence and/or anti-social behavior.

All Sponsorship advertising shall comply with the standards set forth in this Policy and is subject to review and approval by the County.

ETHICAL CONSIDERATIONS

1. Sponsorships or Partnerships shall not, in any manner, influence, or be perceived to influence, the day-to-day business of the County, nor invoke any future or additional consideration other than as specifically stated in the resulting sponsorship agreement.
2. Sponsorships or Partnerships shall not confer any personal benefit, directly or indirectly, to any particular County employee or official; or cause or allow a County employee or official to receive any product, service, or asset for personal gain or use.
3. Sponsorships or Partnerships shall not interfere with existing contractual obligations.
4. Sponsorships or Partnerships shall not result in, or be perceived to result in, any competitive advantage, benefit, or preferential treatment for the sponsor outside of the resulting Sponsorship Agreement.
5. Sponsorships or Partnerships by parties that are disqualified or debarred from doing

- business with the County shall not be allowed and will be declined.
6. Sponsorships or Partnerships by parties that are in litigation with the County shall not be allowed and will be declined.
 7. Sponsorships or Partnerships that otherwise constitute a conflict of interest or create the appearance of, or potential for, the same shall not be allowed and will be declined.
 8. Sponsorships or Partnerships by parties in violation of the law or convicted of criminal activities may be revoked or denied.

PROCEDURES AND AUTHORITY

Sponsorship and Partnership requests must be submitted in writing to the County's Grants Division, which will review the request for compliance with the County's Policy. Sponsorships and Partnerships under \$25,000 may be approved by the County Manager. Sponsorships and Partnerships equal to or greater than \$25,000 will be submitted to the Board of County Commissioners for approval.

Naming Rights requests shall be in writing and reviewed by the Grants Division and County Manager. Any County Commissioner, citizen, group of citizens, entity, or organization may submit an Honorary Naming Rights proposal to name County property after an individual, civic or charitable group, or other entity or organization. If found to be in compliance with applicable County policies, a request shall be scheduled for County Commission consideration. The County Commission may approve the request, may determine that the request be submitted for competitive negotiation, or may deny such request. Any approval shall be by resolution of the County Commission.

Philanthropic Contributions or Donations may be submitted for consideration by a written proposal identifying the cash or In-Kind Contribution and the purpose, whether an unspecified or general County purpose (i.e. to benefit the Library System, Animal Services, Parks and Recreation, Paramedicine, etc.). These Philanthropic Contributions and Donations may be collected and tracked on an on-going basis. The County retains the right to keep or dispose of any donated goods or materials. Acceptance of a Philanthropic Contribution or Donation does not create any obligation on behalf of the County to provide maintenance to or preserve any donated good or material.

Written Philanthropic Contribution/Donation, Sponsorship, and/or Partnership requests may be mailed to 477 Houston St., Green Cove Springs, FL 32043, or emailed to the Grants Division. Contact information for the Grants Division can be found online at www.claycountygov.com/government/grants.

REPORTING

A report summarizing approved Sponsorship Agreements shall be filed on the consent agenda of the Board of County Commissioners at least annually.