

City of Martinez  
Donation and Sponsorship Policy

I. Purpose

Members and supporters of the community of the City of Martinez (“City”) may offer donations or sponsorships of various types for general or specific purposes. This policy provides guidelines for accepting donations and sponsorships in a lawful, transparent, and accountable manner consistent with local and state law and the City’s strategic goals.

This policy is distinct from the laws governing donations to elected officers, candidates, commissions, committees, or other persons required to file statements, reports, or other documents required by the Political Reform Act (Government Code Section 81000, et seq.).

II. Specific Objectives

1. Cultivate connections with contributors who align with the City’s commitment to providing exceptional civic programs and services.
2. Effectively overseeing contributions to enrich the Martinez community.
3. Generate income to support new and ongoing infrastructure, initiatives, undertakings, and activities that enhance the welfare of both the City and its inhabitants.
4. Collaborate with nonprofits aligned with the City’s strategic objectives to further our shared missions.

III. Definitions

- a. **Donation or Gift:** a monetary (cash) contribution, endowments, personal property, real property, financial securities, equipment, in-kind goods or services, or any other asset that the City has accepted and for which the donor has not received any goods or services in return, without expectation of goods or services in return. A donation may be unrestricted, where the donor has placed no limitation on its use, or restricted, where the donor has restricted its use to a specified purpose. Grants to the City from a local, state, or federal agency are not subject to this policy.
- b. **Sponsorship:** a cash or in-kind product and/or service offered by sponsors with an expectation that an obligation on behalf of the recipient is created. The value of the obligation is typically public recognition and publicity or advertising highlighting the contribution of the sponsor and/or the sponsor’s name, logo, message, products, or services. Sponsorships must promote a mutually beneficial relationship for the City.
- c. **Donor:** any organization, entity, or individual who provides the City with a Donation

- d. **Sponsor:** any organization, entity, or individual who provides the City with support in the form of sponsorship.
- e. **Recipient:** the department director (i.e., the head of the City department, agency, board, or commission, or his/her designee) for which a donation is designated or intended, the City Manager, or City Council.

IV. Consistency with City Interests

The City welcomes donations and sponsorship that enhance City services, reduce costs that the City would incur in the absence of the donation or sponsorship, or that otherwise provide a benefit to the City. Donations and sponsorships must be directly related to providing goods or services to the public or for another valid public purpose. Donations and sponsorships may not be used for personal financial gain of any City elected or appointed official or employee.

V. Evaluation of Donations

- a. All donations will be evaluated by the City prior to acceptance to determine whether the donation is consistent with the City's interests and with applicable local and state laws.
- b. The City shall consider the following factors in evaluating a proposed donation:
  - i. Whether the donation is consistent with the City's interests, values, and goals.
  - ii. Whether the donation would affect the City's public relationships.
  - iii. The net benefit of the donation to the City and consideration of whether expenditure of City funds is associated with or required by the acceptance of the donation. This includes costs of ownership, including maintenance, repair, clean-up, administrative costs, insurance costs, and any potential liability or expenses that may be associated with the donation.
  - iv. Whether the gift will encourage or discourage future gifts.
  - v. Whether the primary benefit is to the City versus the donor and whether there is compatibility between the intent of the donor and the City's use of the gift.
- c. When appropriate, the City shall enter into a separate written gift agreement with the donor, specifying the terms of any gift.

VI. Evaluation of Sponsorships

- a. All sponsorships will be evaluated by the City prior to acceptance to determine whether the sponsorship is consistent with the City's interests and with applicable local and state laws.
- b. The City shall consider the following factors in evaluating a proposed sponsorship:

- i. Whether the sponsorship is consistent with the City's interests, values, and goals.
  - ii. Whether the sponsorship would affect the City's public relationships.
  - iii. The net benefit of the sponsorship to the City and consideration of whether expenditure of City funds is associated with or required by the acceptance of the sponsorship. This includes costs of ownership, including maintenance, repair, clean-up, administrative costs, insurance costs, and any potential liability or expenses that may be associated with the sponsorship.
  - iv. Compliance with the Establishment Clause of the First Amendment to the United State Constitution and the proposed sponsorship's neutrality with regard to political, social, or cultural messages.
- c. The City shall enter into a separate written Sponsorship Agreement with sponsor.
- i. Sponsors shall be solely responsible for obtaining all necessary permissions for legally protected intellectual property and the City shall not be liable for unauthorized use of intellectual property or other infringements.
  - ii. The City preserves its rights and discretion to exercise full editorial control over the placement, content, appearance, and wording of sponsorship messages.
  - iii. The City may terminate any Sponsorship Agreement at any time and for any reason if the sponsorship is determined in the City's sole discretion not to be in the best interests of the City.

VII. Acceptance of Donations and Sponsorships

- a. Only recipients authorized by this Policy may accept donations and sponsorships.
- b. Undesignated donations and sponsorships may be accepted by the City Manager.
- c. Based on the value of the donation or sponsorship as outlined below, appropriate City staff and officials shall accept the donation or sponsorship based on the following threshold amounts:
  - i. Offers valued at \$5,000 or below may be accepted by a department director.
  - ii. Offers valued more than \$5,000 and up to \$10,000 shall be accepted by the City Manager.
  - iii. Offers valued more than \$10,000 shall be accepted by City Council.

VIII. Acknowledgment of Donations and Sponsorships

- a. Recipients authorized by this policy to accept a donation or sponsorship are responsible for acknowledging and, when appropriate, thanking the donor or sponsor.
- b. Acknowledgement of the donation/sponsorship, whether accepted or declined by the City, shall be in writing and forwarded to the donor/sponsor upon completion of the donation.
- c. Acknowledgement of the donation/sponsorship shall include the amount of a monetary contribution, a description of non-monetary contribution, a statement that no goods or services were provided by the donor in return for the contribution (if a donation), and a description and good faith estimate of the value of the donation/sponsorship, if applicable.
- d. The City cannot provide tax advice to potential donors and sponsors, or guarantee that any donation or sponsorship will qualify for a tax deduction.

IX. Declined Donations and Sponsorships

The City maintains the sole discretion to decline any donation or sponsorship without comment or cause.