

RESOLUTION NO. 2022-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA
APPROVING THE PARTNERSHIP POLICY

WHEREAS, the City gets many requests annually to partner with various businesses, companies and/or non-profit entities;

WHEREAS, the City desires to adopt a set of guidelines that will govern the evaluation of partnership opportunities with the City and define the process for such partnerships; and

WHEREAS, the proposed Partnership Policy will be a clear and transparent way to outline the process for partnering with the City for a wide variety of events and opportunities; and

WHEREAS, the City believes that partnerships will enhance programs and services provided to Santa Ana residents and visitors.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Ana as follows:

Section 1. The Partnership Policy, attached as Exhibit A, is hereby approved.

Section 2. This Resolution shall take effect immediately upon its adoption by the City Council, and the Clerk of the Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this ____ day of April, 2022.

Vicente Sarmiento
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: Laura A. Rossini
Laura A. Rossini
Chief Assistant City Attorney

AYES: Councilmembers _____

NOES: Councilmembers _____

ABSTAIN: Councilmembers _____


NOT PRESENT: Councilmembers _____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, DAISY GOMEZ, Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2022-XXX to be the original resolution adopted by the City Council of the City of Santa Ana on April____, 2022.

Date: _____

Daisy Gomez
Clerk of the Council
City of Santa Ana

 <p>City of Santa Ana Administrative Policies and Procedures</p>	City Manager's Authorization
City of Santa Ana Partnership Policy	Date
	[Month Day, Year]

Purpose

The purpose of the City of Santa Ana ("City") Partnership Policy ("Policy") is to establish policies, guidelines and procedures governing how partnerships between the City and external entities transpire. The intent of a partnership is to expand or enhance programs and services the City delivers to Santa Ana residents.

Definition

The establishment of this Policy is to ensure that the City employs a strategic approach for considering potential partnerships that will enhance programs and services provided to Santa Ana residents and visitors. Partnerships shall be inclusive of the following elements: (1) align with the City's mission, vision, or values; (2) provide an equitable process for potential partners; (3) maximize available community resources; and (4) encompass a broad spectrum of agreements and strategies. This Policy enables the City to be proactive, rather than reactive, when presented with potential partnership opportunities.

Policy**1. TERMS GLOSSARY (Appendix A)****2. TYPES OF PARTNERSHIPS**

The types of partnerships are working agreements having (1) achievable mutual interests between the City and partnering entities, (2) an increased likelihood of the City and partnering entities achieving their respective mission, (3) the ability to amplify reach within the community, and (4) an impactful community investment. These partnerships can take the form of cash gifts and donor programs, improved access to alternative funding, property investments, charitable trusts, labor, materials, equipment, continued sponsorships, technical skills, and other forms of value. The effective use of volunteers can also figure significantly into developing partnerships. Some partnerships involve active decision making, while other partnerships take a more passive role.

2.1 Active Partnerships

Active partnerships include leases, contracts, sponsorship agreements, marketing agreements, management agreements, joint-use agreements, inter-governmental agreements, or any combination thereof. Proposed partnerships considerations include, but are not limited to, facility, service, maintenance, operations, program development, and other associated needs.

2.2 Public/Private Partnerships

Exhibit 1

A public/private partnership is between a government entity and a private company.

2.3 Public/Non-Profit Partnerships

A public/non-profit partnership is between a government entity and a non-profit organization.

2.4 Public/Public Partnerships

A public/public partnership is between two government entities

2.5 Sponsorships

Sponsorships for facilities and programs is one type of beneficial partnership.

3. GUIDING PRINCIPLES

The guiding principles below serve as a framework for the City to consider potential partnerships.

3.1 Mutual benefits and Consistency with City Policy

Both the City's and the partner's goals should be openly and clearly stated. The City will strive to determine that a proposed partnership be mutually beneficial to both parties. All partnerships shall be consistent with all applicable policies and procedures set by the City.

3.2 Mitigated Risk

The partners, its employees, and potential subcontractors must comply with all applicable laws, codes, rules, regulations and requirements pertaining to the execution of the partnership.

3.3 Coordination

The City Manager or designee will align each proposed partnership with all City departments identified as being crucial to the success of the associated program or project.

3.4 Performance Measurement and Evaluation

At the outset of each partnership, a set of achievable performance measures shall be established. At the conclusion of each project, a report evaluating the project against the stated performance measures and any additional information should be completed and forwarded to the City Manager's Office or designee.

4. PARTNERING PROCESS

The partnering process describes the steps for the creation of a partnership with the City.

4.1 Define scope of partnership, including a description of the community need, partnership benefits, and general strategy, as well as the following:

- 4.1.1 Consistency of the goals of the proposed partnership with the City's mission, vision, or values, and core services.

Exhibit 1

- 4.1.2 Consistency with existing laws, along with the City's policies and practices.
- 4.1.3 Balance between the potential benefit of the partnership with the level of risk assumed by the City.
- 4.1.4 Potential for actual or perceived conflicts between demonstration partners' and City's goals or business practices.
- 4.2 Develop a Request for Proposal (RFP) to solicit desired partnership opportunities.
- 4.3 The City Manager or designee, along with City staff members from the participating City department, reviews all responsive proposals received through a competitive proposal process.
- 4.4 Partnership Agreements shall be approved by the City Council.

5. EVALUATION PROCESS

The City Manager or designee shall make an initial determination as to whether the proposed partnership meets the mission, vision or values of the City. If the proposed partnership meets these initial evaluation criteria, then the City shall be responsible for further evaluating the proposal and returning a recommendation to the City Manager or designee for consideration. Should the proposal not meet the initial evaluation criteria, then the City Manager or designee shall notify the proposer of the determination.

6. PARTNERSHIPS AGREEMENTS

Partnership Agreements shall be evaluated on a case-by-case basis and will include contractual language consistent with all applicable CITY policies and ordinances and good business practices. Partnership Agreements shall be approved by the City Council.

7. EXCLUSIONS

The City reserves the right to reject proposed partnerships that the City deems inappropriate or offensive in any manner. The below partnerships will not be considered:

- 7.1 Promote practices that violate federal, state or local laws or regulations
- 7.2 Parties involved in a lawsuit with City
- 7.3 Promote drugs, alcohol, tobacco or tobacco-related products, gambling, or adult materials or entertainment
- 7.4 Discriminate based upon a protected class or any other basis prohibited by federal or state law
- 7.5 Prohibited by local, state or federal law or regulations
- 7.6 Include religious symbols, references or statements
- 7.7 Include political symbols, references or statements
- 7.8 Endorse products or services that do not comply with City policies or procedures, or that violate federal, state or local laws or regulations
- 7.9 Derive their business from the sale of alcohol, tobacco or tobacco-related products, firearms, pornography or sexually explicit goods or services
- 7.10 Appear to be in conflict with City policies, procedures, services, or products
- 7.11 Create or appear to create a conflict of interest or a potential conflict of interest

APPENDIX A

TERMS GLOSSARY

- A. "City": the City of Santa Ana
- B. "City Land": property owned, operated or leased by the City.
- C. "Donation": a monetary (cash) contribution, endowments, personal property, real property, financial services, 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.
- D. "Donation Policy": an established City policy that encourages individuals to donate to the City, which may increase the level of services provided to residents.
- E. "Facility": a building or permanent structure that is located on land owned or operated by the City.
- F. "For-Profit": an individual, organization or business that does not have tax-exempt status under the Internal Revenue Code.
- G. "Formal Proposal": a proposal from a prospective partner submitted for consideration through the City Manager's Office.
- H. "Partner": a private entity, non-profit organization or other governmental agency.
- I. "Partnership": a cooperative agreement between the City and one or more partners to attain a common goal or purpose. Partnerships combine complementary resources to either establish mutual direction or complete a mutually beneficial project.
- J. "Partnership Agreements": several forms of formal agreements, such as lease agreements, management and/or operating agreements, maintenance agreements, intergovernmental agreements, or any other agreements, as deemed appropriate by the City.
- K. "Partnership Plan": the procedural guidelines for implementation of Partnership Policy.
- L. "Private Party": an individual, group or organization that excludes participation by the public and is either not-for-profit or for-profit.
- M. "Non-Profit Organization": a tax-exempt organization as defined under relevant sections of the Internal Revenue Code.

- N. "Restricted Donation": donations designated at donor request for a particular City event, location, program or purpose.
- O. "Sponsorship": the relationship between a sponsor and the City, in which the sponsor pays a cash or in-kind fee, in return for access to the commercial potential associated with a facility, program or service.
- P. "Sponsorship Policy": an established City policy for considering potential sponsorships that enhance and support the various programs and services provided by the City.
- Q. "Unrestricted Donation": a donation to the City without any limitation upon its use.