

POLICY RESOLUTION NO. _____

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY
OF SANTA CLARA ADDING BOARD OF SUPERVISORS' POLICY
MANUAL SECTION 3.68 RELATING TO COUNTY DONATION AND
SPONSORSHIP**

WHEREAS, the Board of Supervisors wishes to give direction and set policy for such matters for which the responsibility of decisions is placed on it by virtue of State codes, County Charter or specific ordinances and resolutions or relates to its broad policy-making authority to matters regarding Santa Clara County;

WHEREAS, the Board of Supervisors wishes to clearly state and compile policies and to provide for distribution of these policies to affected decision-makers; and

WHEREAS, the Policy Manual is not set by ordinance, is not legally binding, and can be changed by adoption of a resolution approved by a majority of the Board of Supervisors and is intended to give guidance to staff and future members of the Board of Supervisors.

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NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Santa Clara, State of California, that:

Section 1. The Board of Supervisors' Policy Manual is hereby amended by adoption of this resolution to add Section 3.68 relating to County Donation and Sponsorship, attached hereto as Exhibit "A" and incorporated herein, and the Clerk of the Board is directed to incorporate the policy into the manual so that it is available to all County staff.

Section 2. Resolution No. BOS-2013-4, adopted by the Board of Supervisors on January 15, 2013 and establishing a moratorium prohibiting the use of County funds for donations without specific Board approval, is hereby rescinded.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

S. JOSEPH SIMITIAN, President
Board of Supervisors

Signed and certified that a copy of this document has been delivered by electronic or other means to the President, Board of Supervisors.
ATTEST:

MEGAN DOYLE
Clerk of the Board of Supervisors

APPROVED AS TO FORM AND LEGALITY:



LISA HARRISON
Lead Deputy County Counsel

Exhibits to this Resolution:

A - Board Policy Manual Section 3.68 relating to County Donation and Sponsorship

EXHIBIT A

3.68 DONATIONS AND SPONSORSHIPS USING COUNTY ASSETS

3.68.1 Purpose

The purpose of this County Donation and Sponsorship Policy (“Policy”) is to set forth the conditions under which donations and sponsorships may occur by County Agencies/Departments and Board of Supervisors offices.

3.68.2 Definitions

For purposes of this Policy:

“**County Assets**” means (a) any funds available for use by the County, including but not limited to the General Fund, enterprise funds, and any special funds; (b) the efforts or work of any County employee or contractor while being compensated by the County; and (c) the use of County property. For the purpose of this Policy, County Assets do not include private funding sources designated for donations or grant funds.

“**Donation**” means a transfer of County Assets to a non-County entity or person in any manner other than explicitly pursuant to a County contract, purchase order, or authorized invoice for goods and/or services received by the County.

“**Eligible Organization**” means either a nonprofit organization defined by section 501(c)(3) of the Internal Revenue Code or a government entity.

“**Sponsorship**” is a type of Donation by the County to support an event, including but not limited to, a conference, meeting, awareness campaign, educational seminar, social or cultural gathering, performance, or concert that is not organized and controlled by a County Agency/Department, Board office, and/or County Board or Commission.

3.68.3 Restrictions on County Donations and Sponsorships

Donations and Sponsorships may only be made with express authorization of the Board of Supervisors or an agent of the County authorized by the Board to make a specific donation for a specified purpose.

Donations and Sponsorships must support an activity, event, or program that serves a County purpose.

Transfers of County Assets are not permitted for (a) religious purposes or for the endorsement or disapproval of any religion; (b) campaign purposes or events that influence or attempt to influence the action of the voters for or against the nomination or election of a candidate or candidates, or the qualification or passage of any ballot measure; or (c) any activity prohibited by

law. Only an Eligible Organization, as defined above, may receive a Donation or Sponsorship.

All Donations and/or Sponsorships authorized under this Policy are subject to an agreement between the County and the Eligible Organization. The County Executive or designee is authorized to enter into such agreements, subject to review and approval by County Counsel as to form and legality. Such agreements shall require, where applicable, as a condition of the Donation or Sponsorship, that an Eligible Organization acknowledge the contribution of the County in its annual reports and all publications related to the County-sponsored event or activity, and that the County shall retain all rights, title, and interest in and to its name, seal, and logos.

The County Executive shall develop procedures that are necessary for the implementation of this Policy.

3.68.4 Exclusions to Policy

This Policy shall not apply to:

- County sponsorship, promotional, donation, or fundraising activities that have been separately authorized by action of the Board of Supervisors.
- The use of County facilities by non-County organizations as set forth under Board Policy 3.44.
- Private commercial uses of County property, consistent with a Board of Supervisors-approved County marketing plan under Division A36 of the Ordinance Code.