

# MEMORANDUM

Agenda Item No. 8(G)(1)

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** October 7, 2014

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Resolution approving  
Implementing Order No. 8-9  
governing the procedures for  
implementing the Marketing  
Partnerships Program

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The accompanying resolution was prepared by the Office of Management and Budget and placed on the agenda at the request of Prime Sponsor Commissioner Esteban L. Bovo, Jr.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

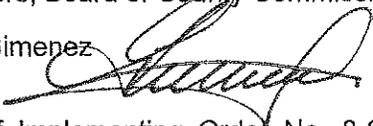
RAC/cp

# Memorandum



**Date:** October 7, 2014

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Gimenez  
Mayor 

**Subject:** Creation of Implementing Order No. 8-9 Relating to Miami-Dade County's Marketing Partnerships Program Ordinance

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## Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached resolution creating Implementing Order (IO) No. 8-9 presented as a companion item to the ordinance creating the County's Marketing Partnerships Program (Program).

## Scope

This IO provides the governing procedures for implementing the Program, which will have a countywide impact.

## Fiscal Impact/Funding Source

The proposed IO is a revenue generating program for the County. The Board retains the authority for the allocation of any revenue generated by this Program.

## Track Record/Monitor

The program will be managed by the Grants Division of the Office of Management and Budget, or its successive office.

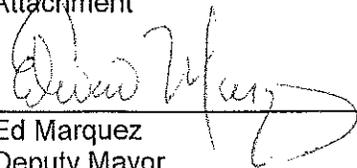
## Background

This IO is being presented to the Board as a companion item to the ordinance creating the County's Program, which authorizes the Administration to prepare and submit the attached Implementing Order.

The Program is a countywide sponsorship program that seeks a third party to provide a financial benefit to the County in the form of revenue and/or in-kind fees (products or services) in exchange for the marketing and/or promotion with the intent to sell, or distribute a product or service on select County assets. Marketing partnerships will vary depending on County assets and corporate goals, but can incorporate certain marketing privileges such as naming and sales rights, facility and event signage, program advertising, and an exclusive proud product/services provider to the County. The organizations sought are: private corporations and small enterprises; other governmental entities; foundations and charitable groups; and philanthropists and individuals.

This IO governs the procedure for implementing and managing the Program. It establishes roles, responsibilities, and strategies to engage with qualified private/corporate or public sector partners in marketing partnerships, and the authority to negotiate and enter into marketing partnership agreements. In order to minimize chances of abuse, the appearance of favoritism and the risk of imposing upon a captive audience, the Implementing Order specifically states that the following content is not allowed: 1) political or political campaign advertising/marketing; 2) advertising/marketing promoting the sale of alcohol or tobacco; 3) advertising/marketing that is clearly defamatory or likely to hold up to scorn or ridicule of any person or group of persons; 4) advertising/marketing that is obscene or pornographic; or 5) in advocacy of imminent lawlessness or unlawful violent action.

Attachment

  
Ed Marquez  
Deputy Mayor



**MEMORANDUM**  
(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:** October 7, 2014

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 8(G)(1)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 8(G)(1)  
10-7-14

RESOLUTION NO. \_\_\_\_\_

RESOLUTION APPROVING IMPLEMENTING ORDER  
NO. 8-9 GOVERNING THE PROCEDURES FOR  
IMPLEMENTING THE MARKETING PARTNERSHIPS  
PROGRAM

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that the Board approves the attached Implementing Order (IO) No. 8-9 regarding the procedures for implementing the Marketing Partnerships Program and authorizing the County Mayor or County Mayor's designee to exercise any and all rights conferred therein.

The foregoing resolution was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

	Rebeca Sosa, Chairwoman	
	Lynda Bell, Vice Chair	
Bruno A. Barreiro		Esteban L. Bovo, Jr.
Jose "Pepe" Diaz		Audrey M. Edmonson
Sally A. Heyman		Barbara J. Jordan
Jean Monestime		Dennis C. Moss
Sen. Javier D. Souto		Xavier L. Suarez
Juan C. Zapata		

The Chairperson thereupon declared the resolution duly passed and adopted this 7<sup>th</sup> day of October, 2014. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

DF

Daniel Frastai

I.O. No.: 8-9  
Ordered:  
Effective:

MIAMI-DADE COUNTY  
IMPLEMENTING ORDER

MARKETING PARTNERSHIPS PROGRAM

**AUTHORITY:**

Sections 1.01 and 5.03 of the Miami-Dade County Home Rule Charter and Article CXLIII  
Section 1-5 of the Code of Miami-Dade County, Florida.

**SCOPE:**

This Implementing Order governs the procedure for implementing and managing the Marketing Partnerships Program. It establishes the roles and responsibilities of the Office of Management and Budget (OMB), strategies to engage with qualified private/corporate or public sector partners in marketing partnerships, and the authority to negotiate and award marketing partnership agreements. The following guidelines are established to maintain flexibility in developing mutually beneficial marketing relationships with participating partners or sponsors.

**POLICY:**

The marketing partnerships would be comprised of potentially bundling together County-owned and operated assets (programs, services, and events) and properties (facilities and sites), across all County departments, for the collective purpose of leveraging various types of investments/sponsorships with benefits that would include a mix of: advertising, exclusivity rights, naming rights, and other revenue-generating methodologies. County departments will designate an authorized representative(s) to serve as marketing partnerships program liaison(s) with OMB and provide marketing support, information, and reports as needed for the functioning of the program including, but not limited to, periodic changes to the countywide assets inventory and aggregates of revenue generation.

County departments will continue to be responsible for generating revenue through any independent existing sponsorship for select programs, services and events, but should advise OMB of the existing relationship(s) and coordinate with OMB should there be an opportunity to increase revenue generation by inclusion in the marketing partnerships program rather than as a stand-alone sponsorship. County departments will be responsible for conducting necessary due diligence with all prospective marketing partners prior to entering into any partnership and will advise OMB of any concerns and/or conflicts, business-related or otherwise. County departments will also be responsible for the activation and fulfillment of marketing partnerships in which they are directly involved.

The intent of the marketing partnerships is not to generate revenue to replace core funding for programs and services (County operations). Rather, marketing partnerships are developed as creative and imaginative approaches to generate and enhance non-tax revenue funds to complement or provide new funding for County operations (programs, services, etc.). As part of this program, OMB may solicit marketing partnerships for the County.

All marketing partnerships shall be governed by the principles of fairness, integrity, and transparency. Marketing partnerships can take on the form of various models, including but not limited to, Event/Program Partnerships, Corporate Initiated Offers, County Initiated Agreements, Consultant/Broker Partnerships, and Naming Rights Partnerships.

Whenever possible, marketing partnerships should include a "value-added" component whereby the community-at-large will see and/or experience benefits. Marketing partnerships will not be disruptive or intrusive and will be positioned as a positive collaboration between the County and its marketing partners.

#### Organization

The initiation and management of all marketing partnership activities is a unique and distinct process. The management of the program will be coordinated by the Office of Management and Budget (OMB), or its successive office. In addition to other duties, OMB supports the County's results-oriented government activities to maximize the use of the County's resources; administers and monitors grants to community-based organizations funding; manages grant programs; identifies funding and partnership opportunities; and assists County departments with grant writing to maximize non-county revenues. OMB will be responsible for:

1. serving as the primary contact for all County departments on any issues and troubleshooting needs that may affect an activated marketing partnership;
2. organizing and coordinating an official sponsorship summit inviting prospective partners (corporate businesses, governmental entities, and individuals) to a County showcase of creative marketing opportunities;
3. managing and updating the official countywide assets inventory used for the program;
4. maintaining a single countywide client relationship management (CRM) system that centralizes a database/inventory of past and present entities that are marketing partners with County departments and the nature of the relationships;
5. promoting the program via a designated page on the County website and serving as the primary contact for any County-initiated and/or consultant/broker marketing opportunities; and
6. tracking and reporting on a bi-annual basis to the Board of County Commissioners of all marketing partnerships and revenue generated including all marketing partnership agreements awarded for the prior period.

#### Due Diligence

The Office of Management and Budget will work in collaboration with County departments to market the program to seek partnerships that are consistent with and appropriate for the County's mission and that are acceptable and sensitive to the community's image. County departments will perform due diligence on prospective entities to ensure that marketing partnerships will be with firms that are stable entities/corporations with a long-standing track record for fair dealings and consistent, timely payment of financial obligations.

#### Marketing Partnerships Program

The Marketing Partnerships Program is a countywide sponsorship program whereby a third party will provide a financial benefit to the County in the form of non-tax revenue and/or in-kind fees (products or services) in exchange for the access to the marketing commercial potential associated with select County assets for the use in strategies to promote, sell, or distribute a product or service. Marketing partnerships will vary depending on County assets and corporate goals, but can incorporate certain marketing privileges such as naming and sales rights, facility and event signage, program advertising, and an exclusive proud product/services provider to the County.

### Marketing Partner

Marketing Partner(s) shall refer to the entity with whom the County enters into a Marketing Partnership Agreement.

### Event/Program Partnerships

Event/Program Partnerships shall refer to Marketing Partnerships associated with special events or programs that may recur annually or one time only. Such opportunities may be advertised on Miami-Dade County's Marketing Partnership website, and they will be evaluated and negotiated to secure the optimal deal that is in the best interest of the County.

### Marketing Partnership Agreement (MPA)

A Marketing Partnership Agreement is an agreement with a third party to provide a financial benefit to the County in the form of non-tax revenue and/or in-kind fees (products or services) in exchange for the access to the marketing commercial potential associated with select County assets for the use in strategies to promote, sell, or distribute a product or service. Marketing Partnership Agreements may incorporate but not be limited to certain marketing privileges such as advertising, exclusivity rights, naming rights, and other revenue-generating methodologies.

The Board of County Commissioners shall retain authority for all MPAs with aggregate value of \$1 million or greater and the Mayor or the Mayor's designee, shall have authority for all MPAs with aggregate value of under \$1 million.

### Methods For Establishing Marketing Partnership Agreements

The contracting mechanisms for marketing partnership agreements will include: marketing partnership opportunity notices (MPONs); corporate initiated offers/direct negotiations; County initiated offers; and consultant/broker deals.

### Marketing Partnership Notice (MPON)

The primary purpose of the MPON is to generate interest with prospective partners by including general information and benefits of marketing partnership opportunities. MPONs must be streamlined and efficient; centralized; and publicly posted on the County's web portal. MPONs are based on elements other than price and require strategic positioning and marketing of assets with the ability to be flexible and expeditious in responding to the interests and special requests of potential marketing partners. MPONs are non-binding, publically posted, and may be further disseminated in a targeted fashion to allow for prospective partners to respond with an interest to meet with County staff to further discuss details in customizing and negotiating a mutually beneficial partnership that would be formalized in a marketing partnership agreement.

Due to the sheer size of the County's assets, the wide range of marketing opportunities and the County's entry into these revenue-generating strategies, MPONs may also be utilized for the selection of consultant-broker marketing deals and for valuation services.

### Corporate Or County Initiated Offers/Direct Negotiations

The County may elect to directly negotiate with and enter into a marketing partnership with external partner(s) who approach the County with a unique marketing opportunity. The partnership must be deemed appropriate and meet criterion set forth in the program. Direct negotiations may be utilized when it is determined that the use of the competitive method will not add significant value to a marketing partnership and when the opportunity may be time-sensitive.

### Use Of Consultant/Brokers

The County may elect to contract with an outside consultant/broker as an agent to assist in the development and negotiation of large-scale marketing partnerships. Due to the size and scope of Miami-Dade County's assets, the County may elect to seek services of a consultant/broker for certain services that should not or cannot be performed internally including:

1. To obtain current and validated valuations of County assets, especially for assets that can potentially yield \$100,000 or more in revenue;
2. Monitor corporate interest and marketing/sponsorship activity and trends on a national level for potential leads; and
3. Serve as the third party broker to negotiate high-value, long-term commercial deals that are more complex.

Consultants/brokers will at no time be empowered to approve any marketing partnerships or enter into any partnership agreements on the County's behalf.

### Restrictions

In order to minimize chances of abuse, the appearance of favoritism and the risk of imposing upon a captive audience, the following content is not allowed:

1. Political or political campaign advertising/marketing.
2. Advertising/marketing promoting the sale of alcohol or tobacco.
3. Advertising/marketing that is clearly defamatory or likely to hold up to scorn or ridicule any person or group of persons.
4. Advertising/marketing that is obscene or pornographic; or in advocacy of imminent lawlessness or unlawful violent action.

### Naming Rights Partnership

Naming rights partnership(s) shall refer to marketing partnerships involving the association of a corporate/individual name or brand with a selected County asset. The Board of County Commissioners (BCC) shall retain authority for all non-event naming rights, regardless of value.

The BCC shall have the discretion to accept or decline a marketing partnership opportunity involving naming rights. The terms of a naming rights partnership are subject to compliance with a marketing partnership agreement entered between or on behalf of the parties.

The County will give consideration to a partnership based on factors that include, but are not limited to:

1. The extent to which a naming right limits or restrains the County's discretion or ability to pursue other marketing partnerships with said asset;
2. The length of term of the naming right and the County's ability/discretion to terminate the partnership;
3. The monetary valuation and any value-added elements for a naming rights marketing partnership;
4. The extent to which the naming right imposes any obligation on the County, either presently or during the term of the agreement, financial or otherwise and whether the agreement is subject to conditions acceptable to the County;
5. The extent to which the naming right constitutes a conflict of interest or creates the appearance of or potential for a conflict of interest;
6. The extent to which the naming right affects the appearance of County property or disrupts the operation of the County; and

7. The BCC shall have the discretionary authority to rescind a naming right at any time based on any action by a private individual or corporate entity that is deemed by the County to be inappropriate and/or in conflict with the County's mission and values.

The BCC will retain sole authority to approve the terms and conditions and the monetary valuation of all non-event naming right partnerships, regardless of value, after receiving a recommendation from the Mayor or Mayor's designee. Each naming rights partnership should take into account market comparisons for naming rights, for which consultant/broker advice may be sought.

This Implementing Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

Approved by the County Attorney as  
to form and legal sufficiency D.F.