

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY

CURRENT

SUBJECT: ENDORSEMENT
POLICY NO.: 000-41
EFFECTIVE DATE: October 10, 2018

PURPOSE:

To provide direction to City of San Diego (City) employees and city-funded agencies or organizations regarding endorsements of commercial products, services, or companies.

DEFINITIONS:

For the purpose of this policy, the following definitions apply:

City assets: Tangible or intangible items of value that are owned or created by the City, including City facilities and leaseholds that do not exceed 35 years and/or that confer ownership rights by agreement. This definition does not include artworks, which are City assets under San Diego Municipal Code section 26.0701, et seq.

Official endorsement: an endorsement of a commercial product, service, or company with whom the City has a contract, whether or not exclusive.

Limited endorsement: a one-time endorsement of a commercial product, service, or company (such as listing the City as a client of a vendor) that does not discuss the substantive merits of that commercial product, service, or company.

POLICY:

The policy of City Council is to evaluate and, if appropriate, approve *official endorsements*, either implied or direct, of commercial products, services, or companies by the City or its employees, and by City-funded agencies or organizations.

City Council approval is required for any contracts that include *official endorsements*. However, *limited endorsements* are permitted without City Council approval in accordance with the following:

- Listing the City name solely for identification of the City as a client of the consultant, contractor, or vendor.

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- Use of the City Seal is not permitted except as allowed under the San Diego Municipal Code.
- Limited and one-time use of City materials, images, or testimonials for social media, trade shows, or other potential, short-term marketing opportunities may be negotiated by the Mayor or designee in exchange for promotional, in-kind, or cash value to the City not exceeding \$25,000 with appropriate documentation and approval. This documentation will be provided to the Corporate Partnership and Development Program or its successive office, for tracking purposes by the department of this limited use.

With the exception of the above, the City may not be referenced as a user of a product, service, or company in advertising, promotion, or other marketing purposes in any platform, including social media, except as approved by City Council and in accordance with a signed agreement between the City and the company or the provider of the product or service.

1. A city employee shall not respond to any third party inquiry regarding effectiveness of products or services used by the City if the employee is aware the third party intends to use those comments for purposes of advertisement using any advertising platform.
2. Use of identifiable *City assets*, in any advertising platform, even without identifying City logos or images, is prohibited.
3. All City contracts shall include a condition stating that the contracting party shall comply with this Council Policy. Other than listing the City as a client and other *limited endorsements* that comply with the parameters listed above, any advertisements, social media, promotions or other marketing referring to the City as a user of a product or service will require prior written approval of the Mayor or designee, who will insure that:
 - a. the facts in the advertisement are accurate,
 - b. there are no references to City employees, and
 - c. there is no indication of the City's *official endorsement* of the product, service or company.

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4. The City's acceptance of donations, sponsorships, advertising revenues, and the like does not imply or grant the City's endorsement of the product, service, or organization except as approved by City Council and in accordance with a signed agreement between the City and provider of products or services.
5. All City contracts to fund a City funded agency or organization include a provision requiring that agency or organization to adopt and follow a similar policy prohibiting that agency's or organization's endorsement of commercial products or services using funds obtained from the City.

HISTORY:

Renumbered from 000-23 by Resolution R-292719 - 02/01/2000

Amended by Resolution R-311985 – 10/10/2018