

CITY OF SAN DIEGO
ADMINISTRATIVE REGULATION

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ENDORSEMENT	Effective Date November 19, 2021		

1. PURPOSE

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

2. SCOPE

- 2.1. This Administrative Regulation (A.R.) applies to all City departments, agencies or organizations funded by the City.

3. DEFINITIONS

- 3.1. Advertising - The act or practice of calling public attention to a product, service, or need, through paid or unpaid announcements in newspapers and magazines, over radio or television, on billboards, by social media, or other modes of communication. *Advertising*, for purposes of this A.R. includes, but is not limited to, social media marketing that utilizes social media platforms and websites as a marketing tool to help a company increase brand exposure and broaden customer reach and promotions, which involves *advertising* and publicity for commercial purposes.
- 3.2. 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 or confer ownership rights by agreement. For the purposes of this A.R., *City Assets* does not include artworks, which are *City Assets* under San Diego Municipal Code section 26.0701, et. seq.
- 3.3. Official endorsement - An endorsement by the City of a commercial product, service, or company with whom the City has a contract, whether or not exclusive.
- 3.4. Limited endorsement - A one-time endorsement by the City 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.

(Supersedes Administrative Regulation 95.65, Issue 2, effective July 1, 1977)

Authorized

(Signature on file)

CHIEF OPERATING OFFICER

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4. POLICY

4.1. Official Endorsements

4.1.1. City Council approval is required for any contracts that include *official endorsement*. The City Council will evaluate and, if appropriate, approve *official endorsements* of commercial products, services, or companies by the City or its employees, and by City-funded agencies and organizations. The City Council will ensure that:

- a. Approvals are in accordance with Council Policy 000-41, Endorsement and, if applicable, Council Policy 000-40, Marketing Partnership Policy; and
- b. The City and recipient of the *official endorsement* have memorialized the terms of the *official endorsement* in a written agreement.

4.2. Limited Endorsements

4.2.1 City approval is required for *limited endorsements*. The Mayor, or designee, will review and evaluate proposals for *limited endorsements*. In reviewing proposals for *limited endorsement*, the Mayor, or designee, may consider whether the proposal engenders a strong positive image consistent with the City's goals and values, whether the proposal may result in the excessive commercialization of a *City Asset*, and any other impacts of the *limited endorsement*.

Limited and one-time use of City materials, images, or testimonials, that do not discuss the substantive merits, 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 Economic Development Department's Corporate Partnership and Development Program, or its successor office, for tracking purposes.

If applicable, the Mayor, or designee, may approve *limited endorsements* without the need for City Council approval, subject to the following conditions:

- a. The City of San Diego name is listed solely for identification of the City as a client of the consultant, contractor, or vendor; and
- b. The *limited endorsement* does not discuss the substantive merits of that commercial product, service or company

4.3. Advertising. Except as otherwise approved as set forth in this A.R., the City may not be

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referenced as a user of a product, service, or company in advertising, promotion, or other marketing purposes in any platform, including social media, unless 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. Any advertisements, social media, promotions or other marketing consisting of a *limited endorsement* referring to the City as a user of a product or service will require prior written approval of the Mayor or designee, who will ensure that:

- a. The statements made in any advertising are accurate;
- b. There are no references to individual City employees; and
- c. There is no indication of the City's *official endorsement* of the product, service or company.

Utilization of *City Assets*, in any advertising platform, even without identifying City logos or images, is prohibited unless it is pursuant to a signed agreement between the City and the person or entity endorsing the product, service or company.

- 4.4 Use of City Seal. Use of the City Seal is only permitted in accordance with the terms in SDMC section §21.0101.

5. RESPONSIBILITIES

5.1. Department Directors

5.1.1. All Department Directors, Police Chief, and Fire Chief.

5.1.2.1 All Department Directors, the Police Chief, and the Fire Chief are responsible for informing their department's employees of the policy prohibiting endorsement of products, services or companies by the City and its employees as set forth in this A.R. and Council Policy 000-41.

5.1.2. Purchasing and Contracting and Engineering and Capital Projects

5.1.2.2 The Purchasing and Contracting Director and Engineering and Capital Projects Director shall:

- a. Include in agreements with Contractors the provision stating Contractor shall comply with Council Policy 000-41 concerning endorsement; and
- b. Ensure that 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 the agency's or organization's endorsement of commercial products, or

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services using funds obtained from the City.

5.2. Deputy Chief Operating Officer or Designee, Chief Financial Officer, Police Chief, and Fire Chief.

5.2.1. The Deputy Chief Operating Officer (“DCOO”), or designee, Chief Financial Officer (“CFO”), Police Chief, and Fire Chief shall approve or disapprove of written requests from consultants, contractors, and vendors for the use of City endorsement(s) of a commercial product, service, or company in advertisements, social media, promotions, or other marketing related to City departments under their respective authority. The DCOO, CFO, Police Chief, and Fire Chief shall:

- a. Ensure approvals are in accordance with Council Policy 000-41 Endorsement and Council Policy 000-40 Marketing Partnership Policy;
- b. Ensure facts in any such approved advertisement, social media, promotions or other marketing are accurate; and
- c. Ensure that there are no references to individual City employees or indication of City’s *official endorsement* of the commercial product, service, or company, except as approved by City Council in accordance with a signed agreement between the City and partner or provider of products or services.

Review by the Corporate Partnerships and Development Program or its successive office is required for limited and one-time use of endorsements.

5.3. City Employees. A City employee shall direct all third-party inquiries regarding effectiveness of products or services used by the City to Economic Development Department’s Corporate Partnerships and Development Program, if needed.

5.4. Consultants, Contractors and Vendors. All City contracts or agreements with consultants, contractors and vendors (Contractors) shall include a provision stating that Contractor shall comply with Council Policy 000-41 concerning endorsement. Listing of the City solely for identification of the City as a client of the Contractor may be permitted as set forth in this A.R. Departments will be required to have the Contractor sign a term sheet outlining the uses of the *limited endorsement* and the form shall be provided to the Corporate Partnership and Development Program or its successive office.

5.5. City-Funded Agencies or Organizations. All contracts or agreements with agencies or organizations to fund that agency or organization with City funds shall include a provision requiring that agency or organization to adopt and follow a similar policy prohibiting that agency or organization’s endorsement of commercial products, services or companies using funds obtained from the City.

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APPENDIX

Legal References

Council Policy 000-41 “Endorsement”
Council Policy 000-40 “Marketing Partnership”
A.R. 45.50 “Private Use of City Labor, Equipment, Materials and Supplies Prohibited”

Forms

Request for *Limited Endorsement* Approval Form
Consultant, Contractor or Vendor Term Sheet Form

Subject Index

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Endorsement, Commercial products, services or companies
Personnel, Endorsement
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Administering Department

Economic Development Department, Finance Branch