

OFFICE OF THE MAYOR
TULSA, OKLAHOMA

Executive Order No. 2005- 06
Date July 15, 2005

AN EXECUTIVE ORDER ESTABLISHING PUBLIC-PRIVATE
PARTNERSHIP GUIDELINES FOR THE CITY OF TULSA

By virtue of the power vested in me as Mayor of the City of Tulsa, Oklahoma, it is hereby ordered:

Section 1. Purpose. To establish guidelines for all departments that partner or are considering partnerships with private and/or nonprofit entities on how to structure and manage such relationships and fund-raising activities.

Section 2. Definition. A public-private partnership (3P) is a cooperative venture between the public sector (federal, state, local, and/or tribal officials or agencies) and the private sector (families, employers, philanthropies, media, civic groups, and/or service providers) to attain a shared goal. In a 3P, the public sector maintains an oversight and assessment role while the private sector is more closely involved in actual delivery of the service or project. For the purposes of this document, public sector refers to the City of Tulsa municipal government (hereinafter referred to as "City") and private sector (hereinafter referred to as "Private Partner") to organizations that either:

2.1 Raise, collect, expend, or hold funds for the betterment of the City, said funds not being commingled with City funds (i.e., not tracked through the City financial system). Examples are Tulsa Zoo Friends, Thomas Gilcrease Museum Association, and Tulsa Partners, Inc.; or

2.2 Utilize space in City facilities for programs with a civic purpose that do not meet the requirements for a lease agreement/contract. Current examples are neighborhood associations using Tulsa Parks' unoccupied recreation centers for periodic scheduled meetings and churches that provide child care and educational programs in unoccupied recreation centers on an exclusive full-time basis.

Section 3. Requirements.

3.1 For those departments planning such relationships, the following factors shall be considered:

A. **Analyze Risk.** Risks should be analyzed before any agreement to participate in the activities of non-City entities is finalized. Some methods to be considered are requiring that the Private Partner provide proof of available funds to meet the financial obligations of the agreement and obtaining a list of responsible parties with addresses and telephone numbers. Proof of fidelity insurance might be requested. Also, the following are examples of issues that should be considered:

- Liability issues
- Confidentiality issues
- Screening/background checks
- Restricting individuals, groups, and/or organizations such as alcoholic beverage suppliers, sexually oriented entities, hate groups, etc.

B. **Define the nature of the relationship.** The benefits for the citizens of Tulsa and the municipal function of the relationship should be clear. The relationship shall be formalized in an agreement, contract, memorandum of understanding, or other applicable written document. This document is to assure that all partnered activities are nonpolitical and nonreligious in nature and cannot restrict participation based on race, color, sex, religion, disability, or national origin, and all activities must be conducted in compliance with City and state regulations. The Private Partner shall indemnify and hold the City harmless from any claim, loss, cost, expense, or damage resulting from any operations. Said document must be approved by the Mayor via the Request for Action process.

C. **Use of City name and/or City officials' names.** The Mayor or his designee must approve, in writing, the use of the name of the City, its departments, agencies, officials, and/or related entities in any solicitation of donations or contributions or other activities by the Private Partner.

D. **Use of City facilities and employees.** The written document should be clear regarding the extent to which City equipment, supplies, facilities, and employees will participate in any activity involving a Private Partner. The requesting department head will specify an individual to monitor this; such person or title to be named in the document.

E. **Financial arrangements.** All undertakings must be dedicated to the benefit of the City and its citizens. An annual budget of the Private Partner's anticipated income and expenditures shall be submitted to a designated official.

Periodic and annual reports showing the amount of receipts and expenditures by the Private Partner are also required. The document shall also provide the City the right to audit procedures, books, and records at any time.

3.2 Each department that has or anticipates forming such partnerships is directed to develop policies and procedures consistent with these guidelines to be reviewed by the City Legal Department.

3.3 Nothing in these guidelines shall affect the City's obligation to obtain goods, services, and public construction contracts by competitive processes.

Section 4. Effective Date. This Order shall take effect immediately.

DATED this _____ day of JUL 15 2005, 2005.



Bill LaFortune

Bill LaFortune, Mayor

ATTEST:
Kiana Burks

Deputy City Clerk

APPROVED:
Alan Sulez

City Attorney
MDS