

## RESOLUTION REGARDING STANDARDS FOR CLIMATE CHANGE PARTNERSHIPS

Sponsor: Mulvaney-Stanak

Whereas, the City Council charged the Community Development & Revitalization Committee with developing a set of standards for private partnerships with the city in a February 2011 Resolution; and

Whereas, the CDNR Committee held two meetings relating to the topic before reorganization of the city council in early April 2011 and additional meetings in June 2011; and

Whereas, during its deliberations the CDNR Committee agreed the scope of the type of city-private partnerships should be limited to climate change; and

Whereas, dozens of Burlington residents spoke about the types of standards they believe should be adopted by the city to maintain Burlington's commitment to environmental protection, peace, and human rights; and

Whereas, a set of standards can be developed as an advisory document to be used by the Mayor and/or city departments who find climate change city-private partnership opportunities; and

Whereas, if money is exchanged as part of the partnership between the city and private entities at amounts of over \$50,000 the Board of Finance must approve any such partnership and at amounts of over \$100,000 the City Council must approve such partnership; and

Whereas, if money is not exchanged, it is within the power of the Mayor and/or city department to enter into city-private partnerships, and

Whereas, the standards can be applied in any of these circumstances where the partnership is more than \$50,000 in economic value;

Therefore be it resolved, that the standards outlined in the resolved clauses of this resolution be used as an advisory document by the Mayor, City Departments, Board of Finance, and/or City Council when considering any climate change public-private partnership; and

Be it further resolved, that climate change partnerships of economic value of over \$50,000 be approved by the Board of Finance and partnerships of over \$100,000 be approved by the full city council;

Be it further resolved, that the City be required to issue a request for proposals for any climate change projects to allow an open bidding process for the partnership opportunity;

Be it further resolved, that the City make public the details of any partnerships, including but not limited to the language for the request for proposals for the partnership, letters of cooperation or draft contracts with the partner, before any City action to enter into partnerships of economic value of over \$50,000;

Be it further resolved, that corporate partners may advertise, discuss, and publicize their participation in the project in their own media, and any City initiated publicity of the climate change project must include public disclosure of corporate or individual partners involved. No corporate logos or names shall be allowed within city marketing or advertising efforts for the project.

Be it further resolved, that corporate partners have a proven track record of successful public-private partnerships, specifically with municipalities, and can provide a list of previous projects relating to climate change work;

Be it further resolved, that corporate partners be subject to the existing prequalification's of contractors currently listed within Sec. 21-72(a), "The contracting authority shall consider the following criteria to determine whether the applicant has a record of experience suggesting that the applicant has the ability to complete construction projects responsibly: (a) any debarments, civil or criminal prosecutions against the applicant for violations of the anti-trust within the last five (5) years;

Be it further resolved, that corporate partners also be subject to Sec. 21-73 employment practices, "the contracting authority shall determine whether the applicant is a responsible employer, taking into account the following criteria: (b) whether the applicant has a record of compliance or noncompliance with employment discrimination laws, labor laws..."

Be it further resolved that the City of Burlington shall not partner with private corporations and/or entities that:

- a) Have instances of contractor misconduct and thus cannot be found within the Project for Government Oversight's Federal Contractor Misconduct Database or if not available, a similar database as determined by the City Attorney;
- b) Earn the majority of their profits from the production and/or marketing of weapons or warfare technology, including but not limited to nuclear/chemical, weapons land mines, or cluster bombs, as determined by the corporation's most recent annual report;
- c) Support lobbying or advocacy efforts that deny the existence of climate change;

- d) Have fines that exceed \$100,000 with the U.S. Department of Environmental Protection, U.S. Department of Energy, or any federal government fines relating to environmental or climate change damage;
- e) Engage in or support child labor or human trafficking.
- f) Have civil penalties for employment discrimination against federally protected classes;

Be it further resolved, any corporate partner who filed false or materially misleading information in connection with a proposal to partner with the City or request for information in relation to a partnerships, shall be subject to a civil offense and fine from fifty dollars (\$50.00) to five hundred dollars (\$500.00);