

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 that the type of standards that the committee would consider would be limited to city-private partnerships relating 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 the City expends money 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 expenditure and at amounts of over \$100,000 the City Council must approve such expenditure; 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 ~~developed as an advisory document can~~ be applied in any ~~of these~~ circumstances where the partnership ~~involves the expenditure of City funds or in-kind or direct contributions from partner(s) in excess of \$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 ~~involving an expenditure of City funds or in-kind or direct contributions from partner(s) in excess of \$50,000;~~ and

Be it further resolved, ~~that the City is hereby advised~~ that climate change partnerships ~~involving expenditure of City funds or in-kind or direct contributions from partner(s) of economic value of exceeding~~ \$50,000 ~~should~~ be approved by the Board of Finance and ~~those involving expenditures and/or contributions partnerships of exceeding~~ \$100,000 ~~should~~ be approved by the full city council;

Be it further resolved, that the City ~~is hereby advised to be required to~~ issue ~~a request~~s for proposals for any ~~proposed future~~ climate change projects ~~to~~ allow an open bidding process for the partnership opportunities;

Be it further resolved, that the City ~~is hereby advised to~~ make public the details of ~~proposed any~~ climate change partnerships ~~(including but not limited to the language for the request for proposals for the partnership, and letters of cooperation or draft contract~~ letters of cooperations with the ~~proposed partner);~~ before any City action to enter into partnerships ~~involving expenditure of City~~

~~funds or in-kind or direct contributions from partner(s) exceeding \$50,000 or where in-kind or direct donations from the partner or expenditures by the city have an economic value of over \$50,000;~~

Be it further resolved, ~~that the City is hereby advised that, given~~ that corporate partners may advertise, discuss, and publicize their participation in the project in their own media, ~~and~~ any City initiated publicity of ~~a~~the climate change ~~partnership~~ project ~~should seek to carefully assess and limit unwanted and/or unwarranted marketing and/or advertising benefits inuring to the benefit of said corporate partner.~~

~~Be it further resolved, that City is hereby advised to must include make~~ public disclosure of corporate or individual partners involved ~~in city-private partnerships relating to climate change in informational materials released publicly by said partnership. 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 it is hereby advised that among the criteria for the City to consider in selecting that potential~~ corporate partners ~~for city-private partnerships relating to climate change is whether there have been any~~ 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 ~~said corporation~~the applicant for violations of the anti-trust ~~laws, unfair competition laws, or fraud~~-within the last five (5) years;

Be it further resolved, that ~~it is hereby advised that among the criteria for the City to consider in selecting potential corporate partners for city-private partnerships relating to climate change is whether said corporation~~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 ~~and~~, labor laws;"

Be it further resolved that ~~it is hereby advised that~~ the City ~~consider the following queries relative to proposed of Burlington shall not partner with~~ private corporations and/or entities that ~~might be considered for city-private partnerships relating to climate control:~~

~~b)D~~

~~a) Does the private corporation and/or entity have reported instances of contractor misconduct as reported and thus cannot can be found within the Project for on~~ Government Oversight's Federal Contractor Misconduct Database?

~~b) Does the private corporation and/or entity e or if not available, a similar database as determined by the City Attorney;~~

~~e)b) Earn the majority of its their~~ profits from the production and/or marketing of weapons or warfare technology, including but not limited to nuclear/chemical, weapons, land minds, or cluster bombs, as determined by the corporation's most recent annual report;

~~e) Has the private corporation and/or entity incurred fines~~

~~e) Support lobbying or advocacy efforts that deny the existence of climate change;~~

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~~Ⓓc)~~ 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;

~~Ⓓ~~ Has the private corporation and/or entity been found by a judicial or governmental body to have

~~Ⓓ~~ Engaged in or supported child labor or human trafficking.

~~Ⓓ~~ Does the private corporation and/or entity h

~~Ⓓ~~ Have a record of 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 partnership, shall be subject to a civil offense and fine from fifty dollars (\$50.00) to five hundred dollars (\$500.00);~~

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