Board of Supervisors Memorandum

July 5, 2016

Agenda Item 13
Board of Supervisors Policy Regarding Naming of County Facilities and Programs

Introduction

The County has a history of naming facilities, parks and programs in honor of persons who have made significant non-monetary contributions to the community. However, a party that makes a substantial monetary grant or donation to the County for the benefit of the community may logically expect some substantial recognition. Such recognition could come in the form of a commitment on the part of the County to name a facility, piece of land, program, or other asset in acknowledgment of the party in whose honor the donation or grant was made. Furthermore, the County may benefit from creating a process to recognize and even encourage smaller donations, as is the practice with most not-for-profit entities. Additionally, the naming of major programs, especially those conducted with significant external support, represent an opportunity for recognition of individuals and organizations that provide substantial underwriting of such activities.

Background

The proposed Board of Supervisors Policy establishes a process for conveying enforceable naming rights to private parties in recognition of grants or donations made to benefit the County and by extension our community. This is a common practice among not-for-profit entities who may name their assets or programs in such a way that acknowledges contributions, recognizing either the donor or another party in whose honor the donation was made. In our community, this practice is manifested in diverse forms, including the naming of buildings or wings of buildings; placement of inscribed bricks, tiles or plaques; or other architectural features in recognition of a donation. The proposed policy encourages philanthropic giving to the County from the private sector, with minimal cost to the County for the value received, and ultimately serves a public benefit. Pima County has no policy in place to consistently address or encourage this practice, and the proposed policy prescribes the circumstances and processes by which the County may convey naming rights or recognition in exchange for value donated.

Recommendation

I recommend approval of the proposed Board of Supervisors Policy, Naming of County Facilities and Programs, to be implemented using the attached Administrative Procedure.

Respectfully submitted,

C.H. Huckelberry
County Administrator

CHH/mjk – June 30, 2016

Attachments

c: Jan Lesher, Deputy County Administrator for Community and Health Services
John Bernal, Deputy County Administrator for Public Works Administration
Tom Burke, Deputy County Administrator for Administration
Francisco Garcia, Director, Pima County Health Department
Melinda Cervantes, Director, Pima County Public Library

Purpose:

The purpose of this policy is to establish guidelines governing the conveyance, to financial contributors, of legally enforceable naming rights to County-owned or operated facilities and programs.

Background:

While public facilities are dedicated to all citizens, the County sometimes chooses to name a facility, facility element, or program in a manner that honors a person for their financial generosity or non-monetary public contributions, with no related binding agreement with that person. This policy does not impact or in any way limit the Board's discretion to do that.

Sometimes, however, a financial contributor may, as a condition of making a substantial grant or donation, require the County to make a legally binding naming commitment. In addition, the County may choose to create programs that encourage the making of smaller financial contributions in exchange for installation in County facilities of engraved bricks or tiles, or installation of recognition plaques on fixtures such as benches, kennels, or pathway segments. This policy is intended to govern grants of enforceable naming rights to private parties.

Definitions:

As used in this Policy:

- A "Facility" is a Pima County-owned or operated building, structure, thoroughfare, or park in its entirety.

- A "Facility Element" is a component of, or a sub-area within or associated with, a Facility. Facility Elements include, but are not limited to, exterior landscaped areas, open areas, and plazas; interior meeting rooms, atriums, and offices; benches, equipment, furnishings, and other fixtures; and segments of roads, paths, walkways, and other thoroughfares.

- A "Program" is any public service, operation, event, or series of events that is provided, performed, or sponsored by the County, and any individual unit or units within an ongoing service or operation or a series of events.

- A "Donor" is a person who donates money, goods, or services to the County in exchange for Naming Rights.

- "Naming Rights" means a binding agreement by the County to (1) designate and refer to a Facility, Facility Element, or Program, by a name or title designated by a Donor, such as in announcements and written materials, and/or (2) mount or imbed on a Facility or Facility Element, a sign, plaque, tile, brick, or other item containing a name or other text designated by a Donor.

Policy:

The County Administrator is authorized to develop programs for the granting of Naming Rights in order to recognize Donors who provide financial assistance—whether in the form of a one-time grant or a commitment to make continuing periodic contributions—with the construction or installation of a County Facility or Facility Element, or for the implementation or maintenance of a County Program. This may include multiyear Naming Rights for entire Facilities and Programs, as well as smaller-scale Naming Rights for Facility Elements. The programs must be consistent with the following general guidelines:

1. The scope of the Naming Right—in terms of the scale and prominence of the Facility, Facility Element or Program with respect to which the Naming Right is granted—and its duration, should correspond to the scale of the financial assistance provided by the Donor. No Naming Right may last for more than 20 years.

2. A Naming Right that applies to an entire Facility or Program, or that is for more than 5 years (unless terminable at will by the County), must be competitively marketed to multiple potential donors before being conveyed, and any such conveyance must be approved in advance by the Board of Supervisors.

3. The specific nature, scope, and duration of the Naming Right must be memorialized in a written agreement with the Donor, the form of which has been reviewed and approved by the Civil Division of the County Attorney's Office.

4. As part of each program, procedures must be implemented to administer and track Naming Rights that have been granted.

5. The proposed conveyance of Naming Rights involving any improvement funded in whole or in part with the proceeds of tax-exempt bonds, which bonds are still outstanding in whole or in part, must be reviewed and approved by the Director of the Finance and Risk Management Department, to ensure there is no impact on the tax-exempt status of the bonds.

6. To the extent possible, the agreement with the Donor should preserve the County's flexibility to make changes to Facilities, Facility Elements, and Programs in order to serve the public interest.

7. The name or other text chosen by the Donor must be (1) either (a) the true name of one or more persons or of an organization *other than* an organization whose principle function is to advocate for or against a person running for elected office or influence political or policy decisions, or (b) other text that is not obscene, misleading, defamatory, or disruptive; and (2) sufficiently brief so as to fit within the space available. The County has sole authority to select the text's font size, style, and color.

8. No Naming Right may include the conveyance of any proprietary or ownership interest in any County property or any special, preferential, or exclusive right to utilize any Facility or Facility Element (except for the purpose of the displaying the Donor's name).

9. No Naming Right may be granted in a manner that creates a conflict of interest or the appearance of a conflict of interest.

Implementation:

The County Administrator shall develop and distribute administrative procedures governing the conveyance of Naming Rights consistent with this Policy.

Adopted Date: July 5, 2016

Effective Date: July 5, 2016

ADMINISTRATIVE PROCEDURES

Procedure Number: _____

Effective Date: _____
Revision Date: _____

_____
County Administrator

SUBJECT: **NAMING OF COUNTY FACILITIES AND PROGRAMS**

DEPARTMENT RESPONSIBLE: **Office of the County Administrator**

I. PURPOSE

The purpose of this procedure is to create a standard process for conveyance, to financial contributors, legally enforceable naming rights to County-owned or operated facilities and programs in compliance with Board of Supervisors Policy _____, Naming of County Facilities and Programs (the "Naming Policy"). Capitalized terms used in this Procedure that are not defined in this Procedure have the meanings assigned in the Naming Policy.

II. PROCEDURE

All proposals for the granting of Naming Rights to Facilities, Facility Elements, or Programs must be submitted in writing to the County Administrator by the Deputy County Administrator for the Department or Program proposing the naming. The proposal must include, at a minimum, the following information:

- Specification of the Facility, Facility Element, or Program proposed to be named.
- Indication the proposal has been reviewed by the Pima County Attorney's Office for compliance with applicable law.
- If the naming is of a Facility or Facility Element, the proposal must indicate whether the Facility or Facility Element is wholly or partially bond-funded, whether any bonds are still outstanding, and whether the proposal has been reviewed by the Finance & Risk Management Department.
- The form of Naming Right agreement that will be used.
- A plan or procedure for tracking the Naming Rights.
- If the proposal is for an ongoing fundraising program rather than a stand-alone naming, the proposal must include a fundraising plan that specifies the possible naming opportunities, how many there are, the proposed dollar amounts required to be contributed in order to successfully name the Facility Element, and the timeline for payment of donations.

Upon approval of the plan by the County Administrator, a fundraising appeal may begin. Any agreement that grants Naming Rights to an entire Facility or Program or Naming Rights that will last more than five years must be submitted to the Board of Supervisors for approval, and no donation will be accepted for such a Naming Right until that approval has been obtained. The County Administrator is empowered to sign Naming Rights agreements that do not otherwise require Board of Supervisors approval. The proposed grant of Naming Rights must comply with all criteria in the Naming Policy.