



Policy No. 48
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Council Policy Statement

Category: NAMING RIGHTS OF PARKS AND MUNICIPAL FACILITIES
Specific Subject: Naming Rights Of Parks, Municipal Facilities, and Amenities Within Those Facilities

PURPOSE:

The purpose of this policy is to:

- Address naming or renaming where an exchange of consideration takes place (naming rights), and address memorial or honorific naming where there is no financial consideration.
- Create and establish criteria and procedures for the naming or renaming of parks, designated municipal facilities, and amenities within those facilities.
- Encourage philanthropic giving while acknowledging public investments and safeguarding against the unwanted commercialization of the public realm.
- Provide guidance on how to apply for approval to name or rename parks, designated municipal facilities, and amenities within those facilities.
- Present a clear and consistent evaluation framework and approval process for City Council in considering naming or renaming requests.

BACKGROUND:

The intent of this policy is to:

- Confirm the practice of naming or renaming parks, designated municipal facilities, and amenities within those facilities, after significant geographical, neighborhood, cultural and historical elements.
- Recognize substantial personal and financial contributions that individuals, groups, or community organizations have made to the public life and the well-being of the residents of the city.
- Promote the practice of naming or renaming parks to include designated municipal facilities and amenities within a park or municipal facility.
- Create, maintain, and make available a list by department of parks, designated municipal facilities, and amenities within those facilities eligible for City Council's consideration of naming.
- Institute a process under which a city-sponsored or city-recognized fundraising support group may work with staff and the City Council to formally establish conditions (via the agenda bill process) under which the group may identify and market naming opportunities, and enter into an agreement with the city under these terms.
- No vested rights shall be conferred or received by any individual, entity, group, or community organization as a result of this policy.



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GRANTING OF RIGHTS

- Naming rights of parks, designated municipal facilities, and amenities within those facilities usually granted in exchange for a significant financial contribution by an individual, group, community organization, entity, company, corporation or foundation to the city.
- Memorial or honorific naming of parks, designated municipal facilities, and amenities within those facilities in memory or honor of outstanding achievement, meritorious service, or exceptional community involvement on the behalf of an individual, generally without a financial contribution to the city.

POLICY:

Names of individuals, groups, community organizations, entities, companies, corporations, or foundations will be considered when they have made a significant contribution to the city by:

- Enhancing the quality of life and well-being of the city and a majority of its residents.
- Contributing to the historical or cultural preservation of the city.
- Contributing toward the acquisition, development, or conveyance of land or building to the city.
- A direct relationship or association that exists between a former place of residence of the person and the parks, designated facilities, and amenities within those designated facilities to be named.

General criteria for naming rights (including memorial or honorific naming):

- Must be consistent with personal or financial contribution level.
- Provides a sense of place, continuity and belonging reflecting the geographic location, community, neighborhood or street where the park, municipal facility or amenity within the facility is located.
- Recognizes the natural, historical and/or cultural significance of the area.
- Reflects the unique characteristics of the site.
- Consistent with the mission, vision and values of the city.

Additional criteria for memorial or honorific naming:

Memorial naming is designed to specifically acknowledge deceased individuals, while honorific naming is intended to recognize living individuals.

Parks, designated municipal facilities and amenities within those facilities may be named in memory or honor of an individual that has:

- Made a significant, positive contribution to the community without which the park, designated municipal facility, or amenity within those facilities may not have otherwise existed, or;
- Made an important contribution that enhanced a park, designated municipal facility, or an amenity within those facilities in an extraordinary way, and;
- Demonstrated continuous and longstanding track record of exemplary public service, or community volunteerism over a period of 15 or more years.
- Achieved such unique distinction as to warrant recognition;

- Had a longstanding and beneficial affiliation with the city, and;
- Maintained a continuous residence in the city.
- Where the name(s) of an individual(s) is recommended, written consent shall be obtained from the individual(s) (for honorific naming), their heir(s), or their estate (for memorial naming) prior to the City Council's public consideration.

In the case of a memorial naming opportunity, the person must be deceased for a minimum of one year before the proposal will be considered.

If the name proposed is that of an elected official or public employee, they must be retired from public service to be eligible for consideration.

Where the naming rights opportunity is the result of a financial contribution, the following factors must be considered:

- The duration of the naming opportunity.
- The cost paid to the city for naming shall be negotiated and established according to a market value assessment. The naming cost shall be commensurate with the cost of specific construction, operating, maintenance, and replacement costs of the parks, designated municipal facilities, and amenities within those facilities to be named.
- Market value assessment (a current assessment of the potential property value within the marketplace of the Naming Rights for a specific park, designated municipal facility and amenities within those facilities) to be coordinated by the responsible department on an individual basis.

Renaming:

A proposal to rename or add an additional name to a park, designated municipal facility, and amenities with those facilities shall adhere to all applicable criteria outlined above. In addition, the following guidelines shall be followed:

- The review process shall include due consideration and a comprehensive review of all pertinent documents by city staff. This includes a legal review by the city attorney of information relating to the original naming and proposed renaming.
- When a park, designated municipal facility, and amenities within those facilities has already been named, and will be replaced, substantially renovated, or developed for another use, the replaced or renovated park, designated municipal facility, and amenities within those facilities may be renamed.
- When a preexisting name is deemed by the Board, Commission, or city manager to be no longer befitting.
- When in default or the terms of the Naming Agreement have been violated or not fulfilled.
- When a park, designated municipal facility, and amenities with those facilities is proposed for renaming, a reasonable effort will be made to notify in advance the current individual named (or immediate family members), group, or community organization of the renaming.

Existing names may not be changed without consideration of:

- Community input.
- The historical significance of the existing name.
- The impact on the individual or organization previously named.
- The cost and overall effect of changing existing signs, rebuilding community recognition and updating records (e.g. letterhead, databases, and promotional materials).
- The Terms and Conditions of the Naming Agreement.

Names will not be chosen that:

- Cause confusion due to duplication or names sounding similar to existing locations within the city.
- Are the names of companies whose business is substantially derived from the sale of alcohol, tobacco, firearms, pornography, and sexually explicit goods or services.
- Are discriminatory or derogatory considering race, gender, creed, religious or political affiliation, or other similar factors.
- Recognize the birth, marriage or anniversary of specific individuals.

Naming Rights and Memorial or Honorific Naming Agreement:

The terms of naming rights and memorial or honorific naming of parks, designated municipal facilities, and amenities within those facilities shall be individually negotiated and agreed upon by all parties. The agreement is a legal contract between the applicant and the city, and shall contain:

- A description of the contractual relationship, specifying the exact nature of the agreement.
- The term of the agreement (specified commencement and termination period). Naming rights and memorial or honorific naming of parks, designated municipal facilities, and amenities within those facilities shall never be granted in perpetuity.
- Renewal options, if any.
- For Naming Rights proposals, market value assessment, including cash, in-kind goods and services (and method of evaluating in-kind contributions).
- Payment schedule.
- Description of rights and benefits.
- Release, indemnification, non-compliance and early termination clauses.
- Insurance clauses.

Each naming or renaming rights and memorial or honorific naming or renaming proposal will be considered on a case-by-case basis, and final approval is at the sole discretion of the City Council.

No vested rights shall be conferred or received by any individual or entity as a result of this policy or any action taken under this policy.

The City of Carlsbad reserves the right to reject or revoke naming rights and memorial or honorific naming proposals submitted by individuals, groups, community organizations, companies, corporations and foundations whose views or public statements do not promote and support the mission, vision and values, or best interests of the city.

Procedure:

- Applicant(s) shall submit a written proposal for naming rights or memorial or honorific naming to the corresponding department complete with justification to aid in considering the proposal. It is incumbent upon the applicant to clearly document and illustrate how the proposed name satisfies the criteria as defined in this policy.
- For memorial or honorific naming, the proposal shall include supporting background information and/or biographical information (newspaper articles, photos, proclamations, awards, and certificates) demonstrating that the proposed name is of significance to the community, and be accompanied by at least three, and no more than five, letters of support.
- Staff shall thoroughly review the proposal, and then forward it to the department director and City Manager for a recommendation.
- Only if the department director and City Manager determines that all applicable criteria as required by this policy has been satisfactorily demonstrated and achieved, shall the proposed name be placed on the Board and/or Commission agenda (if required) for further consideration. Incomplete or ineligible proposals will be returned to the applicant.
- Sufficient time shall be allowed for review by the Board and/or Commission and subcommittee if required, and to publicize and receive input from the community at the Board and/or Commission meeting. The Board and/or Commission's recommendation will be forwarded to the City Council for their final determination of the official name.

City sponsored or city-recognized support group fundraising guidelines:

In the case of city sponsored or city-recognized support groups fundraising on behalf of the City (i.e. Rotary Club, Friends of the Library and/or Friends of Carrillo Ranch), it is necessary to establish naming opportunities and gift levels prior to soliciting gifts and offering naming rights to prospective donors.

No final commitment to name a park, designated municipal facility or amenity within those facilities shall be made to a potential donor without the appropriate prior approvals as outlined within this policy.

The support groups will first establish recommended naming opportunities and gift levels. The recommended naming opportunities and gift levels will then be submitted to the corresponding department director for review, and then submitted to the corresponding Board and/or Commission. The Board and/or Commission's recommendation on the naming opportunities and gift levels will then be forwarded to the City Council for final approval via the agenda bill process prior to the support group soliciting donations.

Appeals Process:

- Within 30 calendar days of the denial of a Naming Rights Application by a department director/City Manager, an applicant(s) may only submit a written request for reconsideration if the applicant can demonstrate that criteria and documentation were not properly assessed at the time of the initial department director's review.
- The decision of the department director/City Manager may be appealed to the City Council. The decision of the City Council is final. It is the city's policy to not consider requests for reconsideration based solely on questions pertaining to the evaluation.