



BOARD OF SUPERVISORS AGENDA ITEM REPORT

Requested Board Meeting Date: July 5, 2016

Title: Proposed addition to Board of Supervisors Policies regarding Naming of County Facilities and Programs

Introduction/Background:

The County has, in the past, named facilities, parks, or programs in honor of persons who have made significant non-monetary contributions to the community (for example, the Abrams Public Health Center). However, if parties wish to make to the County any substantial monetary grant or donation from which the community may benefit, the parties may expect, in exchange for the donation, a commitment from the County to name a facility, piece of land, program, or other County asset or activity in acknowledgment of the party in whose honor the donation or grant was made. Furthermore, the County has no mechanism in place for encouraging or recognizing smaller donations that may be common with other not-for-profit entities, such as placement of engraved bricks, tiles or plaques for donations made, either on behalf of the donor or in acknowledgment of another party. The proposed policy is intended to establish a process for conveying enforceable naming rights to private parties in recognition of grants or donations made to the County for the benefit of the community.

Discussion:

It is a common practice among not-for-profit entities to name their assets or programs in a way that acknowledges the contributions made to such entities, recognizing either the donor or another party in whose honor the donation was made. This practice in our community is manifested in diverse forms, including the naming of buildings or wings of buildings, or placement of inscribed bricks, tiles or plaques, in recognition of a donation. This practice encourages philanthropic giving to the County from the private sector, with minimal cost to the County for the value received, and ultimately to the benefit of the community benefit. Pima County has no policy in place to consistently address or encourage this practice, and this proposed policy prescribes the circumstances under which the County may convey naming rights or recognition in exchange for value donated.

Conclusion:

Pima County should have in place a policy that encourages the donation of assets from private parties and prescribes the conditions under which naming rights or recognition may be conveyed in exchange for said donations.

Recommendation:

Staff recommends adoption and implementation of the proposed Board of Supervisors policy.

Fiscal Impact:

While the immediate fiscal impact cannot be determined, it is anticipated that having such a policy in place will encourage the continued and more widespread donation, from private parties to the County, funds or assets from which the entire community may benefit.

Board of Supervisor District:

☐ 1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☒ All

Department: Jan Leshner/Community and Health Services Telephone: 724-8977

Department Director Signature/Date: _____

Deputy County Administrator Signature/Date:



6-9-16

County Administrator Signature/Date:



6/14/16



PIMA COUNTY, ARIZONA BOARD OF SUPERVISORS POLICY

Subject: **Naming of County Facilities and Programs**

**Policy
Number**

X xx.xx

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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.



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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.



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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.