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RESOLUTION NO. 20 - 303

**BOARD OF COUNTY COMMISSIONERS
COUNTY OF EL PASO, STATE OF COLORADO**

RESOLUTION TO APPROVE THE FACILITY NAMING RIGHTS PROGRAM POLICY

WHEREAS, the Facility Naming Rights Program provides a formal process for naming County facilities after worthy individuals, groups, or organizations that have made El Paso County a better place and / or encourages the donation of land, facilities or financial support by individuals, organizations, businesses, and corporations; and

WHEREAS, facilities may include, but not limited to, buildings, meeting rooms, parks, athletic facilities, playgrounds, gardens, trails, plazas, and pavilions; and

WHEREAS, the naming rights may include civic, philanthropic, or corporate opportunities; and

WHEREAS, the Facility Naming Rights Program objectives include reserving the naming of facilities for exceptional circumstances which is mutually beneficial for all parties, ensuring that naming rights will create a strong public image and significant community support, and encouraging the gift of land, facilities or funding without undue commercialization of the facility.

NOW, THEREFORE, BE IT RESOLVED, that the Board of County Commissioners, of El Paso County, State of Colorado, does hereby approve the Facility Naming Rights Program Policy.

DONE THIS 18th day of August, 2020 at Colorado Springs, Colorado.

ATTEST:

By: _____

Clerk and Recorder



**BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO**

By: _____

Chair

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El Paso County

FACILITY NAMING RIGHTS PROGRAM POLICY

1.0 Introduction

The Facility Naming Rights Program is designed to systematically and consistently address opportunities for naming rights of El Paso County (County) facilities.

2.0 Definitions

2.1 Board of County Commissioners

The Board of County Commissioners is the policy-making body for El Paso County as defined by the powers and authority as granted by Colorado law.

2.2 Advisory Boards

Advisory Boards are appointed by the El Paso County Board of County Commissioners to provide input and guidance to the respective Office / Department.

2.3 Elected Official / Executive Director

An Elected Official or Executive Director that oversees the operation of a County facility.

2.4 Facilities

Facilities may include, but not limited to, buildings, meeting rooms, parks, athletic facilities, playgrounds, plaza, gardens, trails, and pavilions.

2.5 Naming Rights Agreement

A legal contract between El Paso County and an entity and will include, but not limited to: description of the contractual relationship specifying the exact nature of the agreement, term of the agreement, renewal options, value assessment including cash, in-kind goods and services, payment schedule, rights and benefits, releases, indemnification and early termination clauses, insurance clauses, and confidentiality terms.

2.6 Parties

The parties include El Paso County and an entity desiring to enter into a Naming Rights Agreement.

3.0 Program Objectives

The Facility Naming Rights Program includes the following objectives:

3.1 Reserve the naming of facilities for exceptional circumstances which is mutually beneficial for all parties.

3.2 The naming rights will create a strong public image and have community support.

- 3.3 Encourage the gift of lands, facilities or donations to the County without undue commercialization of the facility.
- 3.4 Promote investment in County facilities whereby:
- a. Contributions will result in significant and direct benefits to the County, including providing funding to construct, improve, and / or maintain a facility.
 - b. The granting of naming rights does not compromise the County's ability to carry out the functions of the facility.
 - c. The granting of naming rights will not entitle any naming entity to preferential treatment outside the specific conditions in the respective Naming Rights Agreement.
 - d. The granting of naming rights does not confer any rights to ownership or property management to the grantee.

4.0 Naming Rights Overview

- 4.1 It is the responsibility of the Board of County Commissioners, by and through Resolution, to approve any Naming Rights Agreement and when appropriate, modify or eliminate any naming rights per the Naming Rights Agreement and Facility Naming Rights Program Policy.
- 4.2 The County will utilize the naming rights process in a manner that best serves the interest of the County and ensures a worthy and enduring legacy for a facility.
- 4.3 Naming rights will be considered on a case-by-case basis.
- 4.4 Naming Rights Considerations:
- a. Does the proposed name have a historical, cultural and / or social significance for the County?
 - b. Will the name generate a strong and positive image?
 - c. Will the name memorialize or commemorate people, places or events that are of enduring importance to the County?
 - d. Will the name be identified with some major achievement or the advancement of the public good within the County?
 - e. Will the name be particularly suitable based on the location or history of the facility?
 - f. Will the naming request not result in undue commercialization of the facility?

- 4.5. Renaming or removing names is discouraged except as specified in naming rights agreements or when it is found that continued use of the name on a facility is not in the best interest of the County.

5.0 Naming Rights Categories

5.1 Civic Naming Rights

Facilities may be named after individuals, families or groups who have made exceptional contributions to the County under the following guidelines:

- a. The contributions and good reputation of the individual, families, or group are well documented and broadly acknowledged within the County.
- b. Naming for an outstanding individual is encouraged after that person has been retired from service or is deceased for at least one year.
- c. Written approval of the individual or next of kin in the case of deceased individuals or the elected board or other legal authority in the case of groups or organizations, shall be obtained.

The proposal procedures are as follows:

1. A written letter of request for naming must be received and include:
 - Request for naming rights
 - Reason for recommendation with full biography of the person or group / organization being recommended
 - Proposed facility to be named
 - Description of exceptional contributions
 - Acknowledgement that funds are available by requestor for cost of naming signage or other proposed recognition
 - Signatures of at least 50 El Paso County residents indicating support for the proposal
2. The Elected Official / Executive Director will review the proposal and if the proposal meets the civic naming rights policies, the Elected Official / Executive Director will prepare a Naming Rights Agreement for consideration.
3. The County Attorney will review the Naming Rights Agreement as approval to form.
4. The Elected Official / Executive Director will notify the applicant of a public hearing date when the Elected Official / Executive Director will present the Naming Rights Agreement to the respective Advisory Board, if applicable.
5. If applicable, the respective Advisory Board will provide a recommendation to the Board of County Commissioners for consideration and / or approval of the Naming Rights Agreement.
6. The intent of Civic Naming Rights is for permanent recognition.

7. No facility approved pursuant to this Policy shall be re-named without a public process and Board of County Commissioner's approval.
8. Any existing facility named prior to the approval of the Naming Rights Policy will remain without a public input process and Board of County Commissioner's approval.
9. Named areas shall be identified by the installation of appropriate plaques, signs or other recognition. All signage shall compliment the facility. All costs for recognition (signs, plaques, etc.) shall be paid the applicant.

5.2 Philanthropic Naming Rights

Facilities may be named after individuals, groups, or organizations who have made substantial philanthropic donations of property or monetary contributions towards the purchase and / or development of a respective facility.

The threshold for considering the philanthropic naming of a facility will include one or more of the following:

- a. Land for the facility is donated by way of deed to the County.
- b. Contributions of a minimum of 50% of the capital construction cost associated with developing the facility.
- c. Provision of a minimum ten-year endowment for the continued maintenance and programming of the facility. Endowments received for the naming of the facility shall be owned by El Paso County. Endowment proceeds, the income and principal balance shall remain payable solely for the benefit of El Paso County and the respective facility.

The proposal procedures are as follows:

1. Interested donors should contact the respective Elected Official / Executive Director to discuss the proposal. If the parties agree to proceed, the Elected Official / Executive Director will prepare a draft Naming Rights Agreement for consideration by both parties.
2. The County Attorney will review the Naming Rights Agreement as approval to form.
3. The Elected Official / Executive Director will notify the applicant of a public hearing date when the Naming Rights Agreement will be presented to the respective Advisory Board, if applicable.
4. If applicable, the respective Advisory Board will provide a recommendation to the Board of County Commissioners for consideration and / or approval of the Naming Rights Agreement.

5.3 Corporate Naming Rights

Corporate naming rights may be granted when a mutually beneficial business arrangement between El Paso County and an external entity (for-profit, not-for-profit, or other organization) provides financial or other support in return for marketing benefits from the external entity's name on the facility.

Corporate naming rights are administered under the following guidelines:

- a. Corporate naming rights may be provided through a procurement process, County leadership / staff approach, or approach from an external entity to El Paso County.
- b. The naming entity products, services and business practices shall not contradict with El Paso County's mission, vision, and values.
- c. Assets for which naming opportunities will be offered shall be valued as a function of capital costs, annual operating and maintenance costs, and desirability or marketability of the opportunity.
- d. Naming rights shall be approved for a specific term which shall not be longer than the useful life of the facility.

The proposal procedures are as follows:

1. Interested donors should contact the respective Elected Official / Executive Director to discuss the proposal. If the parties agree to proceed, the Elected Official / Executive Director will prepare a draft Naming Rights Agreement for consideration by both parties.
2. The County Attorney will review the Naming Rights Agreement as approval to form.
3. The Elected Official / Executive Director will notify the applicant of a public hearing date when the Naming Rights Agreement will be presented to the respective Advisory Board, if applicable.
4. If applicable, the respective Advisory Board's recommendation will be presented to the Board of County Commissioners for consideration and / or approval of the Naming Rights Agreement.

6.0 Policy Exceptions

The Board of County Commissioners must approve all modifications or exceptions to the Facility Naming Rights Program Policy.