Town of Simsbury

933 HOPMEADOW STREET P.O. BOX 495 SIMSBURY, CONNECTICUT 06070

Thomas F. Cooke – Director of Administrative Services

BOARD OF SELECTMEN MEETING
AGENDA SUBMISSION FORM

1. **Title of submission:** **Six (6) Month Moratorium of Simsbury Board of Selectmen Naming Rights Policy**

2. **Date of submission:** **February 19, 2014**

3. **Date of Board Meeting:** **February 24, 2014**

4. **Individual or Entity making the submission: Mike Paine, Selectman**

5. **Action requested of the Board of Selectmen (Acceptance of gift, creation of reserve, approval of contract, information only, etc. Be as specific as possible with respect to the desired action of the Board.):**
The Individual or Entity making the submission requests that the Board of Selectmen:

Immediately institute a six (6) month moratorium of the Simsbury BOS naming policy during that moratorium period the Board of Selectman will discuss, consider and suggest revisions to the current policy.

6. **Individual(s) responsible for submission (Please include complete contact information. The identified individual(s) should be prepared to present information to the Board of Selectmen at the Board Meeting.):**

Mike Paine, Selectman

7. **Summary of Submission (Include in your summary (i) relevant dates and timelines; (ii) parties involved; (iii) a description of financial terms and conditions specifically identifying the financial exposure/commitment of the Town of Simsbury; (iv) whether or not contracts, licenses and other legal documents have been reviewed by the Town's counsel; and (v) other information that will inform the Board of Selectmen's consideration of your submission. Include any additional information in an attached memorandum.):**

By taking six (6) months to discuss, consider and share our suggestions, I believe that we will have a better policy for both the Town and its residents.

Telephone (860) 658-3230
Facsimile (860) 658-9467

tcooke@simsbury-ct.gov
www.simsbury-ct.gov

An Equal Opportunity Employer
8:30 - 7:00 Monday
8:30 - 4:30 Tuesday through Friday

We can appoint a subcommittee of the Board of Selectmen to develop a revised draft policy that will be presented to the rest of the Board of Selectmen, with monthly updates.

8. <u>Description of documents included with submission</u> (All documents must be in final form and signed by the appropriate party.):

The following documents are included with this submission and attached hereto:

existing Town of Simsbury, Board of Selectmen Naming Rights Policy.

TOWN OF SIMSBURY
BOARD OF SELECTMEN
NAMING RIGHTS POLICY

The purpose of this policy is to establish the criteria and procedures for granting Naming Rights for Simsbury Town-owned facilities. The Naming Rights Policy recognizes that the naming of publically owned facilities is a legislative act. As such, this policy applies to all Town owned real property.

A. Naming Rights Defined

There are two circumstances in which "Naming Rights" may be granted. In each case, Naming Rights shall be established through a specific written agreement about the nature of the naming right. Such Agreement shall be negotiated between the parties or their representatives. Any such agreement shall be governed by the provisions of this policy.

1. Naming Rights in Consideration

"Naming Rights in Consideration" is in consideration of a financial contribution, sponsorship or other commercial transaction wherein the Town receives a monetary gain in exchange for the naming of a Town facility.

Naming Rights in Consideration may be granted by the Town in consideration of financial contribution made to the Town normally in the form of a cash gift. Naming Rights in Consideration may also be granted in return for provision to the Town of an appropriate sponsorship, including a grant of money or the provision or supply of equipment, materials, land or services. Naming Rights in Consideration may be granted at the sole discretion of the Town

by majority vote of the Board of Selectmen after a finding that the naming rights are consistent with this policy and in the best interests of the Town.

2. Naming Rights in Recognition

"Naming Rights in Recognition" is the naming of a Town facility, building or portion thereof in recognition of a significant contribution to the Town by a natural person that the Town wishes to honor. The recognized contribution can be in the form of financial or other gift from a donor unrelated to the award of the naming right, or meritorious service, and is at the discretion of the Town in agreement with the party or their representatives. Naming Rights in Recognition may be granted at the sole discretion of the Town by majority vote of the Board of Selectmen after a finding that the naming rights are consistent with this policy and in the best interests of the Town, and subject to the agreement of the party or the party's representative, except as provided in Section 3 below governing the naming of Board of Education facilities.

One of the following three criteria shall be fulfilled in order for the granting of Naming Rights in Recognition to be considered:

a. Recognition of historical significance and/or outstanding service to the Town, State of Connecticut or the United States of America while serving in a community service, public office, historic significance, or administrative capacity or other form of outstanding service to the community as determined by the Board of Selectmen;
b. Recognition of the career or professional achievements of distinguished alumni of the Simsbury Public Schools or for distinguished service in the United States Military;

c. Recognition of a generous financial or other contribution from a donor (in the form of a donation, bequest, sponsorship etc.), such contribution being voluntary and not rendered in consideration of the granting of naming rights.

The Town may solicit suitable monetary donations from the advocates of such recognition, particularly if the request comes from other than a family member.

3. Board of Education Facilities

Proposals for the naming of Town property occupied and/or used by the Board of Education shall be referred to the Board of Education. The Board of Education shall have the authority to establish its own policy with respect to the naming of Town property occupied and/or used by the Board of Education, provided that the Board of Education policy includes a public hearing requirement prior to any final decision with respect to the naming of such property.

4. Procedure

Proposals for the naming of a Town facility shall be directed to the First Selectman on a form prescribed by the Board of Selectmen. After an administrative review for the completeness of the request, the First Selectman shall transmit the proposal to the Board of Selectmen. The Board may then take one of four actions: (a) reject the proposal; (b) refer the proposal to a naming rights committee appointed by the Board of Selectmen; (c) accept the proposal as submitted; or (d) request a call for additional proposals from the public. In the event that a name is proposed for a newly constructed facility, the Board of Selectmen shall request a call for additional proposals from the public. The Board of Selectmen shall hold a public hearing prior to taking final action on a properly submitted proposal. Notice of the public hearing shall be

provided in a manner consistent with Section 404 – "Public hearing on and publication of ordinances." Notice shall also be provided on the Town website and sent via the Town's electronic distribution list.

B. Granting Naming Rights

In granting naming rights, either in consideration or in recognition, due regard should be taken of the need to maintain an appropriate balance between commercial considerations and the role which names of public buildings and spaces play in contributing to the Town's sense of identity.

The granting of Naming Rights shall always be consistent with the Town's vision and mission as defined by the Board of Selectmen. The long-term effects of the Naming Rights shall be considered in all decisions. The Town agency affected by the naming right to be granted may be consulted before any decision is made. Each granting of Naming Rights shall be memorialized by an agreement as defined by this and all other applicable Town policies.

1. Facilities for Which Naming Rights May Be Awarded

The term "facilities" as used in the Policy shall apply to the following:

- Town Owned Buildings – provided that the interior features of a Town owned building may be named separately from the main building subject to the criteria and procedures set forth in this policy
- Auditoriums/Theaters
- Gymnasiums
- Libraries
- Gardens/Walks
- Streets
- Athletic Fields/Facilities
- Concessions/Locker Rooms

For the purposes of this policy, the term "facilities" shall not apply to such minor items as benches, trees, refuse cans, flagpoles, water fountains or similar items.

2. Delegation of Approval Authority

The Simsbury Board of Selectmen is the body that grants Naming Rights except as provided in Section A.3 above. This authority may not be delegated.

3. Informed Consent

Except in the case of historical figures, the Town shall not grant a Naming Right without the informed written consent of the named party or the named party's legal representative.

4. Monetary Valuation of Naming Rights

Monetary valuations may be assigned to Naming Rights possibilities on a case-by-case basis to aid with making decisions about granting Naming Rights. The First Selectman shall determine the monetary valuation of each Naming Right after receiving a recommendation from the Town Finance Director, who may take advice from such persons or other professionals as needed and transmit it to the Board of Selectmen. Each case should take into account market comparisons for Naming Rights. As appropriate, the Town may seek professional valuation services for the valuation of the naming rights.

5. Duration of Naming Rights

The duration of Naming Rights shall be decided or negotiated on a case-by-case basis.

6. Physical Display of Naming Rights

The physical display of the Naming Rights shall be decided or negotiated on a case-by-case basis. In the case of buildings, the physical display of the Naming Rights will take into

account the identification of the Town and opportunities offered by the named building for the Town.

In cases of Naming Rights in Recognition, plaques or tablets may be installed in the building in recognition of a distinguished member of the Town community whose services were identified with the functions of those buildings.

C. Other Matters

1. Transferability

Named Rights may be transferred upon written approval of the Board of Selectmen

2. Renewability

Naming Rights that have expired may be renewed by mutual agreement between all the parties.

3. Limit of Naming Rights

a. On the part of the Town

The Town's right to use the name and other brand elements of the Named Party shall only be permitted by express agreement with the Named Party.

b. On the part of the Named Party

The Named Party after whom a building or part of a building is named shall have no rights to the purpose to which that building or part of the building is applied unless provided for in the specific contract between the parties. The Town will not agree to any condition in a contract that could unnecessarily limit the following: progress towards the Town's mission and purpose, statutory obligations, or the local authority of the Simsbury Board of Education.

In turn, the Named Party shall bear no liability in respect of that building or part of a building unless any such limits must be included in the Naming Rights agreement.

4. Early Termination of Naming Rights

In the event that this policy or any specific contract entered into in accordance with this policy is breached, the parties may terminate a Naming Rights agreement in advance of the scheduled date. A Naming Rights agreement may also be terminated under the following conditions:

a. Termination by the Town

The Town reserves the right, at its sole discretion, to terminate Naming Rights without refund of consideration, prior to the scheduled termination date, should it feel it is necessary to do so to avoid the Town being brought into disrepute.

b. Termination by the Named Party

The Named Party may without refund of consideration at its sole discretion, terminate its acceptance of the Naming Rights prior to the scheduled termination date, in the event that the Town directly brings the Named Party into disrepute.

Adopted by the Board of Selectmen on August 12, 2013.

Town of Simsbury

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Proposal for Naming of Town Facility

The policies and procedures for the naming of a Town Facility are set forth in the Town of Simsbury Board of Selectmen Naming Rights Policy (the "Policy") which was adopted in 2013. Proposals for the naming of a Town Facility must be prepared in compliance with the Policy. Please complete the questions below and submit your proposal to the First Selectman. After an administrative review for the completeness of the proposal, your proposal will be forwarded to the Board of Selectmen for consideration in accordance with the terms and conditions of the Policy.

Please note that the naming of a Town Facility, other than a Town Facility occupied and/or used by the Board of Education, is at the sole discretion of the Board of Selectmen, is subject to the terms and conditions of the Policy and is conditioned upon execution of an Agreement between the Town of Simsbury and the person honored by the naming of the Town Facility (or his/her representatives). Proposals applicable to Town Facilities occupied and/or used by the Board of Education will be forwarded to the Board of Education for its consideration in accordance with its policies and procedures.

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1. Who is submitting the proposal?

   Name: _____

   Address: _____

   _____

   Telephone: _____

   e-mail: _____

2. What Town Facility do you wish to name? (See, Section B.1 of the Policy; Note that a monetary valuation of the naming rights may be required pursuant to Section B.4 of the Policy.)

   _____

   _____

   _____

3. What name are you proposing for the Town Facility identified above?

_____

4. Are you the legal representative of the person/entity identified in answer to No. 3 above?

_____

5. If you are not the legal representative of the person/entity identified in answer to No. 3 above, do you have the informed written consent of the named party or the named party's legal representative? If the answer is "yes," please provide a copy of the consent with your Proposal.

6. Are you proposing naming rights "in consideration" or naming rights "in recognition?" (Please refer to Section A.1 and A.2 of the Policy.)

   a. **Naming Rights in Consideration**: If you are proposing "naming rights in consideration," please attach a statement (1) describing the nature of the proposed consideration (financial contribution, sponsorship, grant, in-kind contribution, etc.); and (2) explaining why you believe the Town Facility should be named for the person or entity identified in answer to No. 3 above.

   b. **Naming Rights in Recognition:** If you are proposing "naming rights in recognition," please attach a statement in support of your proposal which describes the nature of the significant contribution made by the individual or organization identified in answer to No. 3 above. (See, Section A.2 of the Policy: historical significance and/or outstanding service; career, professional achievements or distinguished service; financial or other contribution(s) to the Town made on a voluntary basis.)

7. What is the desired duration of the proposed Naming Rights?

_____

8. What is the desired display of the proposed Naming Rights?

_____

_____

_____