



POLICY MANUAL

THE CORPORATION OF THE TOWN OF ESSEX		
SECTION: CORPORATE SUBJECT: NAMING RIGHTS POLICY – MUNICIPAL PARKS & FACILITIES	DOCUMENT NO: 009	
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1.0 OBJECTIVE

This policy provides guidelines for the solicitation, receipt, evaluation and approval of naming rights for any municipal assets including parks, open spaces, facilities, and other municipal buildings or properties resulting from gifts or sponsorships. The naming of municipally-owned assets is important for public awareness, promotion and emergency access and must be consistent with the vision of the Town of Essex. Naming rights resulting from gifts or sponsorships will not contravene any policy or by-law of the Town nor reflect negatively on the Town's public image.

2.0 DEFINITIONS

"Evaluation Committee" means a Committee appointed by Council to evaluate proposals for naming rights and will consist of an equal balance of Council members and members of the senior management team.

"Municipal assets" means any building, structure or area of land owned or under the direction and control of the Town of Essex, including but not limited to leisure centres, sports facilities, arenas and parks or components, areas or rooms thereof.

"Naming rights" means a type of sponsorship in which a sponsor purchases the exclusive right to name a municipal asset for a specified period of time and the naming right is sold or exchanged for cash or other gift.

“Senior management team” refers to the Chief Administrative Office, the Director of Finance & Administration/Treasurer, the Clerk, the Director of Infrastructure and Development and the Director of Parks & Recreation.

“Total capital cost” refers to the total construction cost of a park or facility and may include costs related to land acquisition, engineering and architectural fees, costs to construct the facility or park, interest on monies borrowed to finance a project during construction, etc.

3.0 SCOPE

This policy covers naming rights related to a specific room, area or component of parks and facilities owned by the Town of Essex as well as naming rights for a park or facility, exclusive of specific rooms, areas or components of the park or facility. This policy is only applicable to naming rights resulting from gifts or sponsorships, either solicited by the Town of Essex or proposed by a potential sponsor.

4.0 RESPONSIBILITIES

Senior administrative staff is responsible for performing a preliminary review of all proposals received for naming rights in conjunction with this policy and identifying any non-compliance with the policy for purposes of subsequent evaluation by an Evaluation Committee.

The Evaluation Committee is responsible for evaluating naming rights proposals in relation to the established criteria outlined in this policy, as well as any other criteria established by the Committee. The Evaluation Committee will provide a report to Council on the evaluation process and may make recommendations to Council on preferred proponents.

The final decision on naming rights lies with Council of the Town of Essex and will be reported publicly at a Regular Council Meeting.

5.0 SOLICITATION OF NAMING RIGHTS

The Town of Essex will consider any interest expressed by a potential sponsor for naming rights. From time to time, the Town of Essex may solicit gifts or sponsorships for naming rights through a formal Request for Proposal process either on its own or in partnership with another organization such as a local service club.

In all instances, the Town will provide individuals, organizations or corporations seeking naming rights with details regarding the anticipated value of the contribution and the intended method of recognition, such as signage.

The Town of Essex reserves the right to withdraw a Request for Proposal at any time or to decline any or all proposals without providing specific details on the reasons thereto.

6.0 PERMITTED NAMING RIGHTS

Sponsorships which are not included in the list of Restrictions on Naming Rights and represent good value, as determined by the Town of Essex will be considered. Naming rights for parks and facilities exclusive of areas, components and rooms of the park or facility should generally represent a significant contribution in relation to its total capital cost and will vary from facility to facility.

Naming rights must enhance the Town's delivery of service and the general public awareness of its parks and facilities as well as complement the image of the Town and its public relations. Naming rights which compromise, influence or otherwise alter the vision, goals and priorities of the Town of Essex or diminish its public image will not be considered.

The display of naming rights will not take precedence over the display of the Town's corporate identity. Agreements for naming rights shall not in any way influence the day-to-day operations of the Town nor imply preferential treatment of a donor or preference for a donor's product or service by the Town. The display of naming rights shall not impose a health and safety risk.

Naming rights must comply with all Federal and Provincial statutes as well as by-laws and policies of the Town of Essex.

7.0 RESTRICTIONS ON NAMING RIGHTS

The Town reserves the right to refuse any proposal for naming rights which it feels is in conflict with its vision, goals and objectives or may be objectionable to its residents. The Town will not consider naming rights which, directly or through a third party,—

- Are derogatory to children or promote or support the distribution or sale of child pornography;
- Promote or support the production, sale or distribution of life-threatening devices such as guns, knives, etc.
- Portray demeaning or derogatory portrayals of individuals or groups of individuals that cause offence to an individual or group of individuals or may be considered discriminatory in relation to the protected grounds under the *Ontario Human Rights Code*, R.S.O. 1990;

- Promote goods or services which will have a significant, negative impact on the environment; and,
- Promote religious or political messages, including the promotion of a political party or election candidate.

8.0 PROPOSALS FOR NAMING RIGHTS

Proposals for naming rights must be submitted in writing to the attention of the Clerk of the Town of Essex. At a minimum naming rights' proposals must contain the following information—

- a) Background information on the group, organization, corporation or individual proposing the naming rights;
- b) Details on the municipal park or facility or area, component or room thereof, to which the proposal relates;
- c) The value of the gift or sponsorship being proposed;
- d) Expectations of the group, organization, corporation or individual on the naming rights, including period of time during which naming rights will apply, special considerations regarding signage, etc.; and,
- e) Documentation, if available, from groups, organizations or individuals which reflect support for the proposal.

Additional information may be required in cases where the Town of Essex solicits proposals for naming rights through a Request for Proposal process.

9.0 EVALUATION OF PROPOSALS FOR NAMING RIGHTS

All proposals for naming rights will be evaluated against the provisions of the policy and any other criteria established by the Town of Essex. For purposes of evaluating proposals for naming rights, the Town of Essex may appoint an Evaluation Committee comprised of an equal balance of Council members and members of senior administration. In the absence of an appointed Evaluation Committee, the senior management team of the Town of Essex will evaluate the proposals.

The following factors, together with any other criteria established by the Town of Essex, will be considered when evaluating a proposal for naming rights—

- Whether the proposal is excluded on the basis of Section 7.0, "Restrictions on Naming Rights" of this policy;

- The value of the proposal in relation to the total capital cost of the municipal park or facility or the capital cost of areas, components and rooms within the park or facility in relation to the advertising opportunity and the benefits to be gained by the proponent;
- Whether or not the naming opportunity complements or enhances the Town's image, vision, goals and objectives and promotes its public image;
- The degree to which the naming rights proposal has a local identification with residents of the Town of Essex;
- Whether the proposal poses any health and safety risk or a risk in terms of its geographic identification for purposes of emergency access; and,
- The name is unique so as to avoid confusion and name duplication, including names which may sound similar;

As the Committee or the senior management team deems appropriate, they may consult with stakeholders within the community to gauge the level of support for the proposed naming.

10.0 NAMING RIGHTS AGREEMENT

In the case of naming rights which encompass an entire municipal park or facility, exclusive of areas, components or rooms within the park or facility, upon approval of the proposal by Council of the Town of Essex, a Naming Rights Agreement in the form of a legal contract will be developed. The Agreement, at a minimum will identify the following—

- Identification of the parties to the Agreement;
- A description of the contractual relationship;
- The rights, benefits and limitations under the Agreement;
- The term of the Naming Rights Agreement, including the term for the display of signage;
- The value of the gift or sponsorship and a schedule of payments of such gift or sponsorship during the term of the agreement;

- Terms for the removal of signage at the termination of the Agreement;
- Agreement renewal options, if applicable;
- Confidentiality requirements, if applicable;
- Release, indemnification and early termination clauses; and,
- Insurance clauses.