

**From:** [Mendez, Zacharias](#)  
**To:** [Mary McCue](#); [Burnham, Nicolle](#); [sheelajivan@google.com](mailto:sheelajivan@google.com); [Andrew Bryant](#)  
**Cc:** [Downtown West Project](#)  
**Subject:** Re: City Charter  
**Date:** Wednesday, July 22, 2020 2:19:46 PM  
**Attachments:** [CPM 1-17 - Fundraising and sponsorship.pdf](#)  
[CPM 7 5 - Park Naming \(policy\).pdf](#)

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Hello Mary,

Attached are the council polices regarding naming of city facilities and sponsorship/fundraising/donations I mentioned in our meeting.

Regards,  
Zak

**ZACHARIAS MENDEZ** | Parks Planner  
**Parks, Recreation and Neighborhood Services**  
City Hall | Tel: 408.793.4171  
200 East Santa Clara Street, San José, CA 95113  
***Building Community Through Fun***  
[sanjoseca.gov/prns](http://sanjoseca.gov/prns) | [www.vivcallesj.org](http://www.vivcallesj.org)

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**From:** Mary McCue <mmccue@mjmimg.com>  
**Sent:** Wednesday, July 22, 2020 2:17 PM  
**To:** Burnham, Nicolle <nicolle.burnham@sanjoseca.gov>; sheelajivan@google.com <sheelajivan@google.com>; Andrew Bryant <abryant@mjmimg.com>  
**Cc:** Mendez, Zacharias <Zacharias.Mendez@sanjoseca.gov>; downtownwest@esassoc.com <downtownwest@esassoc.com>  
**Subject:** RE: City Charter

[External Email]

Received thank you.  
Mary

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**From:** Burnham, Nicolle <nicolle.burnham@sanjoseca.gov>  
**Sent:** Wednesday, July 22, 2020 12:51 PM  
**To:** sheelajivan@google.com; Andrew Bryant <abryant@mjmimg.com>; Mary McCue <mmccue@mjmimg.com>

**Cc:** Mendez, Zacharias <Zacharias.Mendez@sanjoseca.gov>; downtownwest@esassoc.com  
**Subject:** FW: City Charter

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**From:** Phan, Johnny  
**Sent:** Wednesday, July 22, 2020 10:47 AM  
**To:** Burnham, Nicolle <[nicolle.burnham@sanjoseca.gov](mailto:nicolle.burnham@sanjoseca.gov)>; Mendez, Zacharias <[Zacharias.Mendez@sanjoseca.gov](mailto:Zacharias.Mendez@sanjoseca.gov)>  
**Subject:** City Charter

<https://www.sanjoseca.gov/home/showdocument?id=13907>

See City Charter Section 1700

Sent from my iPhone

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*City of San José, California*

**COUNCIL POLICY**

<b>TITLE</b> DONATION, SPONSORSHIP AND FUNDRAISING POLICY	<b>PAGE</b> 1 of 11	<b>POLICY NUMBER</b> 1-17
<b>EFFECTIVE DATE</b> March 23, 2004	<b>REVISED DATE</b> August 21, 2012	
<b>APPROVED BY COUNCIL ACTION</b> 3/23/2004, Item 10.2, Res. No. 72014; 6/23/2009, Item 2.41(b)(2), Res. No. 75051; 8/21/2012, Item 3.3, Res. No. 76396		

**PURPOSE**

To encourage and support departments in the development of partnerships to aid in revenue generation and Fundraising and Sponsorship efforts that are consistent with existing City policies, procedures and applicable laws.

**BACKGROUND**

The City of San José has a tradition of creative and innovative solutions that sustains ongoing services for our residents; the City continues to look for ways in which Public-Private Partnerships provide Donations, funding and volunteer assistance to support and enhance City services.

**POLICY**

It is the Policy of San José to encourage and support individual Departments and City-related foundations to pursue Donations, Sponsorships and other Fundraising activities with the purpose of creating opportunities for partnerships and enhancing revenue for department priorities. Individual Departments, through the approval of the City Manager and/or City Council, shall develop Sponsorship and Fundraising programs that meet the requirements set forth in this Policy.

**GENERAL PROVISIONS**

1. This policy is intended to establish a framework to direct the City Departments and the City Manager in establishing Donation, Sponsorship, and Fundraising programs so that the Departments may properly consider and address the different economic, procedural and legal issues that may be associated with Donation and Sponsor solicitation and recognition, including those related to City-related foundations.
2. This policy is intended to support the City's ability to increase revenue and partnerships and does not limit the City's ability to apply for grant funding.

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3. The City encourages the acceptance of Donations or Sponsorships if the Donation or Sponsorship provides a significant enhancement to the City, enhances or reduces costs the City would incur in the absence of its acceptance, or if it otherwise benefits the City in a manner that provides a net savings to the City.
4. The City encourages Donations of materials with the understanding that such items have a useful life. Once a Donation is accepted, it becomes City property and the City may decide to maintain, replace or dispose of the item unless the Donation is explicitly accepted by the City subject to restrictions.
5. Unrestricted Donations are preferable to restricted Donations.
6. Definitions of terms used in this policy are set forth below.

#### **AUTHORITY**

1. The Director of each Department shall submit to the City Manager for approval, written Sponsorship, Donation, and/or Fundraising programs to be implemented by Departmental staff.
2. The City Manager is hereby authorized to approve Sponsorship, Donation and/or Fundraising programs and to issue requests for proposals to engage in similar Donation or Sponsorship solicitation activity. City Council approval is required if any of the following conditions are met:
  - a. A proposed Donation or Sponsorship is of a value or term in excess of the City Manager's contract authority under Chapter 4.04 of the San José Municipal Code (including a fair market valuation of in-kind contributions);
  - b. A proposed Grant of any Donor or Sponsorship recognition rights has a value in excess of amount the City Manager's contract authority as set forth in Chapter 4.04 of the San José Municipal Code; or
  - c. Agreement to name any City property after any individual or entity unless expressly provided otherwise in the City Council Policy on Naming of City-Owned Land and Facilities (Policy 7-5).
3. The City Manager may delegate authority to the Department Director to approve a Department's Sponsorship, Donation and/or Fundraising program which delegation may not exceed the City Manager's authority unless also approved by City Council.

#### **CITY-RELATED FOUNDATIONS**

Some City-related foundations have been created to facilitate additional City services and resources through Public-Private Partnerships. The boards of the foundations have been developed by recruiting directors with specific expertise, business connections and

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fundraising ability. This section is intended to provide guidance to staff to evaluate whether to accept Donations, grants, or other forms of financial or in-kind assistance provided by City-related foundations in light of any actual or potential conflict of interest and the appearance of a conflict of interest.

Guidelines

1. City-related foundations should develop their Donation, Sponsorship, and/or Fundraising policies in consultation with the beneficiary City Department(s) and the City Attorney’s Office in order to avoid any actual or potential conflict of interest or the appearance of a conflict of interest. The Library Department’s 2004 “Guidelines for Contributions to the City of San José and Recognition of Donors for the Library Fundraising Campaign,” the “San José Police Foundation Conflicts of Interest Policy,” and the “San José Parks Foundation Conflict of Interest Policy” are incorporated by reference as conforming to this policy.

City staff shall ensure that City-related foundations develop conflict of interest policies that are timely and conform to the guidelines as set forth below for development of new Donation, Sponsorship, and/or Fundraising policies for City-related foundations.

2. Directors or designees of City Departments that receive assistance from a City-related foundation shall conduct, at a minimum, an annual review of the following:
  - a. The membership of the foundation’s board to determine whether the addition of a particular person on the board raises an actual or perceived conflict;
  - b. Annual signed statements from each foundation board member and principal officer affirming that such person has received, read, understands and agrees to comply with the conflict of interest policy; and
  - c. The foundation’s current conflict of interest policy to determine if any material change has been made to the policy that may affect the decision to accept funding or any other benefit from the City-related foundation.
3. At a minimum, new Donation, Sponsorship, and/or Fundraising policies developed for City-related foundations should set forth the following elements relating to conflict of interest:
  - a. The purpose of the policy;
  - b. Procedures relating to the duty and opportunity of a member of the board or employee to disclose an actual or possible conflict of interest, how the board will determine whether a conflict of interest exists, how a conflict of interest will be addressed, and how violations of the conflict of interest policy will be addressed;

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- c. Annual signed statements from each foundation board member and principal officer affirming that such person has received, read, understands and agrees to comply with the conflict of interest policy; and
- d. Periodic reviews by the board of the City-related foundation and/or outside advisors regarding whether the foundation's transactions conform to the foundation's written policies, are properly recorded, reflect reasonable investment or payment for goods or services, further charitable purposes and do not result in an impermissible private benefit or excess benefit transaction.

## **DEPARTMENT PROCESS**

### Guidelines

1. Individual departments shall develop their Donation, Sponsorship, and/or Fundraising programs in consultation with the City's Attorney's Office and which shall be approved by the City Manager. In its simplest form, a Department program may consist of a memorandum to the City Manager indicating the following:
  - a. Goal of the sponsorship, donation, and/or fundraising activities;
  - b. Timeframe for the program;
  - c. Target audience and method of outreach; and
  - d. Procedure for acceptance and reporting of activities, ensuring internal controls.
2. Where a more elaborate plan is needed, a Department program may set forth:
  - a. The types of Donor or Sponsor recognition that is available for specified value of Donorship or Sponsorship, subject to City Council approval if the value of recognition is beyond the contract authority of the City Manager;
  - b. Individual Departments may offer official City endorsement of entity, product, or service based on the City Manager-approved Sponsorship program and Sponsorship Agreement, and further subject to City Council approval if the value of official City endorsement is beyond the contract authority of the City Manager;
  - c. The Sponsorship level or range of Sponsorship levels for the naming of the City property if permitted by the City Council Policy on Naming of City-Owned Land and Facilities (Policy 7-5) or otherwise approved by City Council;
  - d. Specified or maximum sizes and identification of location(s) of any signage in recognition of the Donation or Sponsorship and any restrictions on the text of the recognition signage; and
  - e. A Net Benefit Analysis may be conducted which may only be utilized for the City's internal review of the proposed Donation or Sponsorship and is not intended to provide any information to third parties. This Net Benefit Analysis should include evaluation of factors such as:

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- i. The administrative costs of obtaining the Donation or Sponsorship;
  - ii. The anticipated additional costs and/or anticipated savings in the following areas:
    1. Capital costs;
    2. On-going operational costs;
    3. On-going Maintenance costs;
    4. Repair costs;
    5. Clean-up costs;
  - iii. Costs for compliance with any restriction on the Donation or Sponsorship or estimated reduction in value of benefit due to the restriction;
  - iv. Any additional potential liability that the City may assume by accepting the Donation or Sponsorship including any requests for deviation from the City's typical standard requirements, such as the level of indemnification, insurance, bonding, or warranties requested. Requests for modification of an indemnification provision in relation to a Donation or Sponsorship would follow Administrative Policy regarding Mutual Indemnification in Donated Services;
  - v. Costs of management of City's obligations of a Donation or Sponsorship;
  - vi. The financial ability of the donor or Sponsor if some of these costs are to be covered by the Sponsor or Donor; and
  - vii. The City's ability to fund any uncovered costs set forth above.
3. The Department staff designated to oversee the Department's Donation, Sponsorship and/or Fundraising activities will ensure that the proposed Donation, Sponsorship and/or Fundraising program does not conflict with existing Municipal Code provisions, City policy or existing City Sponsorships. Department staff shall also ensure that the City property involved is not subject to restrictions that would limit or prohibit the proposed Donation or Sponsorship.(1)
  4. The Department staff accepting items donated to the City will ensure that the items are safe and durable, and meet any applicable City design or quality specifications, standards, and policies.
  5. Where applicable, the Department's Donation, Sponsorship and/or Fundraising program shall set forth the conditions for acceptance of funds. Conditions shall be fair, impartial and shall not discriminate on the basis of race, sex, color, age, religion, sexual orientation, actual or perceived gender identity, disability, ethnicity, national origin, or political views of the proposed Donor.
  6. Any Department considering acceptance of a Donation or Sponsorship that may impact or affect other Departments shall consult with those Departments prior to acceptance of the proposed Donation or Sponsorship.(2)
  7. It shall be the goal of any Departmental Donation, Sponsorship and/or Fundraising

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program to find Donors or Sponsors providing the highest net benefit to the City, along with consideration of the quality of product or service to be received by the City.

8. All Donations in cash shall be deposited and recorded with the Finance Department and deposited within the current gift trust fund policies.
9. Unaccepted Donations will be returned to the Donor.
10. Donations, including unrestricted cash Donations, made directly to the City shall be recorded on the City's "Donation Acceptance Form."

#### Sponsorship Agreements

After the selection of a Sponsor by the City Council, City Manager or Department Head, as appropriate, the terms of the Sponsorship, including any expectation of a significant return or recognition, shall be set forth in a written Sponsorship Agreement approved as to form by the City Attorney.

City Manager may include renewals of a Sponsorship agreement at the City's option, provided that the aggregate of all of the renewals is within the City Manager's contract authority under the Municipal Code. Any renewal shall be subject to annual appropriation of City Council if City funding is involved. Sponsorship Agreements or Donation Agreements involving City parks may also be subject to the term limitation of Section 1700 of the City Charter or the Municipal Code.

#### Costs, Accounting and Record Keeping

Departments shall maintain records that provide an audit trail for the receipt of all Sponsorships and Donations. Departments shall also comply with the following requirements:

1. All Donations and Sponsorships and the revenue, products, and services received shall be recorded and maintained for at least the expected life of the item or service, or for a specific time frame that has been established in the Donation Agreement or Sponsorship Agreement.
2. Donations or Sponsorships paid for with a monetary contribution shall not be paid to staff in cash unless approved, in advance, by the Department Director and receipt of cash is properly documented.
3. A record of all Sponsorships and Donations including name, type, contact name if a company, amount, and disposition of Sponsorship shall be kept up-to-date and accurate.
4. Departments shall report any Donations or Sponsorships received by the Department through reports to City Manager.



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## OTHER DONATIONS OR CONTRIBUTIONS

### 1. Real Property Contributions

a. Restricted Donations of real property may be offered to the City for specified purposes. The City will review the conditions of the restrictive Donations of real property and determine if the benefits to be derived warrant the acceptance of the Donation. All Donations of title to real estate, no matter how small, require City Council approval after proper investigation and due diligence is conducted by staff.

i. For any buildings and structures donated to the City, the City administration shall also conduct its net benefit analysis. It is the policy of the City of San José that the following apply to Donations of buildings or structures:

1. The Donor may pay the cost for moving and/or construction of a donated structure and:

a. The City may pay the insurance and/or bonding required or assume the liability risk under its current self-insurance provisions where appropriate.

b. It is preferred that costs for project-related architectural, engineering and inspection costs incurred by City, including staff time, be paid by Donor but may be subject to mutual contribution by City and Donor if set forth in the Donation Agreement. A Donation involving real estate is more complex than cash Donations and the Donation Agreement documenting a real estate-related Donation should be prepared by and approved by the City Attorney's Office.

ii. For buildings and structures which are donated and approved by City Council, affecting City parks, and accepted by the Director of the Parks, Recreation and Neighborhood Services Department:

1. If the approved Donation is anticipated during an upcoming fiscal year, and if the City Manager or Designee agrees that payment of the project-related architectural, engineering and inspection costs is to the City's benefit, these project-related estimates should be requested during the annual budget process and subject to appropriation by City Council. If the approved Donation is not anticipated during the annual budget process, the Director of PRNS will determine if any existing Capital funds are eligible and appropriate to be used to accept the donation. If there are no eligible and appropriate existing Capital funds, the Director of PRNS will return to Council with a funding recommendation.

2. The cost allocation method stated here for PRNS projects should also be utilized by other City departments in the event that a donation of real

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property proposal is presented.

2. Works of Art Contributions

If a contribution is proposed related to a work of public art covered by the City's Art in Public Places ordinance, currently found in Chapter 22.08 of the San José Municipal Code, the City's review and acceptance of the proposed contribution of public art shall be conducted in accordance with the City's Art in Public Places ordinance, which shall include the review and recommendation of the City's Arts Commission and compliance with any policies adopted regarding donations of works of public art. Any time a Donation of a work of art or a contribution toward the acquisition of a work of art that would not ordinarily be covered by the City's Public Art Ordinance is proposed for the City, the City Department that operates or maintains the site of the proposed work of art shall submit the proposed Donation to the Arts Commission for the Arts Commission's recommendation regarding acceptance of the proposed Donation of public art.

**DEFINITIONS**

- Fundraising: Any activity conducted with the intent of soliciting Donations, Sponsorships or other financial contributions to the City or to a particular Department or activity of the City. Fundraising activities may include, but are not limited to, City grant proposals, City responses to Request for Proposals issued by other agencies, foundations or funding agencies, endowment programs, adoption or pledge drives, and contacting individuals, companies, foundations, or other entities with the primary purpose of receiving financial support for the City.
- Sponsorship: A "Sponsorship" typically means a person or entity that provides the City with financial support for an activity, City program or City facility, typically in exchange for the City providing more than nominal recognition of its financial support, which distinguishes a Sponsorship from a Donation. Financial assistance provided by a Sponsor may consist of cash and/or in-kind contributions.
- Donation: A Donation to the City means a person or entity providing the City with financial support or property of a value exceeding the City's payment for such item. Furthermore, a Donor typically does not expect to receive a substantial return or recognition from the City in return for the Donation. A Donation may consist of cash, real property (land) or an in-kind Donation. Donations may be unrestricted or restricted by the Donor.
- Stock Donations: Stocks are the proprietorship element in a corporation usually divided into shares and represented by transferable stock certificates. Current rules require the City to immediately sell stock Donations upon receipt unless the stock was received through a gift or bequest with restrictions on its sale.
- In-Kind Contributions: A contribution of an item or object other than cash or real property, which would serve a useful purpose in the provision of City services.

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Examples of in-kind contributions may include equipment, materials or services.

- Donor: A company, organization or individual who provides the City, or one of the City departments, an item or service without expectation of significant return or recognition.
- Restricted Donation: A Donation made to the City where the Donor has restricted its use to a specified purpose.
- Sponsor: A company, organization or individual who provides the City with funding support for a program, activity or facility in the form of a Sponsorship, and who expects significant recognition in return.
- Sponsorship Agreement: A negotiated agreement between the City and a company, organization or individual whereby the City makes a Sponsorship opportunity available and enters into an agreement with a company, organization or individual to pay a fee in cash, products, services or a combination thereof, for recognition rights related to certain identified City-owned commercial or marketable assets. A Sponsorship Agreement may permit a limited form of advertising opportunity for a company, organization or individual in exchange for the fee paid to the City, subject to the terms of this Policy and subject to the approval of the City Manager and the City Attorney's Office.
- Unrestricted Donations: A Donation made to the City where the Donor has placed no limitation on its use.
- Amenity: An "Amenity" is an improvement located on City property which is less than the entire portion of a City property, such as a wall at a park, a plaza in front of a City building, a trail located along City property, an interior room or rooms in a building. A fully enclosed structure such as a City building with walls and roof (examples being a community center, stand-alone gym, warehouse, or stand-alone building housing a restroom and locker room) is more substantial than an Amenity, and City Council approval is required before granting naming rights. An Amenity may include any of the following if located on City property: plazas that constitute only a portion of a larger parcel of City property, gazebos, archways, paths, athletic facilities that are not fully enclosed structures, playing fields, portions of aquatic facilities that are not enclosed structures or City buildings, picnic areas, tot lots, play structures, hard courts, and trail segments. If the administration is unsure if a specific City improvement is an Amenity or more substantial than an Amenity, the City Manager shall seek direction from the City Council Rules and Open Government Committee.
- Works of Art: Includes, but is not limited to, physical art that may be an integral part of a public site or building, or that may be integrated with the work of other design professionals. Examples of public works of art include sculptures, murals and paintings, earthworks, neon, glass, organic materials, mosaics, photographs, prints, film, any combination of media forms, or hybrids of any media.

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## **DISCLAIMERS**

1. Different forms of contributions to the City present different opportunities and challenges. Therefore, it is not possible to establish blanket guidelines to cover all types of Donation or Sponsorship activity that the City may decide to pursue.
2. Unless expressly stated otherwise, the City does not intend to modify or change the non-public forum status of any City property by providing Donor recognition or Sponsorship recognition on City property.
3. The making of a Donation or Sponsorship to the City will not provide any extra consideration to the Donating or Sponsoring party in relation to any City procurement, any regulatory activities of the City, or other City business. No City employee or other City Official is authorized to offer any such extra consideration to a donating party.
4. Any Donation or Sponsorship which, if accepted, would obligate the City to enter into a service or procurement agreement should be reviewed under the City procurement process.
5. The City encourages Donations of materials with the understanding that such items have a useful life, and that the City assumes no responsibility for replacement or upkeep. Once a Donation is accepted, it becomes City property and the City may maintain, replace or dispose of the item unless the Donation is explicitly restricted.
6. The City cannot guarantee the tax deductibility of a Donation, but may provide the donating party with a letter of acknowledgement and a statement of the City's intended use.
7. City staff shall maintain the highest standard of ethics in Fundraising activities. All Donations or Sponsorships must directly enhance the City's ability to provide goods or services to the public or for another valid public purpose, and may not be used for personal financial gain of any City employee.
8. City employees who have primary responsibility for the procurement of services, supplies, materials and equipment or public works should not engage in solicitation of Donations or Sponsorships.
9. City employees may only solicit Donations or Sponsorships pursuant to the individual Department's Donation, Sponsorship, and/or Fundraising programs approved by the City Manager. City employees working in an enforcement or regulatory City position (i.e. Police and Fire, Code Enforcement, and Environmental Services) shall not solicit Donations or Sponsorships from the public while they are wearing a City uniform, unless they receive explicit permission from the City

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Manager via their Department's written Donation, Sponsorship, and/or Fundraising programs.

10. At any time, a Department, if approved by the City Manager, or the City Manager may reject any Donation or Sponsorship offered to the City.

**End Notes**

(1) These could include, but are not limited to, Chapter 4.04 of the San José Municipal Code, the Naming of City owned land and facilities (See Policy Number 7-5, Naming of City-Owned Land and Facilities) and the Code of Ethics (Policy Number 0-15), the City's Zoning Code (Title 20 of the San José Municipal Code) and Sign Ordinance (Title 23 of the San José Municipal Code), City procurement requirements, the Prevailing Wage and Living Wage Policies, Uses of Public Property (Policy Number 6-16), the California Environmental Quality Act, and the Long-term Use of City Parklands for Private Enterprise Purposes (Policy Number 7-8). One example of property-specific issues to be considered when developing Donor recognition guidelines and other contribution recognition guidelines is whether the property was funded through tax-exempt bonds. Donor recognition guidelines for such types of property shall take into account IRS regulations, among other factors specific to those properties.

(2) A Department shall be deemed affected by a proposed Donation if it is likely that the Department would incur additional cost or staff time if the Donation were accepted. For example, other Departments may incur costs to provide management, support, maintenance, and repair or enforcement activity in relation to the Donation or Sponsorship.

*City of San José, California*

**COUNCIL POLICY**

<b>TITLE</b> NAMING OF CITY-OWNED LAND AND FACILITIES	<b>PAGE</b> 1 of 5	<b>POLICY NUMBER</b> 7-5
<b>EFFECTIVE DATE</b> April 24, 1972	<b>REVISED DATE</b> June 8, 2010	
<b>APPROVED BY COUNCIL ACTION</b> 4/24/72; 11/03/92, Item 9c; 11/23/93, Item 7(b)(6)(d); 6/8/2010, Item 2.18, Res. No. 75393;		

The City of San José has a naming policy to guide the naming of public land and facilities. This revision updates the criteria and process to be used in considering the naming or renaming of public land and facilities, other than City streets, which is covered in City Council Policy 6-5.

**PURPOSE**

To establish Council policy regarding the determination of names to be given to City-owned land and facilities that are not City streets.

**POLICY**

It is the policy of the City of San José to determine names for City-owned land and facilities after following the procedures set forth herein.

It is the Policy of the City of San José to encourage:

1. Naming which reflects the City's ethnic and cultural diversity;
2. Recognition of distinct geographic, environmental or developmental features, or names of historical significance in naming City lands and facilities;
3. Recognition of individuals who have made a significant contribution to San José, the State, the Nation or the World;
4. Naming as early in the capital planning and development process as possible; and
5. Sponsorship through significant funding support from private donors for the construction and/or ongoing maintenance and operations of City lands and facilities in exchange for naming options. The minimum sponsorship or donation amount necessary to achieve the level of significant sponsorship or donation shall be determined by the responsible Department's Fundraising and Sponsorship guideline<sup>1</sup> as approved by the City Manager, unless otherwise approved by City Council.

**BACKGROUND**

The City Council of the City of San José is responsible for the naming of City-owned land and facilities. From time to time, the public desires to have City-owned land and facilities such as parks, athletic fields, the airport and golf courses, be named after venerated individuals, geographic features, or prominent organizations. Furthermore, the policy creates opportunities for the City to attract potential donors and sponsors who contribute significant funds to assist

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the City in construction, maintenance, or operations of City lands and facilities, in exchange for naming rights.

## **IMPLEMENTATION GUIDELINES**

### **GENERAL PROVISIONS**

#### **I. ESTABLISHMENT OF A NEW NAME FOR CITY-OWNED LAND AND FACILITIES**

1. A public hearing by the appropriate Commission or Council Committee shall be held in order for the proper body and responsible Department to develop a recommendation to the City Council.
2. Potential names shall be considered if reflective of at least one of the following criteria:
  - a. Geographic location
  - b. Prominent geographic feature or local reference point
  - c. Adjoining subdivision/community
  - d. Historical event
  - e. A deceased individual (see criteria below)
  - f. An individual via a donation or sponsorship agreement
  - g. A group via a donation or sponsorship agreement
3. Consideration shall be given to the naming of City-Owned land and facilities after an individual only if one of the following criteria has been met:
  - a. The individual has been deceased for at least 5 years, and made significant contributions to the City through a long-term commitment to providing benefit to the residents and visitors to San José.
  - b. The individual has been deceased for at least 5 years, and made significant contributions to the State, the Nation or to the World through a long-term commitment to providing benefits to others, and the results of these efforts have also provided significant benefits to San Jose's residents and visitors.
  - c. A donation or sponsorship from an individual, deceased or living, of a significant level (as determined by the appropriate Department's City Manager approved Fundraising and Sponsorship Guidelines consistent with this Policy)) has been accepted by the City in exchange for naming City property or facility after the individual.
4. This Policy is intended to apply to the naming of City lands such as entire parks or other City facilities that are more substantial than an "amenity" (as defined in Other General Provisions #3 below) and requires City Council approval in conformance with this policy. Any capital campaign materials and all Fundraising and Sponsorship Guidelines shall indicate that no naming rights may be granted and the City shall not be obligated to name land, parks or any other facility that is more substantial than an amenity,

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notwithstanding any payment to the City, unless and until City Council has approved the naming of the land or facility pursuant to this Policy.

## II. DONATION AND SPONSORSHIP

1. Consideration shall be given to the naming of City-owned land and facilities to a living individual, a group or private entity through a donation or sponsorship, only if one of the following criteria has been met:
  - a. The land or the money for its purchase has been donated for the benefit of the individual, group or entity.
  - b. A substantial financial contribution to the City (as determined consistent with this Policy) for the improvement, upkeep or operation of the land or facility has been provided to the City in exchange for the naming of the land or facility.
    - 1.b.1. The contribution amount must be in alignment with the responsible Department's Fundraising and Sponsorship Guidelines as stated in Council Policy 1-17.

## III. RENAMING OF CITY-OWNED LAND AND FACILITIES

1. It is the policy of the City to retain long-standing names of City-owned land and facilities unless the following criteria has been met:
  - a. An individual, group, or private company has made a substantial contribution to the City for the acquisition, improvement, upkeep, or operation of the land or a facility, and in accordance with City Council Policy 1-17 and pursuant to a Department's approved Fundraising and Sponsorship Guidelines, unless otherwise approved by City Council.
  - b. Even if funds are offered in exchange for naming rights, staff shall make reasonable efforts to have the donor or sponsor agree to incorporate the existing name into a newly recommended name while still acknowledging the funding support of the donor or sponsors. An example of this proposal would be "Dr. Roberto Cruz, Alum Rock Library". Nothing herein limits the requirement of City Council approval for naming rights pursuant to this policy.

## IV. OTHER GENERAL PROVISIONS

1. The San José Municipal Code established limits upon the City Managers' contracting authority in Chapter 4.04 of the San José Municipal Code, as it may be amended from time to time.
2. The naming of interior rooms of City-owned facilities, smaller areas within a park, and other "amenities" on City-owned land will not be required to follow this Policy but may be named subject to the City Manager's approval.



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3. An “amenity” is an improvement located on identifiable City property such as a wall on a park, a plaza in front of a City building, a trail located along City property, an interior room or rooms in a building. A fully enclosed structure such as a City building with walls and roof (examples being community center, stand-alone gym, a warehouse, or stand-alone building housing a restroom and locker room) is more substantial than an amenity and City Council approval is required before granting naming rights. An amenity may include the following if located on City property: plazas located that constitute only a portion of a larger parcel City property, gazebos, archways, paths, athletic facilities that are not enclosed structures or stand-alone City buildings, picnic areas, tot lots, play structures, hard courts, and trail segments. If the administration is unsure if a specific City improvement is an amenity or more substantial than an amenity, the City Manager shall seek direction from the City Council Rules Committee.
4. Guidelines for amenities and interior naming opportunities is a part of the Department’s internal Fundraising and Sponsorship guidelines as referenced in City Policy 1-17. <sup>2</sup>
5. The staff of the Department overseeing the consideration of the naming rights will ensure that implementation of this policy does not conflict with existing Municipal Code provisions or existing City policy.
  - a. These could include, but are not limited to, Chapter 4.04 of the San José Municipal Code, Donation, Sponsorship, and Fundraising Guidelines (Policy 1-17), the Code of Ethics (Policy 0-15), the City’s Zoning Code (Title 20 of the SJ Municipal Code) and Sign Ordinance (Title 23 of the SJ Municipal Code), City procurement requirements, the Prevailing Wage and Living Wage Policies, Uses of Public Property (Policy 6-16), the California Environmental Quality Act, and the Long-Term Use of City Parklands for Private Enterprise Purposes (Policy 7-8).

V. THE NOMINATION PROCESS

All requests to City Council, including those developed by City or Agency Staff, for naming or renaming of City-owned lands and facilities must be submitted to the City Clerk and contain detailed justification for the request, except for names that are put forward at the public hearings held by the applicable Commission, Council Committee, or City Council.

1. Any person may recommend a name by submitting a written request to the Office of the City Clerk.
  - a. The proposal will provide the minimum of information contained on the form provided by the City Clerk.
2. The City Clerk will transmit the form and supporting documents to the proper Commission, Council Committee, and Department for review and, if deemed appropriate and consistent with this Policy, the scheduling of a public hearing before a recommendation is made to the Council. If it is unclear which Commission or Council Committee would be appropriate for review, the naming request shall be made to the City Council Rules Committee.

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- a. The request for consideration of a new name or renaming for City land or City facility shall follow all appropriate public noticing regulations for the identified Commission or Council Committee.
- b. The Department shall make a determination of appropriate action based on this Policy and its approved Sponsorship Guidelines.
  - 2.b.1. Department staff will prepare a report and recommendation to the appropriate Commission or Committee and a subsequent memo for City Council approval addressing the Department's and the Commission's recommendation on a proposed City-owned land or facility naming and renaming. The report shall include a Net Benefit Analysis that includes an evaluation of factors such as: proposed length of sponsorship opportunity; the cost of sponsorship; and the ratio of the funding provided by the proposed donation or sponsorship to the costs of acquisition, construction, ongoing facility operations and maintenance; current market factors; and alignment to the Department's Fundraising and Sponsorship Guidelines and business plans.
3. Any person may speak at the public hearing on the proposed name and may suggest one or more new names for the City property.
4. After action has been taken on the nomination by the appropriate Commission or Council Committee, the recommendation will be sent back to the City Clerk to be placed on the City Council agenda.
5. The Clerk will notify the petitioner of the date for Council consideration and/or the subsequent action by City Council.

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<sup>1</sup> As required in Council Policy 1-17 (Donation, Sponsorship and Fundraising Guidelines)

<sup>2</sup> Staff in the respective department will work with City Attorney's Office in order to determine the restrictions, including without limitation federal tax law restrictions related to naming opportunities. Assuming that it is determined that naming opportunities may proceed, the Department may include a list of the significant interior naming opportunities and naming opportunities of other "Amenities" and corresponding sponsorship or giving levels. Interior naming opportunities may also be offered at existing facilities. The respective Department Head will submit the list of naming opportunities to the City Manager, for approval.