

COUNCIL AGENDA: 06-08-10

ITEM: 2.18

# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Lee Price, MMC  
City Clerk

**SUBJECT:** SEE BELOW

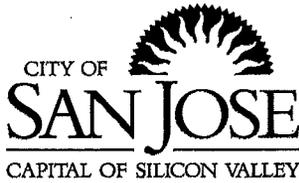
**DATE:** 05-27-10

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**SUBJECT: COUNCIL POLICY 7-5, NAMING OF CITY-OWNED LAND AND FACILITIES**

**RECOMMENDATION**

As recommended by the Rules and Open Government Committee on May 26, 2010 and outlined in the attached memo previously submitted to the Rules and Open Government Committee, adopt a resolution revising Council Policy 7-5, Naming of City-Owned Land and Facilities.



# Memorandum

**TO:** RULES & OPEN GOVERNMENT  
COMMITTEE

**FROM:** ALBERT BALAGSO

**SUBJECT: PROPOSED REVISION TO COUNCIL POLICY 7-5**      **DATE:** May 14, 2010

Approved

Date

5-17-10

## RECOMMENDATION

Agendize staff's recommendation on a City Council agenda requesting City Council to adopt a resolution revising Council Policy 7-5, Naming of City-Owned Land and Facilities as described in this memo. (Attachment A)

## OUTCOME

Council Policy 7-5, "Naming of City Owned Land and Facilities" will be updated to align with changes to other Public-Private Partnership policies.

## BACKGROUND

In FY 2007-08, the City Council directed staff to proceed with implementation of a proposed framework for advancing and encouraging public-private partnerships. The anticipated outcome of this initiative has been to facilitate and establish new public-private partnerships that would support and enhance the improvement, operation and maintenance of City land and facilities. As a starting point, staff initiated stakeholder discussions in an effort to identify impediments to successful partnerships with the City, and eleven public-private partnership opportunities were piloted as case studies to further identify and remove obstacles. The combination of stakeholder input and case studies identified several challenges and obstacles that focused primarily in restricted use of volunteers, complicated processes/poor communication/slow response, unwillingness of the City to assume risk/insurance, and applicability of Prevailing Wage to donated services. Administration proceeded with a three pronged approach to increase volunteerism, establish a citywide Parks Foundation, and Increase communication between City/community.

In 2009 the City Council approved a revised Volunteer Policy 3-1 that better clarified the use of volunteers and the scope and range of task that could be preformed by volunteers in city parks. Volunteer coordination in the Parks, Recreation and Neighborhood Services Department (PRNS)

was consolidated and a Volunteer Coordinator position filled to lead this effort. In the past year over 500,000 hours of volunteer service was provided in various PRNS programs and facilities including, Christmas in the Park and Holiday Parade, the Municipal Rose Garden, the City's Anti-Graffiti and Litter Program, and the Adopt-a-Park and Adopt-a-Trail programs.

PRNS engaged various "Friends" organizations and community stakeholders and established objectives for elevating key "Friends" roles to assist the department in enhancing volunteer, maintenance and operations, and future capital investments. Parallel to this work, discussions and actions were also taken to plan for a citywide parks foundation. The results have been the transformation of the former Happy Hollow Corporation to the new Happy Hollow Foundation having raised approximately \$1.5 mil to date. The former Friends of the Guadalupe River Park & Gardens recently announced it's transformation to the new Guadalupe River Park Conservancy (GRPC). They are currently working with San Jose Downtown Rotary on a multi-million fundraising campaign to construct a new boundless playground adjacent to the GRPC Visitor's Center. In February 2010, the new San Jose Parks Foundation (SJPF) was launched and is now engaged in a membership campaign. The SJPF will also be able to act as a fiscal agent for receiving donations from the private sector, public and individual donors wishing to assist the City's Parks and Recreation facilities and programs.

In order to improve City processes and to be more responsive by the City to potential partners, existing policies needed to be revised and in some instances new policies needed to be developed and approved by the City Council. These have included the Volunteer Policy 3-1, application of Prevailing Wage to Donations, clarification of Public/Private Partnerships Mutual Indemnification, and revision of the City's Sponsorship Policy 1-17.

In June of 2009, the Rules & Open Government Committee (Rules Committee) was presented recommendations to changes to Council Policies 1-8 (City Fees for Community Projects for Which Donations Have Been Received) and 1-17 (Donation, Sponsorship and Fundraising Guidelines), and 7-5 Naming of City-Owned Land (Attachment B). Staffs recommendations on these policies would provide clearer guidelines to existing policies that would enable the City and its partners to more easily seek sponsorships that could provide public and private support for enhancing and maintaining City parks and facilities. The Rules and Open Government Committee approved staff recommendations for elimination of Policy 1-8 and revisions to 1-17. However, the committee desired stronger and more definitive guidelines for Council Policy 7-5, while still incorporating the spirit of innovation and the ability to create new and alternative revenue streams.

Specific direction was given to:

- 1) Cross reference Council Policy 6-5 (Street Naming and Renaming), so there is no confusion between the two policies;
- 2) Add stronger policy to not change existing historic names;
- 3) Add language to tie naming of an individual to lifetime achievements, connection to and significant impact to San José; and
- 4) Create more qualifications for naming after an individual to ensure the Council can assess their lifetime achievements.

## ANALYSIS

Policy 7-5 was originally established in 1972 and revised in 1993 (see Attachment C). The intent of the recommended revisions is to update the naming Policy to align with the new public-private partnership strategies in creating more opportunities for departments to generate revenue through an exchange of naming rights. The policy was coordinated and reviewed by the following: The Parks, Recreation, and Neighborhood Services Department, the Library Department, the Fire Department, the Airport Department, the Office of Cultural Affairs, General Services, the Attorney's Office, private corporation partners, the Library Commission, the Parks and Recreation Commission, and the Youth Commission.

Key committee direction elements incorporated into the new policy are as follows:

- 1) Cross reference Council Policy 6-5 (Street Naming and Renaming), so there is no confusion between the two policies;

*On Page 1 of the revised Policy cross references Council Policy 6-5 and distinguishes between the purposes of each policy.*

- 2) Add stronger policy to not change existing historic names;

*Under Implementation Guidelines Pages 3 and 4 of General Provisions, Section IV titled "Renaming of City-Owned Land and Facilities," reference is made of the City's policy of retain long-standing names unless a substantial contribution is made to the City for acquisition, improvement, upkeep or operation. Reasonable effort will be made to have the donor/sponsor incorporate the existing name into the newly recommended name. For example: Dr. Roberto Cruz, Alum Rock Branch Library.*

- 3) Add language to tie naming of an individual to lifetime achievements, connection to and significant impact to San José; and

*On Pages 1 and 2 under "Policy" items 1 through 5 specify criteria of significance and connection to San Jose and its diversity.*

- 4) Create more qualifications for naming after an individual to ensure the Council can assess their lifetime achievements.

*Under Implementation Guidelines Pages 2 and 3 of General Provisions Section I "Establishment of a New Name for City-Owned Land and Facilities," qualifications are specified for consideration of naming City-Owned Land and Facilities after a individual.*

### EVALUATION AND FOLLOW-UP

If approved, the policy will be forwarded for full Council consideration, and sent to the City Clerk's Office. Staff will update and inform Departments and Commissions that may be affected by the policy.

### POLICY ALTERNATIVES

Not applicable.

### PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater.
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach.

This item meets Criterion 2: Adoption of a revised policy that may have implications for the financial or economic vitality of the City. The Library, Parks and Recreation, and the Youth Commissions have provided input and review.

### COORDINATION

This memorandum and revised Policy 7-5 has been coordinated with the City Attorney's Office.

### CEQA

Not a project.

/s/

ALBERT BALAGSO  
Director of Parks, Recreation  
and Neighborhood Services

For questions, please contact Neil Rufino, Recreation Superintendent, at (408) 277-2717.

Attachments: A) Proposed Council Policy 7-5 with redline edits  
B) Revised Council Policy 7-5 presented on 6/3/09  
C) Current Council Policy 7-5 last revised in 1993

**City of San José, California**  
**COUNCIL POLICY**

<b>TITLE: Naming of City-Owned Land and Facilities</b>	<b>PAGE</b>  1 of 4	<b>POLICY NUMBER</b>  7-5
	<b>EFFECTIVE DATE</b>  00/00/00	<b>REVISED DATE</b>  6/03/09

**APPROVED BY COUNCIL ACTION ON**

**Purpose**

To establish Council policy regarding the determination of names to be given to City-owned land and facilities.

**Policy**

It is the policy of the City of San José that City-owned land and facilities are named after a public hearing held by the appropriate Commission (or appropriate Council Committee, if no Commission is appropriate), which, will then develop a recommendation to be reviewed by the City Council. City Council shall make the final determination regarding names of City owned land and facilities, unless otherwise provided 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. The recognition of distinct geographic, environmental or developmental features, or names of historical significance in naming City lands and facilities;
3. The recognition of individuals who have made a significant contribution to the community, state, nation or the world;
4. Naming of new facilities as early in the planning process as possible; and
5. Significant funding support from private donors for the construction and/or on-going maintenance and operations of City lands and facilities in exchange for naming options.

## Background

Various individuals, civic groups, and homeowner associations have requested that City-owned facilities and land such as parks, athletic fields, the airport and the golf course, be named after venerated individuals, geographic features, or prominent organizations. Furthermore, potential donors and sponsors may be willing to contribute significant funds to assist the City in construction, maintenance, or operations of City lands and other City facilities, in exchange for the name of the land or facility. In order to provide an accessible and convenient, process for persons wishing to participate in the naming of public facilities, the City of San José establishes this policy.

## Implementation Guidelines

### GENERAL PROVISIONS

1. For the naming or renaming of City-owned facilities or land, 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.
  - a. It is City preference not to change existing names except when no other appropriate City facility is available.
  - b. Consideration shall be given to the naming of City-owned land after individuals, groups or private companies only when the land or the money for its purchase has been donated by them, or if an individual has provided extraordinary contributions to San José, the state, nation or the world, or if the individual, group or private company has made a substantial financial contribution to the City for the improvement, upkeep or operation of the land.
2. The City Council may offer, as part of a capital campaign, naming rights to City-owned land or facilities in exchange for financial contributions to the City in the form of donations or sponsorships. The terms of the offer of naming rights shall be in accordance to City Council Policy 1-17 (Regarding Fundraising, Donations and Sponsorships) and pursuant to a Department's approved Fundraising and Sponsorship Guidelines unless otherwise approved by City Council.
3. This Policy is intended to apply to the naming of City lands such as entire parks and naming of City buildings or other City facilities that are more substantial than an Amenity (defined 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 and any facility that is not an Amenity, notwithstanding any payment to the City, unless and until City Council has approved the naming of the land or facility pursuant to this policy.

- a. The San Jose Municipal Code established limits upon the City Managers' contracting authority in Chapter 4.04 of the San Jose Municipal Code, as it may be amended from time to time. Current language requires City Council approval for any Donation over \$250,000 and/or for a Sponsorship agreement over \$250,000 or 3 years in length.
  - b. If funds are solicited in exchange for naming rights at an already historically named City facility, staff shall make reasonable efforts to have the donor or sponsor to agree to retain the existing historic name into a newly recommended name while still acknowledging the funding support of the donor or sponsors. Nothing herein limits the requirement of City Council approval for naming rights pursuant to this policy.
    - (1) An example of this proposal would be "[insert sponsor's name]'s Roosevelt Park".
4. The naming of interior rooms of City-owned facilities, smaller areas within a park, and other "Amenities" on City-owned land will not be subject by this Policy and shall be subject to the City Manager's approval established in Council Policy 1-17.
- a. Amenity: 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.
  - b. It will be the responsibility of the Department to work with the City Manager's Office and City Attorney's Office to develop guidelines for Amenities and interior naming opportunities as a part of the Department's internal Sponsorship Guidelines as referenced in City Policy 1-17 (Revenue Generating Policy Fundraising, Sponsorship and Contribution Guidelines).<sup>1</sup>
5. The Department staff 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, the Revenue Generating Policy – Fundraising, Sponsorship, and Contribution Guidelines (See Policy Number 1-17, Naming of City-Owned Land and Facilities), the

Code of Ethics (Policy Number 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 Number 6-16), the California Environmental Quality Act, and the Long-term Use of City Parklands for Private Enterprise Purposes (Policy Number 7-8).

### THE NOMINATION PROCESS

All requests to City Council including those developed by City or Agency Staff for naming or re-naming 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 on proposed names 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 for review and 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. The request for consideration of a new name for City land or City facility shall follow all appropriate public noticing regulations for the identified Commission or Council Committee.
3. Any person may speak 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 A request for consideration of renaming City-owned land or facility shall be forwarded to the appropriate Department to make a determination of action based on its approved Sponsorship Guidelines.

<sup>1</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 as part of their Donation and Sponsorship Guidelines to the City Manager, for approval.

*City of San José, California*

**COUNCIL POLICY**

<b>TITLE</b> NAMING OF CITY-OWNED LAND AND FACILITIES	<b>PAGE</b> 1 of 2	<b>POLICY NUMBER</b> 7-5
<b>EFFECTIVE DATE</b> April 24, 1972	<b>REVISED DATE</b> November 23, 1993	
<b>APPROVED BY COUNCIL ACTION</b> 4/24/72; 11/03/92, Item 9c; 11/23/93, Item 7 (b) (6) (d)		

**BACKGROUND**

On past occasions various individuals, civic groups, and homeowner associations have requested that City-owned land such as parks, athletic fields, the airport and the golf course, be named after individuals. Such requests usually occur after the death of an individual and are intended for the commemoration of some contribution or service which was made to the community.

**PURPOSE**

To establish Council policy regarding the determination of names to be given to City-owned land and facilities.

**POLICY**

**1. NAMING OF A PERMANENT CITY FACILITY**

- A. The City encourages naming which reflects the City's ethnic and cultural diversity.
- B. The City encourages the recognition of individuals who have made a significant contribution to the community, state, nation or the world.
- C. The City encourages the recognition of individuals for their service to the community. It may not be appropriate to name a permanent facility; however, the naming of activities, e.g., athletic events or cultural presentations, or plaques included in City-sponsored "walls of fame" may be appropriate alternatives.
- D. The City encourages the recognition of distinct geographic, environmental or developmental features, or names of historical significance in naming City parks.
- E. The City encourages donations of funds, and/or involvement by civic organizations or groups, to provide for the on-going maintenance of parks and facilities.
- F. The City encourages naming of new facilities as early in the planning process as possible.

**2. GENERAL**

- A. For naming or renaming, a public hearing by the appropriate commission shall be held in order for the commission to develop a recommendation to the Council.
- B. Existing place names are deemed to have historic recognition. City policy is not to change existing names except when no other appropriate City facility is available.
- C. The common practice is to give City-owned lands a name of historical or geographical significance. Consideration shall be given to the naming of City-owned land after individuals only when the land or the money for its purchase has been donated by them.
- D. Generally, mini-parks are designated on a geographic basis.

TITLE	PAGE	POLICY NUMBER
NAMING OF CITY-OWNED LAND AND FACILITIES	2 of 2	7-5

- E. The City encourages donation of memorial benches or other furniture or fixtures with the understanding that such items have a useful life, and that the City assumes no responsibility for replacement or upkeep.
- F. Plaques commemorating individual donations such as trees, horticultural, or plant materials are discouraged.
- G. The City Council reserves the right, as part of a capital campaign, to make appropriate business arrangements in exchange for naming options of City facilities.

**3. THE NOMINATION PROCESS**

All requests to City Council including those developed by City or Agency Staff for naming of City lands and facilities must be submitted to the City Clerk and contain detailed justification for the request.

- A. The detailed request will provide the minimum of information contained on the form provided by the City Clerk.
- B. The City Clerk will transmit the form and supporting documents to the proper Commission for review and public hearing before a recommendation is made to the Council.
- C. After action has been taken on the nomination by the appropriate Commission, the recommendation will be sent back to the City Clerk to be placed on the City Council agenda.
- D. The Clerk will notify the petitioner of the date for Council consideration and/or the subsequent action by City Council.
- E. This process does not apply to the naming of streets which will continue to be processed through the Planning Department.