

CITY OF LACEY PARKS AND RECREATION DEPARTMENT

POLICY NAME: CORPORATE SPONSORSHIP AND NAMING RIGHTS POLICY

DATE: December 4, 2019

Purpose

The purpose of this policy is to establish guidelines in the development and management of sponsorship and naming rights programs. The policy will provide guidance for entering into sponsorship and naming rights agreements with businesses in exchange for providing financial or material in-kind support for a specified park asset or park programs.

Policy Statement

The Park Board of Commissioners has determined that a Sponsorship and Corporate Naming Rights Policy is necessary and appropriate to seek and secure revenue and in-kind support for the benefit of the Parks and Recreation Department in their efforts to develop, maintain, improve, support, market and sustain its park assets and programs which in turn benefits customers and the community at large.

The Parks and Recreation Department will actively seek sponsors for events, buildings, parks, services and other facilities from corporations, foundations and nonprofit organizations for the purpose of generating revenue, reducing expenses, increasing awareness of parks and recreation programs and complementing the visitor experience. The Parks and Recreation Department will seek to create and enhance relationships with corporations and other organizations through commercial sponsorships and naming rights arrangements. This goal can be accomplished by providing local, regional, and national businesses a method to become associated and involved with the many facilities, activities, and programs provided by the Parks and Recreation Department. The Department provides quality, life-enriching activities to the community, which translates into exceptional visibility for sponsors and supporters. It is the goal of this policy to further sponsorship opportunities for the ultimate benefit of the public.

Sponsors will receive recognition for their financial or in-kind contribution in the form of advertising and signage, in addition to other agreed upon benefits to a level comparable with sponsors' investment, without detracting from the visitor/customer/community member experience or impairing the visual qualities of the facility or event. In addition, some levels of sponsors will be allowed to provide information to City staff, being mindful of organizational values.

It is the policy of the City of Lacey Parks and Recreation Department that corporate sponsorship and naming rights solicitation and agreements will exist in accordance with the guidelines set forth in this policy.

Definitions

Sponsorship: Sponsorship is a relationship with a business entity where that entity provides money, goods or services to the City of Lacey Parks and Recreation Department over a specified term, and in return, the business entity receives acknowledgement of the sponsorship via specific benefits such as inclusion in marketing materials, signage, digital media, promotions, onsite activation and display area. The business entity may also receive other benefits, including certain designations, category exclusivity or the use of the Lacey Park and Recreation Department logo.

Naming Rights: A commercial benefit of specified duration to signify the name or trademark of a designated legal entity as part of the name of the park asset specified in the agreement.

Park Asset: Park amenities such as recreation buildings, fields, parks, pavilions, trails and other facilities, rooms, landscaping, art or other physical features owned, operated, or managed by the Parks and Recreation Department. Park assets also include marketing assets such as advertising and promotional materials, digital and social media, and signage.

Board of Park Commissioners (Park Board)

A board which makes recommendations to the Director of Parks and Recreation, the Mayor, City Council and other city departments with respect to parks and recreation matters.

Examples of Types of Sponsorships: (but not limited to)

Park Partner

Naming Rights

Title Sponsor

Presenting Sponsor

Nonpublic Forum Status

The City's acceptance of sponsorships, and the advertising included in a sponsorship agreement, does not provide or create a general public forum for expressive activities or for discourse and debate. Rather, as noted, the City's purpose and intent is to secure additional means of generating revenue to support the Parks and Recreation Department in their efforts to develop, maintain, improve, support, market and sustain its park assets and programs. In furtherance of that objective, the City retains strict control over the nature of the sponsors and content accepted for posting online, and in its parks, facilities, and on its property. The City maintains its advertising space as a nonpublic forum.

This policy is intended to provide clear guidance as to the types of advertisements that will allow the City to generate revenue and enhance parks and recreation operations by fulfilling the following important goals and objectives:

- Maintain a position of neutrality and preventing the appearance of favoritism or endorsement by the City
- Preventing the risk of imposing objectionable, inappropriate or harmful views on a captive audience
- Preventing any harm or abuse that may result from running objectionable, inappropriate or harmful advertisements

The City's sponsorship and advertisement space is a nonpublic forum and, as such, the City will accept only that advertising that falls within the categories of acceptable advertising specified in this viewpoint neutral policy and that satisfies all other access requirements and restrictions provided herein.

Disclaimer of Endorsement: The City's acceptance of an advertisement does not constitute express or implied endorsement of the content or message of the advertisement, including any person, organization, products, services, information or viewpoints contained therein, or of the advertisement sponsor itself. This endorsement disclaimer extends to and includes content that may be found via internet addresses, quick response (QR) codes, and telephone numbers that may appear in posted ads and that direct viewers to external sources of information.

Eligibility Criteria

Naming rights or sponsorship benefits are limited to the promotion or recognition of commercial enterprise and commercial activities that do not compete, impair or conflict with, the mission, policies, goals or operations of the City of Lacey and Lacey Parks and Recreation, or designated assets or programs.

Corporate sponsors must support the mission and policies for the City of Lacey and Lacey Parks and Recreation. In general, the following industries are not eligible for corporate sponsorship with Lacey Parks and Recreation: religious, gambling, alcohol, cannabis, tobacco, firearms, adult entertainment, and political organizations.

The Director may use, but is not limited to, the following criteria when evaluating a corporate sponsorship proposal; in all cases, the Director (or designee) will have the prerogative to accept or reject the proposal:

- The compatibility of the corporation's products, customers and promotional goals with the City of Lacey and Lacey Parks and Recreation's mission;
- The corporation's past record of involvement in community and City projects;
- The desirability of Lacey Parks and Recreation to associate with the potential sponsor's business, image, reputation;
- The timeliness or readiness of the corporation to enter an agreement;

- The actual value in cash, or in-kind goods or services, of the proposal in relation to the benefit to the corporation;
- Community support for, or opposition to, this proposal or previous agreements;
- The operating and maintenance costs associated with the proposal; and
- The corporation's record of responsible environmental stewardship.

The following classes of advertising through sponsorship are allowed online or on City property as authorized:

Commercial Advertising. Advertising that is proposing, promoting or soliciting a commercial transaction for the sale, rent, lease, license, distribution or availability of goods, property, services or events for the advertiser's commercial or proprietary interest, or more generally promoting an entity or entities that engage in such activities.

Government Advertising. Advertising by a federal, state or local government entity that advances specific governmental purpose.

Nonprofit Public Service Announcements. Advertising that is sponsored by a nonprofit organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code and has provided documentary proof of such status, that is directed to the general public or a significant segment of the general public, and that relates to the:

Prevention or treatment of illnesses or promotion of personal health;
 Education, training or employment services;
 Arts, culture, or special events;
 Provision of children and family services;
 Provision of services and programs that provide support to low income citizens, senior citizens, or people with disabilities; or
 solicitation by broad-based contribution campaigns that provide funds or goods to charitable organizations active in the above-listed areas.

The following classes of advertising through sponsorship are not authorized online or on City property:

Political Speech. Advertising that promotes, or opposes a political party, any person or group of persons holding federal, state or local government elected office, the election of any candidate or group of candidates for federal, state or local government offices, or initiatives, referendums or other ballot measures.

Public Issue Speech. Advertising that non-incidentally expresses or advocates or appears to express or advocate an opinion, position or viewpoint on a matter of public debate about economic, political, public safety, religious or social issues.

Religious. Advertising that promotes or opposes any identifiable or specific religion, religious viewpoint, message or practice.

Prohibited Products, Services or Activities. Any advertising that (a) promotes or depicts the sale, rental, or use of, participation in, or images of the following products, services or activities; or (b) that uses brand names, trademarks, slogans or other material that are identifiable with such products, services or activities:

Tobacco. Tobacco products, including but not limited to cigarettes, cigars, and smokeless (e.g., chewing) tobacco;

Alcohol. Beer, wine, distilled spirits or any alcoholic beverage licensed and regulated under Washington law, however, this prohibition shall not prohibit advertising that includes the name of a restaurant that is open to minors;

Cannabis. Cannabis, cannabis products, cannabis businesses, or cannabis services;

Firearms, ammunition or other firearms-related products;

Adult/ Mature Rated Films, Television Video Games, or Theatrical Presentations. Adult films rated "X" or "NC-17", or video games rated "A", or theatrical presentations recommended by the sponsor for persons 18 years or older;

Adult Entertainment Facilities. Adult book stores, adult video stores, adult telephone services, adult internet sites, escort services, nude dance clubs and other adult entertainment establishments;

Sexual and/or Excretory Subject Matter. Any advertising that contains or involves any material that describes, depicts or represents sexual or excretory organs or activities in a manner that a reasonably prudent person using prevailing community standards, would find inappropriate for the public parks and recreation environment, including persons under the age of 18.

False or Misleading. Any material that is or that the sponsor reasonably should have known is false, fraudulent, misleading, deceptive or would constitute a tort of defamation or invasion of privacy.

Copyright, Trademark or Otherwise Unlawful. Advertising that contains any material that is an infringement of copyright, trademark or service mark, or is otherwise unlawful or illegal.

Illegal Activity. Any advertising that promotes any activity or product that is illegal under federal, state or local law.

Profanity and Violence. Advertising that contains any profane language or employs the use of miscellaneous characters or symbols as a substitute for profane language, or portrays images

or descriptions of graphic violence, including dead, mutilated or disfigured human beings or animals, the act of killing, mutilating or disfiguring human beings or animals, or intentional infliction of pain or violent action towards or upon a person or animal.

Threatening Harm. Advertising that contains any threat, implied or direct, to harm a particular individual or group of individuals.

Harmful or Disruptive to Parks System. Advertising that contains material that is so objectionable as to be reasonably foreseeable that it may result in harm to, disruption of, or interference with, the operation, or business reputation of the City's parks and recreation system. For purposes of determining whether an advertisement contains such material, the City will determine whether a reasonably prudent person, using prevailing community standards, would believe that the material is so objectionable that it is reasonably foreseeable that it may result in harm to, disruption of, or interference with, the operation, or reputation of the parks and recreation system.

Adverse to Parks and Recreation. Advertising that is directly adverse to the commercial or administrative interests of the parks and recreation system, that tends to criticize the quality of service provided by the City, or that tends to criticize parks and recreation generally.

Lights, Noise and Special Effects. Flashing lights, sound makers, mirrors or other special effects that interfere with a safe atmosphere to the public.

Government Speech:

The provisions of this policy do not apply to the City's government speech, which includes advertising sponsored solely by the City or by the City jointly with another entity to communicate any message deemed appropriate by the Parks and Recreation Department.

Responsibility:

The Parks and Recreation Director (or designee) is authorized to enter into corporate sponsorship agreements and naming rights. The Director may seek advice from the Board of Park Commissioners on proposed agreements that do not meet the criteria.

Procedures

If the Director (or designee) approves the proposal in principle, staff will draft a sponsorship agreement for signature. This agreement will include the contract relationship; the term; description of fees, commissions, and/or in-kind services provided to Lacey Parks and Recreation; the marketing rights and benefits provided to the sponsor; and termination provisions. All sponsorship programs are required to have a contract signed by the Director and sponsor organization.

Naming rights opportunities will be identified and submitted to the Board of Park Commissioners for approval to seek a corporate naming rights sponsor.