

CITY OF LACEY PARKS, CULTURE AND RECREATION DEPARTMENT

POLICY NAME: SPONSORSHIP AND NAMING RIGHTS POLICY

1. 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 in exchange for providing financial or material in-kind support for a specified park asset or park programs.

2. Policy Statement

The Lacey Parks, Culture & Recreation Board has determined that a Sponsorship and Naming Rights Policy is necessary and appropriate to seek and secure revenue and in-kind support for the benefit of the Lacey Parks, Culture and Recreation Department (LPCR) 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.

LPCR will actively seek sponsors for events, buildings, parks, services and other facilities for the purpose of generating revenue, reducing expenses, increasing awareness of parks, culture and recreation programs and complementing the visitor experience. LPCR will seek to create and enhance relationships through sponsorships and naming rights arrangements. This goal can be accomplished by providing a method to become associated and involved with the many facilities, activities, and programs provided by the LPCR. 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 LPCR that sponsorship and naming rights solicitation and agreements will exist in accordance with the guidelines set forth in this policy.

3. Definitions

- a. **Naming Rights:** A benefit of specified duration to signify the name or trademark of a designated person as part of the name of the park asset specified in the agreement.
- b. **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 LPCR. Park assets also include marketing assets such as advertising and promotional materials, digital and social media, and signage.
- c. **Parks, Culture & Recreation Board (Parks Board):** A board which makes recommendations to the Director of LPCR, the City Council and other City departments with respect to parks, culture and recreation matters.
- d. **Sponsorship:** Sponsorship is a relationship with a person (an individual, corporation, limited liability company, or any other legal or commercial entity) where that person provides money, goods or services to LPCR over a specified term, and in return, the person receives acknowledgement of the sponsorship via specific benefits such as inclusion in marketing materials, signage, digital media, promotions, onsite activation and display area. The person may also receive other benefits, including certain designations, category exclusivity or the use of the LPCR Department logo.

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

- a. **Naming Rights:** Persons that are aligned with specific buildings, facilities, fields or areas. Naming sponsors would receive an “ownership” title position, generally over a period of 5 to 25 years.
- b. **Park Partner:** Persons that are connected to the ongoing programming, operations and marketing of LPCR and would be fully integrated on an annual basis with exclusivity in their category.
- c. **Presenting Sponsor:** Persons that are interested in the content and audience demographics of a particular program or event. The presenting sponsor is positioned after the event name, for example “Spring Fling presented by Company Name”.

- d. **Title Sponsor:** Persons that are interested in the content and audience demographics of a particular program or event. The title sponsor is positioned before the event name, providing a strong alignment and ownership of the event, for example “Company Name Spring Fling”.

5. 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 LPCR 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, culture and recreation operations by fulfilling the following important goals and objectives:

- a. Maintain a position of neutrality and preventing the appearance of favoritism or endorsement by the City
- b. Preventing the risk of imposing objectionable, inappropriate or harmful views on a captive audience
- c. 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.

6. Disclaimer of Endorsement

The City does not endorse the products, services, or ideas of any sponsor. The City’s acceptance of a sponsorship 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.

7. Eligibility Criteria

- a. Naming rights or sponsorship benefits are limited to the promotion or recognition of enterprise and/or activities that do not compete, impair or conflict with, the mission, policies, goals or operations of the City of Lacey and LPCR, or designated assets or programs.
- b. Sponsors must support the mission and policies for the City of Lacey and LPCR. In general, the following industries are not eligible for sponsorship with LPCR: religious, gambling, alcohol, cannabis, tobacco, firearms, adult entertainment, and political organizations.
- c. The Director (or designee) may use, but is not limited to, the following criteria when evaluating a sponsorship proposal; in all cases, the Director (or designee) will have the prerogative to accept or reject the proposal:
 - i. The compatibility of the person's background, products, customers and promotional goals with:
 - (1) City of Lacey's mission;
 - (2) LPCR's mission;
 - (3) City of Lacey's Equity values and mission;
 - (4) Environmental stewardship;
 - ii. The person's past record of involvement with the City;
 - iii. Community support for, or opposition to, this proposal or previous agreements;
 - iv. Impact on the community and park or program experience where the sponsorship is implemented;
 - v. The timeliness or readiness of the person to enter an agreement;
 - vi. The actual value in cash, or in-kind goods or services, of the proposal in relation to the benefit to the person; and
 - vii. The operating and maintenance costs associated with the proposal.
- d. At its discretion, LCPR may reject a sponsorship offer. Circumstances under which this may occur include, but are not limited to:
 - i. The potential sponsor seeks to secure a contract, permit; or

- ii. The potential sponsor seeks to impose conditions that are inconsistent with the City's or LPCR's mission, values, policies, and/or planning documents; or
- iii. The potential sponsor seeks to impose conditions that are inconsistent with the City's Equity values; or
- iv. The potential sponsor seeks to impose conditions that are inconsistent with the City's environmental stewardship values; or
- v. Acceptance of a potential sponsorship would create a conflict of interest or policy; or
- vi. The potential sponsor is in litigation with the City of Lacey.

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

- a. **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 persons that engage in such activities.
- b. **Government Advertising.** Advertising by a federal, state or local government entity that advances specific governmental purpose.
- c. **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:
 - 1. Prevention or treatment of illnesses or promotion of personal health;
 - 2. Education, training or employment services;
 - 3. Arts, culture, or special events;
 - 4. Provision of children and family services;
 - 5. Provision of services and programs that provide support to low-income community members, older adults, or people of all abilities; or
 - 6. Solicitation by broad-based contribution campaigns that provide funds or goods to charitable organizations active in the above-listed areas.

9. Advertising Not Allowed: The following classes of advertising through sponsorship are not authorized online or on City property:

- a. **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.
- b. **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.
- c. **Religious.** Advertising that promotes or opposes any identifiable or specific religion, religious viewpoint, message or practice.
- d. **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:
- e. **Tobacco/Vaping/Smoking.** Tobacco, vaping or smoking products, including but not limited to cigarettes, cigars, vaping devices and smokeless (e.g., chewing) tobacco;
- f. **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;
- g. **Cannabis.** Cannabis, cannabis products, cannabis businesses, or cannabis services;
- h. **Firearms.** Firearms, ammunition or other firearms-related products;
- i. **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 over the age of 18 years.

- j. **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;
- k. **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, culture and recreation environment, including persons under the age of 18.
- l. **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.
- m. **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.
- n. **Illegal Activity.** Any advertising that promotes any activity or product that is illegal under federal, state or local law.
- o. **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.
- p. **Threatening Harm.** Advertising that contains any threat, implied or direct, to harm a particular individual or group of individuals.
- q. **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, culture 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, culture and recreation system.

- r. **Adverse to City's Mission and Values.** Promoting or engaging in activities that is in conflict with the City's Mission and Values, as adopted or herein after amended.
- s. **Adverse to City's Equity Values.** Promoting or engaging in activities that is in conflict with the City's *draft* Equity Values (*in brief*), "The City of Lacey champions change that leads to a more equitable society for ALL community members, regardless of race, gender, income, age, sexual orientation, disability, nationality, religion, gender expression, English proficiency, and educational attainment, among other identities, many of which can intersect to create compounding marginalization or privilege." In addition to the City's *draft* Equity Mission of "The City of Lacey is committed to delivering exceptional public services, policies, and programs that integrate equity and social justice as core principles as we continue to grow as a vibrant and thriving community."
- t. **Adverse to Parks, Culture and Recreation.** Promoting or engaging in activities that are in conflict to the commercial or administrative interests of the parks, culture and recreation system, that tends to criticize the quality of service provided by the City, or that tends to criticize parks, culture and recreation generally.
- u. **Discrimination.** Persons that promote discrimination, or have a record of discrimination on the basis of race, creed, color, national origin, age, religion, sex, sexual orientation, gender, gender identity or expression, veteran's status, marital status, genetic information, or the presence of any sensory, mental, or physical disability, or are unable to accept the City's anti-discrimination language.
- v. **Lights, Noise and Special Effects.** Flashing lights, sound makers, mirrors or other special effects that interfere with a safe atmosphere to the public.

10. 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 person to communicate any message deemed appropriate by the LPCR.

11. Responsibility

The LPCR Director (or designee) is authorized to enter into sponsorship agreements and smaller area (e.g., single field) naming rights. The Director may seek advice from the Parks Board, or other City advisory body, on proposed agreements.

12. Procedure

Persons proposing to be considered shall submit a Sponsorship Questionnaire to LPCR, **Attachment 1**.

The Director (or Designee) may use the Sponsorship Matrix to help review potential sponsorships, **Attachment 2**.

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 LPCR; 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.

Full park or facility naming rights opportunities will be identified and submitted to the Parks Board for approval to seek a naming rights sponsor. Once a full park or facility naming rights sponsor is approved by Parks Board, it would then need to be approved by City Council (see City Council Policy Manual, Section 5.13 Naming of Public Parks, Trails, Parkways).

ORIGINAL DATE OF ADOPTION: December 4, 2019

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