



**AGENDA ITEM FORM**

**SUBJECT: Approve Facilities Naming Rights Policy**

**SUMMARY:**

- Significant gifts to Des Moines Water Works offer the opportunity to recognize donors who have been instrumental in the development, implementation and success of the Des Moines Water Works Park Master Plan or other objectives of Des Moines Water Works. Des Moines Water Works encourages private support through award of philanthropic naming rights while also showing appropriate recognition to donors for their generosity.
- This Facilities Naming Rights Policy provides transparency and guidance to donors, the Des Moines Water Works Park Foundation Board, and the public in approving philanthropic naming rights for Des Moines Water Works owned or controlled property or facilities, recognizing financial and in-kind contributions by any individual, corporation or entity.
- Staff recommends to approve the Facilities Naming Rights Policy.

**FISCAL IMPACT:**

None at this time.

**RECOMMENDED ACTION:**

Approve the Facilities Naming Rights Policy for Des Moines Water Works.

**BOARD REQUIRED ACTION:**

Approve the Facilities Naming Rights Policy for Des Moines Water Works.

<p>_____/_____          Jennifer L. Terry (date)          Environmental Advocacy Leader</p>	<p>_____/_____          (date)</p>	<p>_____/_____          William G. Stowe (date)          CEO and General Manager</p>
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Attachments: Facilities Naming Right Policy

Board of Water Works Trustees of the City of Des Moines, Iowa  
Facilities Naming Rights Policy

This Naming Rights Policy (“Policy”) is intended to describe the current policy of the Board of Water Works Trustees of the City of Des Moines, Iowa (“Board of Trustees or “Board”) with respect to naming of facilities of the Des Moines Water Works (“DMWW”) in recognition of donors to DMWW, to the City of Des Moines, or to the Des Moines Water Works Park Foundation (“Park Foundation”), or other recognized philanthropic beneficiaries. This policy extends to all facilities and grounds under the control of the Board of Trustees, including Water Works Park, the Dale Maffitt Reservoir and its grounds, all operational grounds and facilities, including treatment plants, water towers, and storage facilities.

Significant gifts to the Des Moines Water Works offer the opportunity to recognize donors who have been instrumental in the development, implementation and success of the DMWW Park Master Plan or other objectives of DMWW. DMWW encourages private support through award of philanthropic naming rights while also showing appropriate recognition to donors for their generosity. This Naming Rights Policy provides transparency and guidance to donors, the Park Foundation Board, and the public.

**I. SCOPE OF POLICY:**

The Board of Trustees establishes the following naming rights policy to provide guidance in approving philanthropic naming rights for DMWW owned or controlled property or facilities, recognizing financial and in-kind contributions by any individual, corporation or entity.

The Board of Trustees has and retains the exclusive right to name and rename its grounds and facilities at any time and for any reason, and nothing contained in this Policy shall be deemed to grant any naming rights to any third person unless and until expressly granted by the Board of Trustees by specific resolution or by authorized agreement. Without limiting the generality of the foregoing, the Board of Trustees expressly reserves the right to name any of its properties for reasons other than donor recognition, such as honoring community service or service to DMWW, and further withholds from the Park Foundation any right to make any binding commitment for naming rights that is not first approved by the Board of Trustees.

**II. DEFINITIONS:**

The following words will have the meaning ascribed to them herein:

- A. “civic or charitable group” shall mean a nonprofit entity, family, or group that has made a substantial contribution to the community, either through civic involvement, involvement in historic events relevant to specific DMWW property, or to the geographical location of specific DMWW property; or made a financial and/or in-kind donation to support a specific public service or DMWW

property. For-profit entities of any type shall not be considered a civic or charitable group.

- B. “individual” shall mean a person who has made a financial and/or in-kind donation to support a specific public service or DMWW property.
- C. “corporation” shall mean an external for-profit entity which has made a financial and/or in-kind donation to support a specific DMWW service or property.
- D. “Sponsor Group” shall mean the Park Foundation and any other philanthropic group approved by the Board of Trustees seeking to raise funds for the benefit of DMWW or its facilities.
- E. “philanthropic naming rights” shall mean the naming of DMWW property due to a charitable contribution from an individual, civic or charitable group, or other entity or organization that is intended to enhance the community by financial and/or in-kind support for a specific public service or DMWW property.
- F. “DMWW property” shall mean all DMWW owned or controlled real estate and facilities, including buildings, grounds, facilities, parks, features or attributes of a facility such as a bench, tree, bridge, walkway, hallway or room, or other public venue, or particular service or programming opportunities

### **III. NAMING CRITERIA:**

Major naming opportunities may reflect the names of individuals, families, organizations, foundations, corporations or memorials requested by donors.

Major naming opportunities are available when a gift of monetary value as outlined in a naming right opportunity plan (previously approved by the Board) is received.

Naming recognition should enhance the reputation of DMWW and the donor and not infringe any third party rights.

As applied to any approved Sponsor Group, it is the responsibility of individuals negotiating on its behalf to advise potential donors that their gift may be recognized by naming, only subject to the approval of the Board of Trustees and consistent with this naming policy.

The Board of Trustees has the sole right to name or rename DMWW property or facilities. A Sponsor Group may make recommendations for naming recognition to the Board of Trustees. While the Board of Trustees is grateful for and encourages donations from all individuals, businesses and organizations, the Board of Trustees has the right to decline any gift to DMWW, or reject naming proposals, or both.

#### **IV. PROCESS:**

The process to establish philanthropic naming rights for DMWW property shall be as follows:

The Park Foundation or other Sponsor Group may develop philanthropic and honorary naming rights opportunity plans to be implemented as approved by the Board of Trustees by resolution. In developing said plans, or in reviewing nominations for philanthropic naming rights as provided herein, the following criteria shall be complied with:

- A. Philanthropic naming rights opportunity plans shall establish an aggregate campaign goal and assign minimum contribution amounts for specific features. Factors to be considered in development of the goal shall include, but not be limited to, capital costs, annual operating and maintenance costs, and desirability and marketability of the opportunity. Each campaign goal shall be developed on a case-by-case basis.
- B. All proposed names for DMWW property shall be held in confidence during the preliminary review process to the extent allowed by law, but shall be only approved in open session of the Board of Trustees.
- C. All naming rights shall be approved for a specific term. The maximum term of any naming agreement shall be 20 years, unless otherwise established in the naming rights opportunity plan or in a donor contract approved by the Board of Trustees and the donor.
- D. All named elements are subject to review by Board of Trustees at any time, subject only to approved naming rights agreements.
- E. The Board of Trustees and Park Foundation or other Sponsor Group shall reserve the right to remove naming rights without penalty or repayment of the initial gift should either or both organizations believe removal is in the best interests of DMWW or the Sponsor Group. The Board of Trustees, the Park Foundation or other Sponsor Group will not remove naming rights unless substantial new circumstance affecting the name or the donor arise that are deemed to be detrimental to the reputation, mission or goodwill of DMWW, the Park Foundation or the Sponsor Group.
- F. In the event the Board of Trustees determines in its sole reasonable and good faith opinion that circumstances have changed such that the donor's naming rights would adversely impact the reputation, image, mission or integrity of DMWW, the DMWW CEO and General Manager, in consultation with the Board of

Trustees and the Sponsor Group, may, without recourse and without any obligation to return any gifts received, exercise its right to remove the name from DMWW property.

- G. Naming rights opportunity plans shall be approved by the Board of Trustees by resolution before implementation of the plan.
- H. Naming commitments are reflections on the mission and reputation of DMWW. Accordingly, each naming commitment should be reviewed carefully for compliance with applicable laws and ethical principles.
- I. Board of Trustees shall consider the following for proposed naming opportunities: compliance with the established naming rights policy; whether the proposed name or source of donation is incompatible with the mission, objectives, and goodwill of DMWW as a water utility; whether the name is suitable to the facility and appropriate to its identification; whether the proposed name is duplicative or infringing of the names of other facilities or otherwise confusing to the public; appropriate signage; compliance with the required approval process for accepting donations; whether a donor contract is appropriate, and if so, the terms thereof; citizen input; and any other relevant factors. In addition, Board of Trustees may refuse any financial and/or in-kind donation if it is deemed to not be in the best interests of DMWW for any reason.
- J. All naming agreements must be established with a donor naming agreement that has been approved and signed by the donor and by DMWW CEO and General Manager, following approval by the Board of Trustees. The naming agreement specifies the duration; termination and modification rights; any associated annual operating and maintenance costs; and any other restrictions and governing terms.
- K. As modifications are made to DMWW grounds and facilities over time, situations may occur where it is in the best interest of DMWW to relocate, modify or reallocate a named property. In the event modifications to a named property are required or recommended, the Board of Trustees will be involved in early planning. This is to ensure that the donor's wishes are preserved as appropriate and to the extent reasonably practical. Any such modification shall be reviewed and approved by the Board of Trustees.
- L. All signage is subject to approval by the Board of Trustees, which may also condition its approval on approval by the Sponsor Group.
- M. The individual, organization, business or corporation or other entity after whom the area of the facility is named shall possess no additional rights of access to, or use of, the facility or any other preferential treatment beyond those otherwise provided to the public.

**V. LIMITATIONS:**

- A. Nothing contained in this Policy shall be deemed to appoint any person affiliated with any Sponsor Group with any authority to bind the Board of Trustees or DMWW to any agreement respecting naming rights.
- B. No grant of naming rights shall be deemed to be an endorsement, sponsorship or recommendation of the person or entity named by the Board of Trustees or DMWW.