

PHILANTHROPIC NAMING RIGHTS POLICY

1. INTENT OF POLICY

The Board of County Commissioners establishes the following policy to provide guidance in approving philanthropic naming rights for County owned or controlled property or facilities. The goal is to provide a consistent evaluation framework and approval process when considering naming rights for County property. This Policy is intended to balance public and private interests by encouraging philanthropic giving while acknowledging public investment in, and ownership of County properties, and encourage continued investment in these facilities for the benefit of the citizens of Haywood County for generations to come.

2. DEFINITIONS

“controversial source” shall mean a source of funding which if known would raise significant controversy and detract from the use and enjoyment of the facility. Such sources include but are not limited to: groups that have as an announced purpose, political activity or for a political purpose as defined; the promotion of philosophies and practices of terrorism or of prejudice against federally protected classes of individuals; etc.

“County property” shall mean County owned or controlled real property, public facilities such as buildings or parks, features or attributes of a facility such as a bench, tree, bridge, walkway, hall, bricks or other public venue.

“individual” shall mean a person who has made a financial and/or in-kind donation to support a specific public service or County property.

“naming opportunity” shall mean an individual item included in the naming plan. Opportunities may include physical structures, such as a bench, room, tree, or individual bricks or events such as a concert or lecture series.

“naming plan” shall mean a plan to name specific items of County property in exchange for a charitable donation. The naming plan is part of a more comprehensive fundraising campaign, which may include capital campaigns.

“philanthropic naming rights” shall mean the naming of County property due to a charitable donation from an individual 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 County property.

“political activity” shall mean actions directed toward the success or failure of a candidate for public office, political party, or political group or its ideas.

“political purpose” shall mean an objective of promoting or opposing a political party, candidate for public office, candidate for partisan political office, or political group.

“tax exempt organization” shall mean an organization that meets the definition of tax exempt as put forth in Section 501(c) of the United States Internal Revenue Code (26 U.S.C. § 501(c)). These types of organizations are often referred to as “501 c” organizations.

3. PROCESS

(A) Under this policy, County offices and agencies and/or closely affiliated tax-exempt organizations (e.g. “Friends of”) may develop a naming plan. The naming plan must be developed in conjunction with and approved by the County Manager or his/her designee. The plan must be approved by the Board of County Commissioners by resolution.

(B) Any capital campaign that has a goal to raise \$50,000 or more, with or without a naming plan, requires the approval of the Board of County Commissioners.

(C) When developing a naming plan, the following criteria shall be complied with:

- (1) Naming plans shall establish an aggregate campaign goal. Factors to be considered in the development of the goal shall include, but not be limited to, capital costs, annual operating and maintenance costs, and desirability and marketability of the naming opportunity. Each campaign shall be developed and approved on a case-by-case basis.
- (2) All items for which naming opportunities will be offered shall be valued as a function of the aggregate campaign goal within the naming plan. Factors to be included in the valuation of each asset shall include desirability and marketability, exposure associated with naming of the asset, overall value of the item, and relative value as compared with other items that are part of the campaign. The naming plan should include items in a range of values to enable broad participation among residents of the County.
- (3) Any tax exempt organization that executes a naming plan must be in compliance with Internal Revenue Service regulations regarding contributions and donations.
- (4) For any donations that are made in multiple-year pledges, at least two-thirds of the pledge must be received before any signage is installed. In-kind donations of real property shall be valued at the fair market value of the real property. In-kind donations of personal property shall be valued in accordance with Internal Revenue Service Publication 561, Determining the Value of Donated Property,
- (5) Corporate entities may make donations directly to the County but will be subject to the requirements set in the naming plan.
- (6) The naming plan shall list the required donation amounts for each specific naming opportunity and provide detailed information on the location and format of “name” (e.g. type of signage, material, size, manner in which it will be affixed to the permanent

structure, etc.) All signage and the manner in which it shall be affixed shall be approved by the Director of Facilities and Maintenance.

- (7) All names on the signage must be approved by the donor and must conform to the approved philanthropic naming plan. All signage must be approved by the Director of the Haywood County Facilities and Maintenance Department.
- (8) All naming rights in the naming plan shall be approved for a specific term, which shall not be longer than the useful life of the personal property or facility, as determined by the County. If, during the useful life of the personal property or facility, the property is transferred or conveyed from the County, closed, deconstructed, destroyed or severely damaged, significantly renovated, upgrade, or modified, relocated, or replaced, then the naming plan shall cease, and no donations shall be returned.

(D) Approval and Review Process

- (1) Naming plans shall establish a review process either by a standing committee (the composition shall be identified in the plan) or by department employee(s), and shall be approved by the Board of County Commissioners by resolution before implementation of the plan. The review committee established in the naming plan shall consider whether the donation is from a potentially controversial source; appropriate signage; and any other relevant factors. The ultimate determination rests with the county manager following consultation with the county attorney.
- (2) Upon notice to the Board of County Commissioners, the County Manager may refuse any financial or in-kind donation, to include property, for any reason.

(E) Limitations

- (1) Naming rights carry no power of direction, or implied power of direction, to the County in matter of appointment of persons, County policy, or any other governmental process.
- 2) No donations shall be accepted from controversial sources for naming rights and no controversial names of groups or individuals shall be placed on County buildings.
- (3) No donations shall be returned once accepted by the County.
- (4) No organization or individual shall in any way have or make any claim upon any County property, real or personal, tangible or intangible, as a result of any donation. Nor shall any civic or charitable group or individual gain any legal or actionable interest in any County property as a result of any donation or proposed donation under this policy.
- (5) The County Manager shall have the right to refuse any proposed gift in order to enforce this policy.