



ITEM SUMMARY

MEETING DATE: July 1, 2024

FROM: Andrea McCue, City Manager, Administration

SUBJECT: Ordinance 2024-16: First Reading

BACKGROUND

In 2022, the City Council approved Ordinance No. 2022-42, thereby creating code section 2-2 related to the naming and renaming of City programs, events, and facilities. Section 2-2 mentions material or financial contributions to the City as one factor to be considered in the naming process. The proposed ordinance provides additional criteria specific to this factor.

ANALYSIS

The proposed ordinance amends Section 2-2 by adding the following:

1. A tiered system for naming rights, whereby the duration of naming rights available to persons/entities is proportionate to the significance of the contribution. Short-term naming rights are for a period of up to ten years. Long -term naming rights are for a period greater than ten years. Legacy naming rights, which are reserved for extraordinary contributions, may be granted in perpetuity;
2. A subsection providing that all tiers of naming rights are subject to termination pursuant to subsection 2-2(i), without refund of the contribution;
3. A subsection providing for the deposit of donated funds in City accounts; and
4. A subsection providing for the establishment by resolution of minimum donation thresholds for each tier mentioned above.

FINANCIAL INFORMATION

The proposed ordinance is not expected to have a direct impact on the City's regulatory costs.

LEGAL

The proposed ordinance has been reviewed by the City Attorney.

STAFF RECOMMENDATION

Staff recommends approval of the proposed ordinance.

ORDINANCE NO. 2024-16

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 2 “ADMINISTRATION,” ARTICLE I “IN GENERAL,” SECTION 2-2 “NAMING OF CITY PROGRAMS, EVENTS, AND FACILITIES” TO PROVIDE ADDITIONAL CRITERIA FOR THE NAMING OR RENAMING OF PROGRAMS, EVENTS, AND FACILITIES IN RECOGNITION OF SIGNIFICANT MATERIAL AND FINANCIAL CONTRIBUTIONS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Greenacres, Florida (the “City”) is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the City Council adopted Ordinance No. 2022-42, which established a uniform method and procedure for the naming of City programs, events, and facilities; and

WHEREAS, Ordinance No. 2022-42 provided for the naming or renaming of programs, events, and facilities in recognition of significant material or financial contributions; and

WHEREAS, the City Council has determined that it is necessary to provide additional criteria for the naming and renaming of programs, events, and facilities in recognition of the significant material and financial contributions; and

WHEREAS, the City Council has reviewed the proposed ordinance and has determined that the ordinance serves a public purpose and is in the best interests of the public health, safety and/or welfare of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. The foregoing recitals are hereby fully incorporated herein by reference as the legislative findings of the City Council of the City of Greenacres.

SECTION 2. The City of Greenacres Code of Ordinances, Chapter 2 “Administration,” Article I “In general,” section 2-2 “Naming of city programs, events, and facilities,” subsection

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(g), is hereby amended to read as follows:

Sec. 2-2. – Naming of city programs, events, and facilities.

(a) *Intent and purpose; findings.*

1. The intent and purpose of this section is to establish a uniform method and procedure to name city programs, events, and facilities. The use of the words “name” and “naming” throughout this section shall also include “rename” and “renaming.”

2. The city council hereby finds that the authority to name city programs, events, and facilities is solely vested in the discretion of the city council. The city retains the sole discretion, to the maximum extent allowable by law, to reject any naming petition or donation (offered in exchange for naming rights) for any reason. The decision to associate any name with a city program, event, or facility, or any portion thereof, is made by the city in its proprietary capacity. It is not the city’s intention to create a public forum of any kind with respect to the naming of city programs, events, or facilities.

(b) *Generally.* The naming of a city program, event, or facility may be initiated (i) by the city council, (ii) upon the recommendation of the city manager, or (iii) upon the written petition of any person desiring to recommend a name to the city council.

(c) *Naming guidelines.* When considering the naming of any city program, event, or facility, the city council shall consider the following naming attributes:

1. Recognized geographic names;
2. Natural historic features;
3. Significant contributions to the city, State of Florida, or United States;
4. Significant material or financial contributions to the city;

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5. Persons of historic service to the city;
 6. Persons of outstanding civic service to the city; and
 7. Documented community support for the name.
- (d) *Other factors.* When considering the naming of any city program, event, or facility, the city council shall also consider the following additional factors:
1. Names selected will be commensurate with the significance of the city program, event, or facility;
 2. Preference will be given to names that lend dignity to the city program, event, or facility;
 3. Persons currently serving on the city council or serving as an existing city employee will not be considered;
 4. Whether the name may lead to the undue commercialization of the city program, event, or facility.
 5. Names that promote alcohol and tobacco products or political organizations will not be considered;
 6. Names with connotations which by contemporary community standards are derogatory or offensive will not be considered;
 7. The use of the same name for different city programs, events and facilities will be avoided;
 8. The use of multiple names for different parts of a particular city program, event or facility will be avoided;
 9. If the name is an individual person, whether the individual has ever been convicted of a felony; and
 10. The cost that the naming or renaming will have on the city.

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- (e) *Naming petition process.* Any person wishing to recommend to the city council a name for a city program, event, or facility shall submit a naming petition to the city manager for evaluation. The petition shall be in writing on a form approved by the city. The petition shall demonstrate that the name selected satisfies the naming guidelines and other factors set forth in this section and that it demonstrates the required minimum community support as set forth in subsection (f). Upon receipt of a petition that meets the requirements of this section, the manager shall make a recommendation to the city council for either the approval or disapproval of the naming petition. The city council will determine, in its sole discretion, whether or not to name a city program, event, or facility in accordance with the recommendation set forth in such petition.
- (f) *Minimum community support for naming petition.* Each naming petition shall include signatures that demonstrate minimum community support for the petition. Minimum community support requires signatures from at least five percent (5%) of the residents of the city based on the last officially reported population statistics maintained by the city. No naming petitions shall be processed by the city manager unless said petition meets the minimum community support requirement.
- (g) *Significant material or financial contributions: additional criteria and minimum contribution.*
1. The city council may approve the naming or renaming of city programs, events, or facilities in honor of a person, living or deceased, or private or corporate entity as a result of a private gift or other significant material or financial contribution in the manner prescribed by this subsection.
 2. The city shall have discretionary authority, without obligation to refund any portion of

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the contribution, to rescind a naming right granted under this subsection pursuant to subsection 2-2(i).

3. The duration of naming rights shall be proportionate to the value of the donation or other significant contributions of the person or entity being honored. In the event the naming was pursuant to a sponsorship agreement, the sponsorship agreement shall govern the terms and duration of the naming rights.

a. *Short-Term Naming.* Short-term naming may be approved for city programs, events, or facilities and shall be valid for a period of up to ten years, unless otherwise specified by the city council at the time of approval.

b. *Long-Term Naming.* Long-term naming may be approved for city programs, events, or facilities and shall be valid for a period greater than ten years. Funds donated for long-term naming shall be used to create a restricted account to benefit the city commensurate with the length of the approved naming right.

c. *Legacy Naming.* Legacy naming may be approved in perpetuity, except as provided in subsection 2-2(i), in recognition of extraordinary financial contributions to the city.

4. Funds donated for short-term, long-term, and legacy naming shall be deposited in the city's internal account(s).

5. From time to time, the city council may adopt a resolution establishing the minimum contribution required for the naming of a city program, event, and/or facility. The resolution may include minimum contributions for short-term, long-term, and legacy naming.

(h) *Approvals.* The city council shall name, rename, or remove a name from any city program, event, or facility, by resolution. As an alternative to the adoption of a resolution, the city council may enter into sponsorship agreements for naming

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rights of a city program, event, or facility. Such agreements shall be reviewed by the city attorney for legal sufficiency and approved by the city council. Any term or condition in a sponsorship agreement that is in conflict with this section 2-2 shall be null and void and have no legal effect. Approval of resolutions and sponsorship agreements involving the naming, renaming, or removal of a name from any city program, event, or facility shall require a minimum of four (4) votes of the city council membership.

- (i) *No property right.* No property right is conferred upon any person as a result of the naming of any city program, event, or facility. If at any time the name given to a city program, event, or facility adversely affects the reputation or business of the city or such name is involved with a public scandal or other disreputable situation, incident or occurrence, the city council, in its sole discretion, shall have the right to remove the name from such program, event, or facility. All sponsorship agreements shall include the language set forth in this subsection.

SECTION 3. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 5. Codification. The sections of the Ordinance may be made a part of the City Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section”, “division”, or any other appropriate word.

SECTION 6. Effective Date. The provisions of this Ordinance shall become effective immediately upon adoption.

Passed on the first reading this _____ day of _____ 2024.

[Signatures follow on the next page].

PASSED AND ADOPTED on the second reading this _____ day of _____ 2024.

Chuck Shaw, Mayor

Voted:
Judith Dugo, Deputy Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
John Tharpe, Council Member, *District I*

Voted:
Peter Noble, Council Member, *District II*

Voted:
Susy Diaz, Council Member, *District IV*

Voted:
Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney

Business Impact Estimate

Proposed ordinance's title/reference:

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This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes. This Business Impact Estimate may be revised following its initial posting.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

The proposed ordinance would amend code section 2-2 to provide additional criteria for the naming or renaming of programs, events, and facilities in recognition of significant material and financial contributions to the City. Specifically, the amendment provides for the duration of naming rights granted in that instance, the deposit of funds donated to the City, and the ability to rescind naming rights pursuant to existing subsection 2-2(i) without any requirement to return contributions.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur:

None that the City is aware of.

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible:

This ordinance imposes no new charge or fee.

(c) An estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

The amendments to Code section 2-2 found in this ordinance are not expected to have a direct impact on the City's regulatory costs.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

The City does not anticipate that this ordinance will impact any business, unless the business voluntarily participates in the naming program established by section 2-2, as amended by the proposed ordinance, and the business chooses to make a significant material or financial contribution to the City.

4. Additional information the governing body deems useful (if any):

Not applicable.