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# MEMORANDUM

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**DATE:** NOVEMBER 17, 2009

**SUBJECT:** Briefing – Naming of City Assets Ordinance – Chapter 14.56

**COUNCIL ACTION:** Consider Options:

- Additional Briefing and Changes to Ordinance Needed
- Hold Public Hearing (Not Required)
- Adopt Proposed Ordinance
- Reject Ordinance

**STAFF REPORT BY:** Karen Halladay, Budget and Public Policy Analyst

**AFFECTED COUNCIL DISTRICTS:** ALL

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## Naming of City Assets (Naming) Ordinance

Salt Lake City receives citizen requests for naming of city assets. Frequently naming requests occur when members of the community wish to honor an individual or organization who has contributed to a neighborhood, community, city, state or nation. Other times, members of the community wish to create a tribute or memorial for a loved one. In addition, the City may wish to enter into a sponsorship arrangement with a person or organization in exchange for cash and/or other contribution to the City.

Currently, there is no stated policy, resolution or ordinance to provide direction and guidance to Administrative and Council Staff who receive naming requests from community members. The Naming of City Assets Ordinance, which is attached, is an attempt to define the criteria and process for the naming or renaming of the City's assets.

At this time, Council Staff is aware of three such requests or inquiries: old tennis building at Liberty Park, Jordan Meadows Park, and the artesian well mini park on 800 South.

## History of Naming of City Assets Ordinance

1. Administrative memo, dated November 2, 2006, from the Community Development Director requesting a review of the process for honorary street name changes “due to unclear procedures and policies and increasing requests for approvals”.
2. During the City Council meeting announcements on November 13, 2007, Council Members agreed that a comprehensive Honorary and Donation-Based Naming Opportunities Policy should be developed.
3. Council Ad Hoc Committee (Council Members Turner, Jergensen, and Remington-Love), Council Staff, and City Administrators begin to research and survey how other cities in the U.S. address the naming of city assets. In addition, criteria and elements Salt Lake City could include in their naming of city assets ordinance were discussed.
4. In Council Staff memorandum, dated April 22, 2008, the Council's Ad Hoc Committee recommends that an ordinance be prepared for the naming, renaming, and dedication of city assets. Specifics of the ordinance, including the committee's desire to not include honorary street naming in the Naming Policy, are discussed with the full Council during the April 22, 2008 Council briefing.
5. Naming Ad Hoc Committee Members, Council and Administrative Staff meet on October 20, 2008 with outside Legal Counsel to review and discuss the draft of the Naming of City Assets Ordinance. Changes are incorporated and the draft is revised by outside legal counsel.
6. In February of 2009, the Supreme Court concluded in the *Pleasant Grove City vs. Sumnum* case that “although a park is a traditional public forum for speeches and other transitory expressive acts, the display of a permanent

monument in a public park is not a form of expression to which forum analysis applies. Instead, the placement of a permanent monument in a public park is best viewed as a form of government speech and is therefore not subject to scrutiny under the Free Speech Clause.”

### Key Points of the Salt Lake City Ordinance – Chapter 14.56 Naming of City Assets

- The stated purpose of the ordinance is to establish guidelines and procedures for the naming and renaming of any City-owned property, referred to as “City assets”.
- The stated intent of the ordinance is “to recognize, in a systematic and consistent fashion, significant contributions and support to the City from citizens, volunteers, organizations, financial donors, community leaders, officials and others.”
- The scope of this ordinance does not include honorary street naming. The naming and renaming of City streets is governed by Chapter 14.08 of the Salt Lake City Code, which is an official renaming of a City street process. (This changes the actual name of a street and all associated post addresses.) This ordinance (Chapter 14.08) does not address honorary street naming changes. (Honorary street names do not result in changes to county records or mailing addresses.)
- The Naming of City Assets Ordinance is applicable to sponsorships, recognitions/honorary naming, and tributes and memorials.
- The Naming of City Assets Ordinance provides naming guidelines, including guidance on the following:
  - Applicability of the ordinance and categories for asset naming, including sponsorships, City recognitions/honorary naming, and tributes and memorials.
  - Name selection, including being relatable to the community in which the City asset is located, and that it meets the requirements of City Fire, Police, and Emergency Management Services.
  - Name preferences.
  - Prohibited names and logos.
  - Honorary naming requirements, including meritorious recognition of individuals who have made significant contributions, including financial, to their community on a local, state, national or international level.
  - Involvement of the City’s Community Councils when a direct relationship or association exists with an asset naming.
  - Public gifts given to the City, including allowing the City to define sponsorship levels recognizing different contribution amounts.
  - Changes to existing names.
  - Asset name removal, expiration or continuation, including when endowments would be required.
  - Naming procedures, including an Asset Naming List - a list of assets or asset categories available for a naming opportunity - and the branch of City government responsible for approval of the naming, as identified on the Asset Naming List.
  - Naming petition requirements and review, including financial responsibility for the named or renamed asset and written support for the naming request.

### Matters at Issue

1. The ordinance, as written, does not provide guidance on whether or not a public process is required. **(Note: The proposed ordinance does include a general provision for affected Community Councils to review and forward a recommendation to the Mayor when a direct relationship or association exists between a group or a person’s former place of residence and an asset to be named.)** The Council could consider adding the need for a public process. The could be added as an element on the Naming List, which, per the ordinance, requires Council approval or the Council could hold a public hearing as items appear by resolution on the agenda. *If the Council wishes to include a public process, what approach is preferred?*
2. Neither the proposed Naming of City Assets nor the current Street Naming Ordinance (Chapter 14.08) address honorary street naming. Since 2006, honorary street naming has been put on hold “due to unclear procedures and policies and increasing requests for approvals”. *Does the Council wish to re-open the honorary street naming program, including the development of policies, procedures, and a related ordinance?*
3. The following items were discussed by The Director of Public Services and Council Staff. It was felt that further clarifying these items with legal counsel may be necessary. The items, identified by line number, are as follows:

- The Purpose and Intent Section of the proposed ordinance (14.56.010):
  - Lines 54-62 - Different types of City assets are listed, but the list does not distinguish the types of assets that are considered “minor” assets. Additional language could be added to further clarify when an asset is considered minor. Added language could include adding identifying factors that are considered when determining type of asset. These factors could include, but are not limited to: 1) the cost of the asset, 2) the useful life or life cycle of an asset, 3) nature of an asset (trees, flower gardens, etc), and/or 4) prominence of asset or placement of the asset. *Should the additional clarification be made to the ordinance?*
- The Naming Categories Section of the proposed ordinance (14.56.030):
  - Line 88 – According to the Public Services Director, the maintenance and repair of certain City’s assets, including but not limited to water fountains and ponds, can be challenging and can become a financial burden for the City. A suggestion was made to exclude “water fountain” from the list of examples in the proposed ordinance. The ordinance would not prohibit this type of donation. In addition, assets requiring an endowment, on-going maintenance and/or replacement could be identified on the Asset Naming List as donations that would require an Asset Naming Agreement. *Does the Council agree with the suggestion to remove “water fountain” and should assets requiring an endowment be identified on the Asset Naming List?*
- The Naming Standards Section of the ordinance (14.56.040):
  - Line 106 - A general provision that Community Councils review and make a recommendation to the Mayor when a direct relationship or association exists between a group or a person’s former place of residence and an asset to be named. A suggestion has been made to exclude certain minor assets and tributes and memorials. *Does the Council agree with the suggestion?*
  - Line 128 - A general provision prohibits logos for commercially available products and services. It has been suggested that prohibiting sponsorship logos should be excluded from this provision of the ordinance. *Does the Council agree with the suggestion?*
  - Line 152 – Preference shall be given to any name which “honors one (1) or more living or deceased individuals who have made a significant contribution to the City.” Of the eight cities (Allentown, PA; New Rochelle, NY; Green River, WY; Honolulu, HI; Jacksonville, FL; Fort Worth, TX; Topeka, KS; and Reading, PA) that responded to the original Councilink request for information on naming polices: 1) three clearly state that living individuals can have assets named after them for their contribution, 2) two were not clearly indicated, and 3) three of the cities required that a person be honored posthumously - one requiring a twelve month waiting period and one, Jacksonville, indicating that exceptions to waive the posthumous requirement had been made a few times – late in a person’s life and for naming rights. Additional language included “believed to merit recognition” and “except in extraordinary circumstances, naming shall be done posthumously.” Recent Salt Lake City naming requests that were approved by the City Council include the *Robert W. Jones Baseball Diamond* and the *Kay Rees Park*. Both individuals were able to personally accept their recognition. *Does the Council wish to clarify which, if any, assets should be named posthumously? Should this requirement be indicated on the Asset Naming List or further clarified in the ordinance?*
  - Line 160 and 142 – The proposed ordinance allows personal or organizational names when an individual or organization has made a significant contribution to the City. This includes financial contributions. According to the Public Services Director, this could present some challenges. For example, an individual or organization could contribute 100% of the funds needed to complete a project, but the amount of the contribution could be only \$20,000. Another individual could contribute 20% of a project’s cost, but the amount of the contribution is \$500,000. The proposed ordinance allows the Mayor to define financial sponsorship categories (Line 142). *Should the proposed ordinance further define significant contribution or should a sponsorship minimum amount be established – i.e. greater than one-half of the total project cost, and equal to or greater than \$100,000, before the name of a person or organization is considered for an asset name?*
- The Asset Naming Procedure of the ordinance (14.56.080):
  - Lines 218-225 - The City Council shall periodically receive a list of City assets that the Administration/Mayor recommends for potential naming. This list could include opportunities for tributes and/or memorials, as well as items that could be “donated” in order to complete a project. For example, park benches, sports courts, etc. *Does the Council wish to identify how frequently they want*

- to review the potential asset naming list with the Administration? (Council Staff recommends that the first list be approved prior to implementation.)*
- Lines 218-225 - The ordinance, as currently written, specifies that the naming approvals (Council or Administration) are indicated on the Administration's Asset Naming List. *Is the Council comfortable with this approach or does the Council wish to further clarify which branch of government is responsible for specific naming?*
  - Line 258 - The proposed ordinance indicates that the City may require an asset naming agreement. This agreement may include future asset modifications, maintenance responsibilities of each party, and the time period during which the City must retain the asset and its name. The proposed ordinance does not require that this agreement be notarized and recorded with the City Recorder's Office. *If naming agreements are necessary, should these be legally binding agreements i.e. formalized by notarizing the agreement and requiring that the agreement be filed with the City Recorder's Office?*

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SALT LAKE CITY ORDINANCE  
No. \_\_\_\_\_ of 2008

(Enacting Chapter 14.56 Naming of City Assets)

AN ORDINANCE ENACTING CHAPTER 14.56, *SALT LAKE CITY CODE*,  
PERTAINING TO THE NAMING OF CITY ASSETS, PURSUANT TO PETITION NO.  
\_\_\_\_\_.

WHEREAS, the City regularly receives requests from the public to name or rename City  
assets; and

WHEREAS, the City Council desires to establish guidelines and procedures for naming  
City assets.

NOW, THEREFORE, be it ordained by the City Council of Salt Lake City, Utah:

**SECTION 1. Enacting Chapter 14.56 Naming of City Assets.** Chapter 14.56 of the *Salt  
Lake City Code*, pertaining to naming of City assets, shall be and hereby is enacted to read as set  
forth in the attached Exhibit "A."

**SECTION 2. Effective Date:** This Ordinance shall become effective on the date of its  
first publication.

Passed by the City Council of Salt Lake City, Utah this \_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
CITY RECORDER

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Transmitted to Mayor on \_\_\_\_\_.

Mayor's Action: \_\_\_\_\_ Approved. \_\_\_\_\_ Vetoed.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY RECORDER

(SEAL)

Bill No. \_\_\_\_\_ of 2008.

Published: \_\_\_\_\_

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**Exhibit "A"**

**Chapter 14.56  
NAMING OF CITY ASSETS**

**14.56.010 Purpose and Intent:**

**A. Purpose:** The purpose of this chapter is to establish guidelines and procedures for naming and renaming any City-owned property, referred to in this chapter as a "City asset" including, by way of example and not limitation, parks and parklands; landscape elements such as trees, plants, plazas, and gardens; site furnishings such as benches, drinking fountains, playgrounds, and donated art; open spaces; facilities; recreation elements such as sports fields and bocce courts; memorials, statues, and busts; and municipal buildings, properties, sites, and structures. In order to promote the City, enhance public awareness of particular City assets, and improve emergency access, the naming of City assets shall be consistent with adopted City policy and, more particularly, the provisions of this chapter.

**B. Intent:** The intent of the policy set forth in this chapter is to establish a systematic and consistent basis for recognizing contributions and support to the City from citizens, volunteers, organizations, financial donors, community leaders, officials and others.

**14.56.020 Scope:**

This chapter shall apply to the naming of any City asset except a City street. The naming and renaming of a City street shall be governed by Chapter 14.08, Salt Lake City Code.

**14.56.030 Naming Categories:**

The following asset naming categories are hereby created:

**A. Category 1 - Sponsorships:** Following a request for qualifications or a request for proposals, the City may enter into an agreement with a person or organization whereby the naming of a City asset may be selected by such person or organization, pursuant to the requirements of this chapter, in exchange for a cash or other contribution to the City.

**B. Category 2 - City Recognitions:** The City may elect to name a City asset to formally recognize significant contributions and support to the City by:

1. a person or organization, or
2. a group of similarly situated persons.

**C. Category 3 - Tributes and Memorials:** As provided in this chapter, a person may

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88 petition the City to name a minor City asset, such as a room, tree, flagpole, water fountain, or  
89 park bench, as a tribute or memorial to a person, group, event, or other thing.

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91 **14.56.040 Naming Standards:**

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93 **A. Applicability:** The provisions set forth in this section apply to the naming of any City  
94 asset, including but not limited to:

- 95 1. opening of a new or refurbished City asset;
- 96 2. honoring an individual, group, or organization (for-profit and non-profit);
- 97 3. recognizing a gift, donation, sponsorship, joint venture/partnership, or significant  
98 contribution to the City or the general public; and
- 99 4. improvements to an existing City asset.

100  
101 **B. General Provisions:** The following provisions shall apply to selection of any name  
102 associated with a sponsorship, City recognition, or a tribute or memorial.

103 1. **Consent:** When a City asset is proposed to be named for a person, consent shall be  
104 obtained from such person or, if deceased, the person's next of kin prior to public  
105 consideration of the proposal.

106 2. **Community Council Recommendation:** When a direct relationship or association  
107 exists between a group or a person's former place of residence and an asset to be named, the  
108 relevant Community Council shall review and forward a recommendation to the Mayor.

109 3. **Prohibited Names:** In the sole discretion of the City, no name shall be chosen that:

- 110 a. causes confusion due to duplication or similarity to an existing named location  
111 within Salt Lake City;
- 112 b. is the name of:
  - 113 i. an entity associated with tobacco, alcohol, firearms, or pornography, or an entity  
114 which is police-regulated;
  - 115 ii. a religious or political organization; or
  - 116 iii. a religious leader, unless such person being honored is recognized solely for  
117 the person's civic contribution;
- 118 c. may have an inappropriate short form or modification;
- 119 d. is discriminatory or derogatory considering race, gender, creed, political affiliation,  
120 or a similar factor;
- 121 e. relates to or may create a controversial situation within the City;
- 122 f. recognizes a single person for a contribution similar or identical to a contribution  
123 made by others within a particular group associated with that person;
- 124 g. recognizes the birth, marriage, or anniversary of a specific person except when  
125 included as part of a tribute or memorial associated with a minor City asset, such as a  
126 room, bench, tree or similar City asset; or
- 127 h. may bring dishonor upon the City.

128 4. **Logos Prohibited:** Logos for commercially available products and services shall not



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129 be permitted in conjunction with any name given to a City asset.

130 5. **Asset Name Rejection:** The City, in its sole discretion, may reject any proposed asset  
131 donation or any name proposed for an existing City asset.  
132

133 **C. Sponsorships and City Recognitions:** The following provisions shall apply to the  
134 selection of any name associated with a sponsorship or City recognition:

135 1. **Context:** The selected name shall:

- 136 a. have a longstanding local area and/or community identification with City residents;
- 137 b. be understandable to the majority of the citizens of the City;
- 138 c. meet the requirements of the City Fire and Police Departments and emergency  
139 management services providers; and
- 140 d. be consistent with:
  - 141 i. the character and public value of the asset;
  - 142 ii. financial sponsorship categories as may be established by the Mayor;
  - 143 iii. existing street names and geographical locations; and
  - 144 iv. any other applicable City requirement.

145 2. **Name Preferences:** Preference shall be given to any name which:

- 146 a. gives a sense of place, continuity, and belonging reflecting the geographic location,  
147 community, and neighborhood where the City asset is located;
- 148 b. recognizes the historical significance of an area;
- 149 c. reflects unique characteristics of the area where the asset is located;
- 150 d. reflects the type of service offered, if any;
- 151 e. is consistent with any selected theme; and
- 152 f. honors one (1) or more living or deceased individuals who have made a significant  
153 contribution to the City.

154 3. **Personal and Organization Names:** The name of a person, organization, corporation,  
155 foundation, or a related person shall be considered only when such person or organization has  
156 made a significant contribution to the City by:

- 157 a. enhancing the quality of life and well-being of the City;
- 158 b. contributing to the historical, cultural, or societal preservation of the City, State, or  
159 Nation;
- 160 c. contributing a significant portion of project costs used for acquisition, development,  
161 or conveyance of land or a building; or
- 162 d. achieving personal or organizational excellence which represents Salt Lake City in  
163 a meritorious manner.

164 4. **Public Gifts:** When selecting a name connected with a sponsorship, the following  
165 additional factors shall be considered:

- 166 a. the significance of the contribution made relative to construction and ongoing  
167 operating costs of the City asset to be named;
- 168 b. any financial sponsorship categories as may be established by the City to recognize  
169 different contribution amounts;

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- c. the cost of establishing the naming or renaming; and
- d. in the case of a donated asset, projected ongoing maintenance costs.

**D. Tributes and Memorials:** The following provisions shall apply to the selection of any name associated with a tribute or memorial.

1. **Quality:** A donated City asset shall conform to applicable City standards including, but not limited to, design, durability, and location. The City, in its sole discretion, may reject an offer to donate an asset which does not meet City standards.

2. **Maintenance:** A donated City asset which is unique and not within any asset class ordinarily purchased and maintained by the City shall be maintained by the donor unless otherwise provided in an asset naming agreement.

**14.56.060 Changing An Existing Asset Name:**

**A. Criteria:** A City asset with an existing name shall be changed only after consideration of the:

- 1. historical significance of the name;
- 2. impact on the presently-named individual or organization; and
- 3. cost and impact of:
  - a. changing existing signage, if any;
  - b. rebuilding community recognition; and
  - c. updating records such as letterhead, databases, and promotional materials.

**B. Consideration:** Each petition to change an existing name shall be considered on a case-by-case pursuant to applicable provisions of this chapter.

**14.56.070 Asset Name Removal:**

**A. End of Service Life:** When a City asset exceeds its service life, as reasonably determined by the City, or is destroyed through no fault of the City, the asset and its associated name may be removed.

**B. Extension:** An asset which has exceeded its service life may thereafter remain in service only if:

- 1. such action is approved by the City pursuant to an asset naming agreement, and
- 2. the agreement:
  - a. specifies the length of time that the asset name may be used, and
  - b. provides for an endowment fund or other financial resources to cover the asset's ongoing maintenance costs.

**C. Council Action.** Unless otherwise provided in an asset naming agreement, the City

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211 Council may review, change, or remove the name of a City asset at any time consistent with the  
212 provisions of this chapter.

213  
214 **14.56.080 Asset Naming Procedure:**

215  
216 The following procedures shall apply to the naming of a City asset.

217  
218 **A. Asset Naming List:** The City Council, after receiving a recommendation from the Mayor,  
219 may periodically approve a list of City assets, known as the Asset Naming List, which shows  
220 City assets, either individually or by class, which are eligible for naming as provided in this  
221 chapter.

222 1. The Asset Naming List shall identify whether the name of an asset, or names within an  
223 asset class, as the case may be, will be selected by the Council or by the Mayor.

224 2. The Council or Mayor may solicit recommendations regarding an asset name from any  
225 person or organization.

226  
227 **B. Petition for Asset Naming:** Any person may submit to the Public Services Department a  
228 written petition to name or rename a City asset. The petition shall include at least the following  
229 information:

230 1. petitioner's name, address, telephone number;

231 2. a statement indicating whether the asset is shown on the City asset naming list  
232 described in Subsection 14.56.080(A);

233 3. a description of the City asset to be named or renamed;

234 4. if the name proposed is for a person, the person's signed consent to the filing of the  
235 application, or if deceased, consent from the person's next of kin;

236 5. a map showing the location of the City asset which is the subject of the petition;

237 6. background information concerning the rationale for the petition;

238 7. if the name proposed is for the a person, group, or organization, biographical or  
239 background information;

240 8. documentation showing support for the petition, including letters of support from  
241 persons, organizations, and the affected community council; and

242 9. financial information, including proposed funding sources, estimated project  
243 construction costs; and how ongoing maintenance will be funded; and

244 10. any applicable fee established by the City Council. The intent of the Council is that  
245 such fees should recover all costs associated with administration of the City asset naming  
246 program described in this chapter.

247  
248 **C. Petition Review Procedure:** Each petition for naming or renaming shall be:

249 1. reviewed for conformity with this chapter;

250 2. circulated to City Departments, as determined by the Mayor, for comment on the  
251 suitability of the petition; and

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252                   3. referred by the Mayor to stakeholders in the community to determine the level of  
253 support or objections to the petition.

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255                   **D. Proof of Endowment:** A City asset shall not be named or renamed unless proof of a  
256 source of maintenance funds is provided, if required by a provision of this chapter.

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258                   **E. Asset Naming Agreement:** An asset naming agreement may be required by the City  
259 which specifies the responsibilities of the City and the petitioner, including but not limited to,  
260 future asset modification, maintenance responsibilities of the parties, and the time period during  
261 which the City must retain the asset and its name.

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263                   **F. Action by Mayor:** In accordance with applicable provisions of this chapter, the Mayor:

- 264                   1. shall determine any City asset name which is a tribute or memorial, except as otherwise  
265 shown on the Asset Naming List, and  
266                   2. may determine the name of any City asset on the Asset Naming List identified on the  
267 list as a mayoral responsibility.

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269                   **G. Action by City Council:** In accordance with applicable provisions of this chapter, the  
270 City Council may determine the name of any City asset on the Asset Naming List identified on  
271 the list as a Council responsibility.