

ORDINANCE NO. 3104-18

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, ADOPTING A NAMING POLICY FOR THE CITY'S LIBRARY AND EVENTS CENTER; PROVIDING FOR AUTHORIZATION TO THE MAYOR AND CITY MANAGER WITH RESPECT TO SUCH NAMING POLICY; MAKING FINDINGS; PROVIDING FOR SEVERABILITY, NON-CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the Winter Park Library and Events Center is funded primarily by bonds duly approved by referendum of the electors of the City; and

WHEREAS, additional features have been proposed for the Library and Events Center, including but not limited to a roof top venue for the Events Center, an outdoor amphitheater, a raked auditorium in the Library, and a portico entry feature, which necessitate the raising of additional funds in excess of the funds provided by the bond issuance; and

WHEREAS, on November 27, 2017, the City Commission approved the City of Winter Park Library and Events Center Naming Policy, with the purpose of providing a mechanism for raising funds for the Library and Events Center via donations and naming of facilities related thereto; and

WHEREAS, the City Commission finds that it is advisable to further clarify the City's naming policy with respect to the Library and Events Center, and to adopt such policy via ordinance.

NOW, THEREFORE, BE IT ENACTED by the City of Winter Park, Florida as follows:

SECTION 1: Recitals. The above recitals are true and correct, constitute findings of the City Commission, and are incorporated herein as a material part of this Ordinance.

SECTION 2: Naming Policy. The City of Winter Park Library and Events Center Naming Policy adopted by the City Commission on November 27, 2017 is hereby repealed in full and replaced with the policy of the same name attached to this Ordinance as Exhibit "A." The City Manager and Mayor shall have authority under this Ordinance as described in the attached policy.

SECTION 3: Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. Non-Codification. This Ordinance and adopted policy shall not be codified but shall have the full force and effect of an ordinance of the City of Winter Park and any amendment of this Ordinance and adopted policy shall require an amendment by ordinance. No decisions or actions authorized or contemplated by the attached policy shall require approval by ordinance.

SECTION 5: Conflicts. In the event of any conflict between this Ordinance and any other ordinance or portions of ordinances, this Ordinance controls.

SECTION 6: Effective Date. This ordinance shall take effect immediately upon its passage and adoption by the City Commission of Winter Park, Florida.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida on this 12th day of February, 2018.

CITY COMMISSION
CITY OF WINTER PARK



Mayor Steve Leary

ATTEST:



City Clerk Cynthia S. Bonham

Exhibit "A"

CITY OF WINTER PARK (CWP) LIBRARY AND EVENTS CENTER NAMING POLICY FACILITY NAMING POLICY – Library and Events Center and Complex

This Policy sets forth the requirements and conditions that must be met by donors in order for their name, or a name they select, to be applied to a City Library or Events Center facility or the Complex as a whole and matters related thereto. In all cases, final determination of whether any building, facility, exterior or interior space may be named for an individual rests with the City as provided herein. Fundraising to accomplish naming of facilities may be in partnership with the Winter Park Library Association (WPLA) and its board and leadership.

1. **General:** Donors who wish to name a building, addition to an existing building, interior space, exterior space, or any other facility or portion thereof (herein sometimes collectively referred to as "facility") of the Library and Events Center Complex (LECC) must agree to the terms of the gift in an irrevocable and enforceable pledge/gift agreement.

2. **Requirements and Criteria for Naming a Facility:**

(a) The required donation for naming a building, facility, or interior/exterior space of the LECC, or any portion thereof, shall be determined based on the following criteria: For large items such as the Library Building, the Event Center Building and the Complex as a whole, single donor naming rights must be at least 50 percent of the actual cost of the facility. With respect to the Rooftop Venue, the Belvedere and the Amphitheater – if approved at a later date – the cost for naming of these facilities shall be no less than 100 percent of the estimated cost. The City Manager shall have the responsibility for making the foregoing determinations regarding required donations subject to the requirements and criteria established under this Policy and any direction by the City Commission. The Mayor and the counsel to the WPLA and any other persons deemed appropriate by the City Manager may provide advice to the City Manager regarding the required donation. The Mayor and the WPLA counsel are authorized to consult with and provide input to the City Manager regarding implementation and execution of this Policy, and to solicit donations and take other actions consistent with this Policy and any requirements/criteria adopted hereunder, all subject to the City Manager's authority as provided in this Policy.

(b) The final authority for naming the Library, Events Center, and the LECC as a whole rests exclusively with the City Commission. Final authority for naming a facility or exterior space rests exclusively with the City of Winter Park although the City Commission may assign or provide authority to the City Manager for naming certain portions of the LECC. The City may take into consideration recommendations of the Board of Trustees of the WPLA. Furthermore, the City in partnership with the WPLA (through the Board of Trustees) shall create a "pre-approved list of naming opportunities" and the associated costs therefor. Staff of the WPLA and the City may rely upon said approved lists and proceed with donors independent of consultation with the Board of Trustees; however, the City has final naming authority of any new or existing building, facility or exterior space.

(c) Generally, naming rights shall not be granted "in perpetuity" but for the useful life of the structure subject to changed circumstances as noted in a written gift agreement.

(d) The City shall not approve any naming option that is inconsistent with the City's image, brand, and a family atmosphere. All decisions of the City Manager under this Policy shall be consistent with the foregoing principles, the requirements of this Policy, any direction by the City Commission, and shall advance the purposes of this Policy.

3. **Approval of Exceptions.** All exceptions to the Naming Costs will be weighed against their future cost, as all exceptions granted weaken this policy, and any exception granted may be viewed by past or prospective donors as a precedent, making it more difficult to deny future requests for exceptions. Exceptions may be denied by the City Manager or recommended for approval by the City Commission.

4. **Morals Clause.** If at any time the donor commits any act or becomes involved in any situation, incident, or occurrence tending to degrade the donor in the community, or which brings the donor into public contempt or scandal, or which materially and adversely affects the reputation or business of the City or the WPLA, whether or not information in regard thereto becomes public, all in the City's sole discretion, the City shall have the right to remove donor's recognition rights, which right by the City shall be memorialized in a previously executed pledge/gift agreement.
5. **Prior Names.** Prior names on existing facilities will not carry over to the new Library and Events Center or the Complex as a whole. All donor pledges and gift agreements shall specifically acknowledge that any naming of all or a portion of the Library, the Events Center, or the Complex as a whole are limited to this project only and will not be carried forward to other, future facilities.
6. **City and Library Partnership.** The City and the WPLA may work in tandem on this joint project owned by the City. All donor solicitations shall be conducted so as to preclude multiple parties soliciting contributions from the same potential donor. The City and the WPLA have acknowledged the WPLA's commitment to raise \$2,500,000 towards this project. Funds may be contributed to either the WPLA or to the Foundation established by the City provided that in the case of the City Foundation, contributed funds shall count towards the WPLA's commitment unless a donor specifies otherwise. Funds raised for naming the Amphitheater, Rooftop Venue, Raked Auditorium, Belvedere and Portico will first be applied to the additive cost thereof and any excess above their actual cost shall be credited to the WPLA's \$2,500,000 commitment.
7. **Disclaimer.** Nothing in this Policy, or any requirements or criteria adopted in accordance with this Policy, shall be construed to create any obligation by the City or any right or expectation of prospective donors with respect to the subject matter of this Policy. The City retains the sole discretion, to the maximum extent allowable by law, to reject any donation or naming proposal for any reason. The decision to associate any name with a City-owned facility, property, 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 property under this Policy