



COUNTY OF ONONDAGA

Office of the  
*County Comptroller*

Robert E. Antonacci II, CPA  
Comptroller

*John H. Mulroy Civic Center, 14th Floor  
421 Montgomery Street  
Syracuse, New York 13202-2998  
(315) 435-2130 • Fax (315) 435-2250  
www.ongov.net*

James V. Maturo  
Deputy Comptroller/Accounting

Philip M. Britt  
Deputy Comptroller/Audit

May 22, 2012

The Honorable County Executive  
The Onondaga County Legislature  
The Clerk of the County Legislature  
Chief Fiscal Officer of Onondaga County  
Onondaga County Attorney  
Commissioner of Facilities Management  
Commissioner of Parks and Recreation  
Director of Purchase  
President of the Friends of the Rosamond Gifford Zoo  
Executive Director of the Cultural Resources Council  
President of Onondaga Community College  
Senior Vice President of Onondaga Community College—Affiliated Enterprises  
Onondaga County Sheriff's Department

Introduction:

As cities and counties across the country continue to look for other sources of revenue it has become clear selling the naming rights to a public property or allowing for advertisement to be placed upon public property may be an important cash flow opportunity.

As our county government (departments, and component units such as Onondaga Community College) faces similar financial challenges as other governments, we have also looked for additional revenue sources by entering public-private partnerships. Some of these relationships have been consummated by what we term "revenue contracts", the substance of which results in the County "selling" or receiving a revenue stream for use of a county asset by a private entity. In some cases the county has received a donation for these rights.

As the County looks to encourage these types of partnerships and in the hopes of maximizing revenue, along with providing a standard process, the Onondaga County Legislature passed Resolutions 241-2010 and 310-2010 providing that all revenue contracts be procured through written request for proposals (RFP).

The goal of our audit was to evaluate past decisions of a similar nature now envisioned by the new policy, evaluate those partnerships from a financial and administrative process and provide recommendations to insure revenue to the county is maximized in a fair, consistent and understandable manner.

Our specific focus for this audit was revenue from naming rights or money paid by an entity for the right to place its name on a taxpayer owned property. We call these relationships collectively "naming rights" and are of the opinion the aforementioned resolutions govern these agreements. In the alternative, as advised by the Law Department, some transactions may have been consummated by the county receiving a donation for the naming right.

While there may be some legal variances in the form of the naming rights transactions, the substance and reality of all transactions examined, except honorary naming rights, indicate the receipt of money by the county for the giving of a right to place a name upon a county owned asset.

We note there can be confusion as to which units of county government a legislative policy applies. We are of the opinion Resolutions 241-2010 and 310-2010 should apply to all units of county government especially if it involves public property such as buildings. If the taxpayers are funding the investment then the taxpayers should benefit from the bargain.

Findings:

Our audit of past naming rights finds in general the following reforms needed:

- Development of a process and policy governing all of county government
- Development of a process to determine the value of the naming rights
- Development of a standard contract
- Standardization of an approval and review process for all units of county government

Recommendations:

From a pragmatic point of view, we understand in certain situations it is difficult to “look a gift horse in the mouth”. Some responses to our audit indicated it would be difficult in what is perceived to be a donation situation to state to the donor “we need to now determine if someone else would like to make a more generous donation.”

We understand this concern but we also submit the taxpayers need to be assured the maximum is received for the County giving up its right in allowing the naming of a facility. We therefore recommend the following:

1. There must be consistency in all of the policies used by county government and its component units.
2. There must be a determined methodology used by county government and its component units in evaluating the value and term of any agreement.

As for the details we recommend the policies and methodologies are stated in this manner:

- a. The value of the naming right must be first estimated using the assistance of advertising or other professionals knowledgeable in this regard
- b. The value should take into account location, public exposure, impressions and traffic as any other advertisement placement would do
- c. The county must then determine a range of value for the naming right to be used as a guide in evaluating proposals
- d. The naming right opportunity must be publicly advertised as to maximize the field of potential suitors
- e. The returned proposals must be evaluated based on the overall goal of maximizing revenue to the taxpayer, considering the terms of the proposal, such as length of naming right, and renewals along with commitments of the county and other parties
- f. The County Legislature and/or the County Executive should have final approval on all naming rights agreements covering any county facility

Resolution 310-2010 exempts gifts from the new policy regarding revenue contracts. Some may consider naming rights are charitable in nature, yet there is clearly a value to an entity requesting the naming of a facility. Despite the claims to be charitable in nature, if there is an expectation of naming rights the above recommendations should be followed. If the donor requires the naming of the facility we cannot agree the payment is charitable. In any event, we do not wish to subscribe to the donors their actual intent as we are sure in many cases the amount received may bear some charitable qualities. However, we must ensure to the taxpayers we have maximized the return on investment in the facility, paid for by taxpayers, and now being named for an entity in consideration of a sum of money.

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We do not suggest the county should embarrass or demean a prospective donor but at a minimum the value of the naming right being given should be determined and then sent to the Legislature for approval.

We also remind any charitable donation to county government greater than \$1,500 is subject to approval and acceptance by the Onondaga County Legislature as stated in Local Law 3-1996.

Lastly, we recommend the Civic Center Theater be evaluated for revenue opportunities. It is our opinion the resolution naming the Theatre is not in perpetuity.

Our report enclosed includes further details of the naming rights examined along with additional findings and recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert E. Antonacci II, CPA". The signature is stylized and includes a horizontal line extending to the right.

Robert E. Antonacci II, CPA

REA/nlc  
enclosures

## County-Wide Naming Rights Report

The Office of the Onondaga County Comptroller's Audit Division performed a review of various county assets and the processes and/or resolutions allowing the naming of those assets including corporate naming rights.

### Preamble and Discussion

Frankly, we admit we were surprised. When planning for our audit of naming rights we were concentrating on the implementation of Resolutions 241-2010 and 310-2010 (Exhibits A and B), the recently enacted legislative resolutions.

The purpose for our audit was to evaluate revenue contracts – those contracts where the county receives revenue based on an agreement with a vendor or other entity.

We selected naming rights because of some very high profile assets within county government- such as Alliance Bank Stadium, SRC Arena, Wegman's Good Dog Park, Crouse Hinds Theater, not to mention zoo exhibits and honorary naming.

We thought it important to examine the contractual relationships because these transactions provide revenue to county government and it is clear governments of all types are looking for additional revenue streams, hence we believe sales or leases of naming rights can and will provide these funds to reduce our property tax burden.

A simple internet search of naming rights will provide numerous references to sales of naming rights and its value to the seller as well as to the buyer. Governments all over including school districts, public authorities and colleges have or want to sell naming rights.

Suffolk County and the City of New York (Exhibits C, D1 and D2) are just two NYS governments planning on cashing in on the sale of naming rights. Suffolk recently passed legislation allowing for sales and NYC budget proposals planned on \$13,000,000 in revenue from sale of naming rights for public venues like parks and recreation centers.

However, as is our general operating procedure, a draft of our audit was distributed to various departments including our Law department.

Here is where we were surprised- despite all the transactions in county government wherein the county actually receives or has received consideration it is technically, per our Law Department, impermissible to sell naming rights. We acknowledge the thoroughness and professionalism of our Law Department in assisting us in evaluating these transactions. We have included our internal memorandum of our understanding of the Law Department's position in this matter. (Exhibits E1 and E2)

So why continue with our audit- well again examining the public face of naming rights along with the potential revenue required an examination of the current process and recommendations for the future. Our hope is to provide a framework for our legislature to implement a fair and open process to all interested in placing their name on an asset while maximizing the return to our taxpayers.

Assuming our Law Department is correct, we are conflicted on how it is Suffolk County and NYC are able to do what they did. Regardless, we think the mood in Albany is changing and in the very near

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future statutes will be adopted allowing for this very exact practice. We have voiced our support to our local Senator, Hon. John DeFrancisco. The bill sponsored by Sen. McDonald is known as S4324A (Exhibit F).

Also, while several of our high profile assets may have been named while not running afoul of any laws, the process in which rights were granted should be reviewed and changed.

Our biggest concern is the awarding of naming rights that are “donations”. While any donation to county government must be approved by the Legislature if greater than \$1,500 (Local Law No. 3-1996, Exhibit G), the process needs to be re-worked to reflect Resolutions 241-2010 and 310-2010, and allow for more transparency and assurance the taxpayers have received maximum return for their investment.

As the old saying goes “if it looks, quacks, walks like a duck, it’s a duck “. Currently county government “accepts” donations for naming rights and ignores two major points we believe must be included in the process.

First, the availability of the right to place a name upon an asset is not publicly advertised. It is as if an interested party has an idea to name an asset, they get first crack. This is not open and transparent as we do not know if someone else may have been interested or willing to “donate” as well. Recently, Drivers Village (Exhibit H) donated \$100,000 over ten years to the Oneida Shores Park. It was a generous gesture on the part of the company, but again, since it was their idea, no analysis was done to value the gift nor was there a public advertisement the opportunity was available.

Second, we found no evidence of any type of valuation of the value of the naming rights. Even if it is truly a donation, some due diligence must be undertaken to obtain a baseline value of the naming right. A corporation looking for advertising or name identification values the placement using many factors including viewers, impressions and traffic. All advertising has value to some degree because it provides exposure for an entity. We believe county departments should undertake this analysis prior to entertaining any proposal.

### **Purpose**

With the passage of legislative resolutions 241-2010 and 310-2010, identify revenue opportunities and review historical records for policies and procedures in regards to the naming of county assets.

### **Goals**

Review policies or identify lack of policies and provide information to the members of the community and the Onondaga County Legislature in regards to various naming rights agreements for county assets. Identify areas for improvements and to maximize revenues.

### **Procedure**

The Audit Division selected various county buildings and assets having been named either corporately or in an individual’s honor. The review included contacting various component units of Onondaga County for agreements as well as researching related legislative resolutions regarding naming rights and revenue contracts.

# County-Wide Naming Rights Report

## Scope

The Audit Division chose eleven county assets and or buildings where the naming rights generated revenue streams. Nine of the selections involved component units of Onondaga County. Two involved naming rights of Parks facilities.

The Audit Division also highlighted fifteen other facilities named in honor of particular individuals. Revenue streams were not necessarily associated with the naming of these facilities.

## Overview of Legislative Actions Taken Regarding Naming Rights

### **Onondaga County Legislation-Naming of Onondaga County Buildings**

#### Naming Rights of Onondaga County Buildings

On December 18, 2000, the Onondaga County Legislature adopted Resolution No. 398 establishing the criteria for naming county buildings in Onondaga County. The criterion is as follows:

1. *The building will be named for an individual who has had a long-term impact and service to the community;*
2. *The individual should be, or have been, a resident of Onondaga County;*
3. *The naming of the building need not be done posthumously;*
4. *The cost of signage for the building (s) shall be the responsibility of Onondaga County;*
5. *After a recommendation had been made and passed through committee, it will be voted on by the full Legislature, and the affirmative vote of two-thirds of the whole Legislature shall be required to adopt said recommendation;*
6. *Court Houses shall not be subject to any naming.*

*Resolved, that the foregoing criteria shall not apply in those instances where there is the opportunity for corporate naming rights.*

### **Corporate Named Onondaga County Buildings and Assets**

#### Agreements with County Departments

##### Alliance Bank Stadium

Memorandum of Agreement dated February 15, 2005 between Alliance Bank and Onondaga County where the Bank will pay the County \$2.8 million in annual installments over 20 years starting October 1, 2005 and the County will provide to Alliance Bank the naming and advertising rights to the Onondaga County Multi-Use Stadium (formerly P & C Stadium).

##### Wegmans Food Markets

Wegmans Onondaga Lake Park Sponsorship Agreement, revenue contract No. 57102 between Wegmans Food Markets, Inc. and Onondaga County, for contract dates August 28, 2001-February 29, 2008, was an *agreement for naming rights to Wegmans Good Dog Park and Wegmans Playground and primary sponsorship for events and services held in the park at various times including Lights on the Lake, the Wegmans Trams, and Wegmans Fit for the Next Fifty exercise program* in exchange for annual payments of \$150,000 by Wegmans to Onondaga County Parks.

Contract No. 57102 was amended October 18, 2008 with the term extended from March 1, 2008 through December 31, 2011 with Wegmans receiving *permanent naming rights to the family activity section of Onondaga Lake Park, which will be titled Wegmans Landing, for the life span of the facility; County agrees to identify Wegmans as the primary sponsor of Wegmans Trams,*

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*Lights on the Lake, Wegmans Fit for the Next Fifty, and/or comparable programs; and Wegmans shall pay the County annual fee of \$150,000 by October 1 of each year to and including October 1, 2011. Pending confirmation of renewal option, Wegmans receives first rights to five additional years (2012-2016) of lead sponsorship of Lights on the Lake, the Wegmans Trams, signature cultural and wellness programs, stewardship initiatives, and/or equivalent services, if subsequent renewal is exercised by September 30, 2011. Price shall be based upon program market value as determined by Parks by April 1, 2011.*

### **Component Units- Friends of the Zoo**

#### **Rosamond Gifford Zoo**

Agreement dated December 1, 1999 between The Rosamond Gifford Charitable Corporation, The Friends of the Burnet Park Zoo, Inc. and County of Onondaga, whereby The Rosamond Gifford Charitable Corporation will provide a grant in the amount of \$2,000,000 to the Friends of the Burnet Park Zoo, Inc. to create an endowed educational program to foster excellence in the Zoo's education programs and activities.

The principal can not be used by The Friends of the Burnet Park Zoo, Inc., but shall be retained in perpetuity. Net income and any appreciation generated by the endowment fund in excess of the total amount of the grants made to The Friends of the Burnet Park Zoo, Inc may be consumed. The grant will be paid over a ten-year period. The first payment will be at least \$200,000 and will be made prior to December 15, 1999. The second through the tenth payments will be made annually, beginning in the year 2000 and ending in the year 2008. Each payment will be made in January.

Also according to the agreement, in appreciation of this extraordinary philanthropic commitment, the County of Onondaga will name the Burnet Park Zoo in honor of The Rosamond Gifford Charitable Corporation. The naming opportunity will be implemented on January 1, 2000, at which time the Burnet Park Zoo will be renamed The Rosamond Gifford Zoo at Burnet Park.

The agreement also established the renaming of the Friends, from the Friends of the Burnet Park Zoo, Inc. to the Friends of the Rosamond Gifford Zoo at Burnet Park, Inc.

Onondaga County Legislative Resolution No. 189 dated August 2, 1999, accepted assistance for educational programs and activities and renaming the Onondaga County Burnet Park Zoo to The Rosamond Gifford Zoo at Burnet Park in recognition of the exemplary philanthropic efforts of The Rosamond Gifford Foundation.

#### **Niagara Mohawk Rainforest Exhibit**

No written agreement and payment schedule with the Niagara Mohawk Power Corporation could be located by the current management of the Friends of the Rosamond Gifford Zoo. Based on conversations with the current management of The Friends, it is their impression the exhibit was named in perpetuity, however, without an agreement, this cannot be confirmed.

The Friends' Management also stated a total payment of \$100,000 was paid in three installments to The Friends in 1999 (2 payments) and 2000 (1 payment).

#### **Carrier Conservation Education Center**

No written agreement and payment schedule with the Carrier Corporation could be located by the current management of the Friends of the Rosamond Gifford Zoo. Again, based on conversations with the current management of The Friends, it is their impression the center was named in perpetuity, however, without an agreement, this can not be confirmed.

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The Friends' Management also stated a total payment of \$400,000 was paid in four installments to The Friends in 1997 (1 payment), 1998 (1 payment) and 1999 (2 payments).

### **Northwestern Mutual Elephant Encounter**

Current management of The Friends of the Rosamond Gifford Zoo will send to Comptrollers a copy of the written agreement and payment schedule when executed. The pledge is for \$100,000 with naming rights for 10 years.

### **The Dorothy and Marshall M. Reisman Foundation Elephant Overlook**

Gift Agreement/Naming Agreement dated October 31, 2011 between The Dorothy and Marshall M. Reisman Foundation (Donors), the Friends of the Rosamond Gifford Zoo at Burnet Park, Inc. and the Zoo Director for the Rosamond Gifford Zoo at Burnet Park, Inc. whereby the donors have pledged a gift of \$100,000 to support the *Friends of the Zoo's Conserving What We Love capital campaign to construct new elephant and primate exhibits and a green courtyard located at One Conservation Place. In recognition of the Donors support as described in this gift agreement, the Friends of the Zoo agrees to name the Elephant Overlook, which will be recognized for a period of ten years as follows: The Dorothy and Marshall M. Reisman Foundation Elephant Overlook. The naming opportunity will expire on 12/31/2022. Donors shall have the opportunity to continue support of Friends of the Zoo in order to extend these naming rights.*

According to this agreement, \$50,000 was received 7/25/11 and \$50,000 is to be received in 2012.

### **Jerome C. and Nancy Rifken Family Pachyderm Pavilion**

Gift Agreement/Naming Agreement dated October 31, 2011 between Nancy Rifken (Donors), the Friends of the Rosamond Gifford Zoo at Burnet Park, Inc. and the Zoo Director for the Rosamond Gifford Zoo at Burnet Park, Inc. whereby the donors have pledged a gift of \$100,000 to support the *Friends of the Zoo's Conserving What We Love capital campaign to construct new elephant and primate exhibits and a green courtyard located at One Conservation Place. In recognition of the Donor's support as described in this gift agreement, the Friends of the Zoo agrees to name the Pachyderm Pavilion, which will be recognized for a period of ten years as follows: Jerome C. and Nancy Rifken Family Pachyderm Pavilion. The naming opportunity will expire on 12/31/2021. Donors shall have the opportunity to continue support of Friends of the Zoo in order to extend these naming rights.*

According to this agreement, the donor has provided the \$100,000.

Current management of the Friends of the Rosamond Gifford Zoo at Burnet Park stated when a donor comes forward with an upper level gift and wishes to put their name on Zoo Property; it is hard to understand how a Request for Proposal ( RFP) can fit in with that gift conversation. Current management believes an RFP for naming rights could conflict with fundraising efforts.

### **Agreements thru Cultural Resources Council**

#### **Crouse- Hinds Concert Theater**

Onondaga County Legislative Resolution No. 369 dated September 27, 1976, naming the Concert Theater of the Onondaga County Civic Center the "Crouse-Hinds Concert Theater". The resolution notes the Crouse-Hinds Foundation, Inc. of Syracuse, NY establishing a Civic Center and Community Endowment Fund to support community programs of the Cultural Resources Council (CRC). The Crouse-Hinds Foundation, Inc. agreed to contribute \$250,000 to the endowment fund over the next 2 years. Only the income can be used to support the programs.



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According to the resolution, *agreement between the Cultural Resources Council and Crouse-Hinds Foundation, Inc. was made by letters dated June 4, 1976 and June 8, 1976, from and to respectively, the Presidents of the Cultural Resources Council and Crouse-Hinds Foundation, Inc.* These letters have yet to be located by current CRC Management.

The resolution also states *the Onondaga County Legislature is empowered by Section 215 of the New York State County Law to name buildings that are owned by the County.*

In appreciation of the contribution, the Legislature named the concert theater of the Onondaga County Civic Center to be *hereafter known as the Crouse-Hinds Concert Theater.*

### Carrier Theater and Bevard Studio

According to a current management of the Cultural Resources Council (CRC) and a past Board member, CRC Board minutes from the 1970's era are less detailed, and also sketchy due to a flood years ago in the part of the Civic Center where the CRC is housed. It their belief that the naming is in perpetuity, however, not confirmed as agreements between the CRC and Carrier Corporation and the Bevard Family could not be located. The Bevard Studio is named for the Bevard Family which still owns and operates The Eraser Company, Inc. in Central New York.

No Onondaga County Legislative Resolution could be located, as well.

### Agreements- Onondaga Community College (OCC)

#### SRC Arena

Onondaga Community College (OCC) Trustee Document # 09-64, dated September 22, 2009, notes Onondaga Community College and the Onondaga Community College Foundation agreed to naming rights for the arena for a pledge of \$1 million in support of the Reach Beyond Campaign in May 2009.

SRC also committed a gift of \$525,000 in support of Reach Beyond Campaign in December 2007.

The Trustee Document also notes the agreement was executed in August 2009 and affirms the agreement to name the college's new Arena the "SRC Arena" through 2021.

OCC Management stated the College is not required to run naming rights by the Onondaga County Legislature as the Board of Trustees has a fiduciary responsibility for the College's operations and approving the budget. The County approves the sponsor share to the College. The College follows State Education Law sections 604.1 and 604.2 regarding the role of the Board of Trustees in regards to College Property and other duties.

The College has a policy titled K2-Naming Opportunities on Campus and Responsibility for Maintenance: Institutional Advancement, approved by OCC Board of Trustees April 3, 2006.

OCC Policy K2 includes the statement, *The Honoree shall have contributed in his/her/its/their own name, or in another's name, funds to the College or to the Onondaga Community College Foundation, Inc. equivalent to or greater than the gift amount for the Facility in question as established by the Board of Trustees. The Board may, but shall not be obligated to, establish such gift amounts based upon factors including but not limited to the age, size, location, original cost and maintenance cost of Facilities.*

Also, OCC Policy K2-Naming Opportunities on Campus, VI.-Procedures, states, *The Board of Trustees, with input from the Onondaga County Executive, is responsible for reviewing and*

## County-Wide Naming Rights Report

*approving Honorary Names and/or Functional Designations of Facilities.* OCC Trustee Document #09-64, Resolution to acknowledge and affirm the agreement to name the college's arena the "SRC" Arena through 2021 does not note any input from the Onondaga County Executive.

See Exhibits 1, 2 and 3 for the listing of corporate named Onondaga County buildings and assets with terms of agreement and payments.

### **Honorary Naming of Onondaga County Buildings and Assets:**

#### **John H. Mulroy Civic Center**

Permanent recognition of John H. Mulroy's twenty-five year service as Onondaga County Executive, the Onondaga County Legislature adopted Resolution No. 175 on May 4, 1987 renaming the Onondaga County Civic Center to the John H. Mulroy Civic Center and Office Building.

#### **Nicholas J. Pirro Convention Center at OnCenter**

In recognition of Nicholas J. Pirro's 20 year service as Onondaga County Executive, the Onondaga County Legislature adopted Resolution No. 192 on November 7, 2007 renaming the Onondaga County Convention Center as the Nicholas J. Pirro Convention Center at OnCenter.

#### **Edward Kochian County Office Building**

In recognition of Edward Kochian's many years of public service to Onondaga County, the Onondaga County Legislature adopted Resolution No. 189 on September 15, 2009 naming the Onondaga County Office Building as the Edward Kochian County Office Building.

#### **John C. Dillon Public Safety Building**

In recognition of John C. Dillon's 25-year service in the City of Syracuse Police Department and 16 year (1978 through his retirement in 1994) service as Onondaga County Sheriff, the Onondaga County Legislature adopted Resolution No. 173, dated July 6, 1999, naming the Public Safety Building the John C. Dillon Public Safety Building.

#### **Patrick J. Corbett Justice Center**

In recognition of Patrick J. Corbett's 13 year (1964 through 1977) service as Onondaga County Sheriff, the Onondaga County Legislature adopted Resolution No. 174, dated July 6, 1999, renaming the Justice Center as the Patrick J. Corbett Justice Center.

#### **Wallie Howard, Jr. Forensic Science Center**

The Onondaga County Legislature adopted Resolution No. 127, dated May 1, 2000, naming the Forensic Science Center, The Wallie Howard, Jr. Forensic Science Center to memorialize this outstanding Syracuse Police Officer who paid the ultimate price by sacrificing his life in the line of duty.

#### **Robert P. Kinchen Central Library**

In recognition of Robert P. Kinchen's 14 year service as the Onondaga County Public Library Director, the Onondaga County Legislature adopted Resolution No. 211, dated September 3, 1991, renaming the Central Library the Robert P. Kinchen Public Library.

#### **Griffin Visitor Center at Onondaga Lake Park**

This center is named after Joseph A. Griffin, community leader, whose foresight in 1928 led to the creation of one of America's top ten heritage parks.

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### Mawhinney Hall

In recognition of Donald M. Mawhinney, Jr.'s 45 year service on the OCC Board of Trustees, the Academic I Building, OCC, was renamed Donald M. Mawhinney, Jr. Hall in June 2006.

### Ferrante Hall

This hall opened at OCC in September 1974 and named after Nicholas Ferrante.

### Gordon Student Center

This center opened at OCC in January 1973 and named after Albert Gordon.

### Coulter Library

In recognition of Sidney B. Coulter's service on the OCC Board of Trustees, the library was named Sidney B. Coulter Library in January 1972.

### J. Stanley Coyne Hall

Former Unity Mutual Building dedicated January 1997 as J. Stanley Coyne Excell Hall at OCC in recognition of funding received from Mr. Coyne.

### Whitney Applied Technical Center

Ralph Whitney, Jr. served as Chairman of the OCC Board of Trustees for eight years. Together, he and his wife, Fay Whitney established the Whitney Applied Technology Building at OCC that opened in August in 1999.

### David Murphy All Purpose Field

In October 2008, the field opens at OCC and is named after David Murphy, former Chairman of the OCC Board of Trustees.

## Recommendations

The following outlines a series of recommendations by the Audit Division based on various sources of information including Denver, Colorado Parks & Recreation Department published policies and procedures for corporate sponsorship, as well as, Pinellas County (located in the state of Florida) procedures.

### Recommendation 1

It is recommended Onondaga County Legislative Resolution No. 398-2000 is amended to include the following to provide additional guidance for taxpayer owned properties:

- Naming of County assets, as well as, public buildings
- An honorary naming rights proposal in writing shall be reviewed by the County Executive or her designee, and if found to be in compliance with applicable County policies and reviewed by the Legislature
- At least one (1) advertised public meeting should be held in the vicinity of the County property or facility to secure public input on the nomination. A Notice of Intent to Consider Honorary Naming of County Property shall be published in a newspaper of general circulation for the noticed public meeting posting. The notice shall indicate the location of the property or facility, any historical significance of the property or facility, and inform the public of the time, date and place of the noticed public meeting.
- Set a specific term limit for honorary naming rights

### Recommendation 2

- It is recommended the Onondaga County Legislature develop criteria for corporate naming rights opportunities for county buildings and assets and component units where possible. These criteria

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should be put it into a resolution to provide authorization to enter into sponsorship agreements with third parties where such sponsorships are mutually beneficial to both parties in a manner that is consistent with all applicable policies set by Onondaga County, safeguard of county buildings and assets and protect the county from risk, provide guidance and consistency and make clear the county shall not relinquish to the sponsor any aspect of the County's right to manage and control the county's buildings and assets.

Suggested criteria may include:

- Sponsorship dollar limits
- Revenue contracts be procured through written Request for Proposals (RFP) or Request for Sponsorships (RFS) to assure the amount received by the County under such contract is fair and reasonable (i.e. for Sheriff's AIR-1 Helicopter)
- There should be assurance the corporate name will be displayed in good taste for the particular nature of the property. The Legislature should consider certain types of industries or products unlikely to be used for naming on County buildings and assets.
- Once the sponsor has been chosen, the arrangement must be documented in a naming rights agreement that notes the term of the agreement, including provisions for termination, details of the exchange of benefits, including what will be provided to the County by the sponsor and what will be provided by the County to the sponsor. All such agreements are to be reviewed by the County Attorney prior to finalization to ensure that the County's legal interests are protected. Once approved by the County Attorney, the agreement must include the signatures of the County Executive and sponsor. (Source: Pinellas County, Florida Sponsorship Policy)
- Naming rights agreements shall be subject to approval from the Onondaga County Legislature.

### **Recommendation 3**

- In the future, all (County departments and component units) corporate naming agreements be reviewed by the County's Law Department to ascertain the County's legal interests are protected.
- Onondaga County Legislative review and approve all agreements.
- Copies of these agreements should be maintained on file in the Law Department and Comptroller's Office.
- The County should be open to other corporate naming opportunities for those County Properties where no agreements could be located by the Friends and CRC as there is no proof on file of confirming perpetuity.

### **Recommendation 4**

The Policy and Procedures when naming a building or county asset should include property valuation to assist the county (and component units) in creating sponsorship packages to ensure receipt of maximum value over the life of the naming rights contract.

### **Recommendation 5**

The county should consider instituting "un-naming" policies and procedures in its gift acceptance policies or gift agreements to address unexpected future developments (i.e. corporate scandals).

# County-Wide Naming Rights Report

## Procedures in Regards to Naming Rights of Another Municipality

The following is an example of the **Corporate Sponsorship Policy from the Denver, Colorado Parks and Recreation Policies and Procedures:**

**Policy**-reason the City is actively pursuing sponsorships

**Purpose**-the intended use of policy and procedures

**Definitions**-sponsorship is financial or in-kind support from a for-profit entity for a specific program, event, project or site in exchange for tangible and intangible benefits to the sponsor

**Authority**-City's local law/charter of who has management, operation and control of all facilities owned by the City. Any agreement for corporate sponsorship for a program, event, project and/or site may require City approval.

**Background**- brief background of City and facilities and how financial and in-kind support is a critical investment.

**Sponsorship Categories**- event, project sponsorship, program sponsorship, site, etc.

**Guidelines for accepting sponsorships**-types of questions to be asked

1. Are the for-profit's products, services and marketing goals compatible with the department's mission, values and policies?
2. Are the products and services of the for-profit entity compatible with the policies and laws of the City?
3. Are the tangible and in-tangible benefits balanced for both the sponsor and the department?
4. Would the sponsorship create a conflict of interest for the department?
5. What is the for-profit's past record on community involvement with City projects and agencies?

Products and businesses generally ineligible for sponsorships include: for-profits whose primary products or services are substantially derived from the sale of alcohol, drugs, tobacco, gambling, firearms, or sexually explicit materials.

**Marketing Benefits and Recognition Guidelines**-marketing benefits for the sponsor are negotiated and detailed in each specific sponsorship agreement.

**Procedures**-Two processes for Sponsorships:

- 1) Self-initiated by the potential sponsor.

If initiated by the potential sponsor, the procedure is:

- A. Completion of an "Interest in Corporate Sponsorship" application (interest in sponsorship)
- B. Meeting with assigned department staff
- C. Sponsorship drafted, with levels of sponsorship, benefits to the department, and program details evaluated. Sponsorship draft evaluated against policies.
- D. Approval by department Manager
- E. Legal agreement

## County-Wide Naming Rights Report

- 2) Initiated by the City Department through a formal or informal "RFS" (Request for Sponsors) process.

At times, the department will issue requests for sponsorship (RFS) through various media, such as direct mail, website, or publications.

**Terms of Agreement-** use current market research data to calculate the value for each tangible and intangible asset offered by the department or City to the sponsor. Costs related to the sponsorship incurred by the department (maintenance, staffing, materials) will be incorporated into the sponsorship costs.

Determining sponsorship costs and values will be a mixture of "value-based" system (based upon the value of the tangible and intangible marketing and brand benefits to the sponsor) and a "cost-based" system, where the goal is to recover at least the costs of and event, program, project, or site operations.

Agreements should include at a minimum:

- A. Clear statement of how department is improving services through the funding and how the sponsorship supports the mission and vision of the department.
- B. Financial value, benefits associated, costs of the sponsorship, including any exclusivity or other hierarchy of benefits.
- C. Type and time limit for each sponsorship.
- D. Department and sponsor's responsibilities and roles.
- E. Specific plan for marketing and branding opportunities.
- F. Term and termination provisions.

# County-Wide Naming Rights Report

## EXHIBIT 1-Parks

Building/Asset	Payor	Payee	Total Due	Payment		Post Period	Amount Paid
				Time Period	Payment Start Date / Payment Due Date		
Alliance Bank Stadium	Alliance Bank	Onondaga County	\$ 2,800,000	20 years	10/1/05	NA	2005 \$ 25,000
							2006 75,000
							2007 120,000
							2008 151,765
							2009 151,765
							2010 151,765
							2011 151,765
							<u>\$ 827,059</u>
Various Areas at OLP	Wegmans	Onondaga County	\$ 150,000	4 years	NA	10/1	
				per year	Each year		
OLP Good Dog Park	Wegmans	Onondaga County					2008 \$ 4,000
OLP Wegmans Series	Wegmans	Onondaga County	Includes all sites/events				2008 22,500
OLP Boundless Playground	Wegmans	Onondaga County		2008 3,500			
OLP Boundless Playground	Wegmans	Onondaga County					2008 90,000
OLP Lights on the Lake	Wegmans	Onondaga County					2008 25,000
OLP Longbranch Events	Wegmans	Onondaga County					2008 5,000
							<u>\$ 150,000</u>
OLP Good Dog Park	Wegmans	Onondaga County					2009 \$ 4,000
OLP Wegmans Series	Wegmans	Onondaga County					2009 45,000
OLP Boundless Playground	Wegmans	Onondaga County					2009 71,000
OLP Lights on the Lake	Wegmans	Onondaga County					2009 25,000
OLP Longbranch Events	Wegmans	Onondaga County					2009 5,000
							<u>\$ 150,000</u>
OLP Good Dog Park	Wegmans	Onondaga County					2010 \$ 6,000
OLP Wegmans Series	Wegmans	Onondaga County					2010 66,500
OLP Boundless Playground	Wegmans	Onondaga County					2010 52,500
OLP Lights on the Lake	Wegmans	Onondaga County					2010 25,000 A
OLP Longbranch Events	Wegmans	Onondaga County					-
							<u>\$ 150,000</u>

**Note**

Wegmans-for this audit we reviewed payments for the amended contract period of 2008-2011.

A-This amount was part of Cash Report (CR) 110339 for \$185,000. Of the \$185,000, \$25,000 came from Wegmans and \$160,000 came from Strategic Partnership Services. The \$25,000 received from Wegmans was later paid out to Snafu Promotion LLC on 4/8/11, CL236701, required per the Lights On the Lake Agreement Contract # 33570 dated 8/25/10 between Onondaga County and Snafu Promotions, LLC.

# County-Wide Naming Rights Report

## EXHIBIT 2-Friends of the Zoo

Building/Asset	Payor	Payee	Total Due	Payment Time Period	Payment Start Date	Payment Due Date	Post Period	Amount Paid	
Rosamond Gifford Zoo at Burnet Park	Rosamond Gifford Charitable Corporation	Friends of Rosamond Gifford Zoo at Burnet Park	\$ 2,000,000	10	NA	Prior to 12/15/99		\$ 2,000,000	A
Niagara Mohawk Rainforest Exhibit	Niagara Mohawk	Friends of Rosamond Gifford Zoo at Burnet Park	\$ 100,000	3	unknown	unknown	1999 1999 2000	\$ 33,333 33,333 33,333	B
Carrier Conservation Education Center	Carrier Corporation	Friends of Rosamond Gifford Zoo at Burnet Park	\$ 400,000	4	unknown	unknown	1997 1998 1999 1999	\$ 100,000 100,000 100,000 100,000	B
Northwestern Mutual Elephant Encounter	Northwestern Mutual	Friends of Rosamond Gifford Zoo at Burnet Park	\$ 100,000	unknown	unknown	unknown	unknown	unknown	C
The Dorothy & Marshall M. Reismann Foundation Elephant Overlook	The Dorothy & Marshall M. Reismann Foundation	Friends of Rosamond Gifford Zoo at Burnet Park	\$ 100,000	2	NA	NA	2011	\$ 50,000	D
Jerome C. and Nancy Rifken Family Pachyderm Pavilion	Private Individuals	Friends of Rosamond Gifford Zoo at Burnet Park	\$100,000	1	NA	NA	2011	\$100,000	E

A-Per Friends of the Rosamond Gifford Zoo at Burnet Park, Inc. and Catering at the Zoo, LLC Consolidated Financial Statements at 12/31/09 audited by Green & Seifter, CPAs, PLLC. Note 6 of the Consolidated Financial Statements states the \$2,000,000 is a permanently restricted net asset from the the Rosamond Gifford Charitable Corporation for the endowed education program.

B-Terms are unknown as current management of the Friends of the Rosamond Gifford at Burnet Park could not locate an agreement on file. Although no agreement was found for the Niagara Mohawk Rainforest Exhibit and Carrier Conservation Education Center, current Friends Management was able to provide payment information.

C-The terms are unknown because this is a new agreement and has not been excuted yet. Current Friends Management will forward to Audit a copy of the agreement when executed.

D-Remaining \$50,000 to be paid in 2012 per Gift Agreement/Naming Agreement between The Dorothy and Marshall M. Reisman Foundation, Friends of the Rosamond Gifford Zoo at Burnet Park, Inc. and Zoo Director dated 10/31/11.

E-Paid per Gift Agreement/Naming Agreement between Nancy Rifken, Friends of the Rosamond Gifford Zoo at Burnet Park, Inc. and Zoo Director dated 10/31/11.



# County-Wide Naming Rights Report

## EXHIBIT 3-CRC and OCC

Building/Asset	Payor	Payee	Total Due	Payment		Payment Start Date	Payment Due Date	Post Period	Amount Paid
				Time Period					
Crouse-Hinds Concert Theater	Crouse-Hinds	Cultural Resources Council (CRC) & Community Endowment Fund	\$ 250,000	2		unknown	unknown	unknown	unknown A
Carrier Theater	Carrier Corporation	Cultural Resources Council	unknown	unknown		unknown	unknown	unknown	unknown A
Bevard Studio	Bevard Family	Cultural Resources Council	unknown	unknown		unknown	unknown	unknown	unknown A
SRC Arena	SRC, Inc.	OCC Reach Beyond Campaign	\$ 1,000,000	10		NA			B

A-Terms are unknown as current management of the CRC could not locate an agreement on file or payment information.

B-Terms unknown because Audit was unable to acquire the agreement from OCC Legal Counsel at this time.



One Conservation Place, Syracuse, New York 13204  
 (315) 435-8511 • Fax: (315) 435-8517

Friends of the Zoo Response

**BOARD OF DIRECTORS**

December 23, 2011

**Officers:**

John Luchinger, Jr.  
 Chairman

Carl Auer  
 Vice Chairman

Al Gough  
 Treasurer

Thomas Gifford  
 Technical Treasurer

Patrick C. Higgins  
 Secretary

Robert H. Linn  
 Immediate Past Chair

**Ex Officio:**

Janet Agostini  
 President

Henry Ted Fox  
 Zoo Director

William Landry  
 Commissioner of Parks and Recreation

John Bellantini

James C. Burns

Martin C. Carter

Dwight Dodd

Blair C. Crispino

Kevin Holmquist

James Kato

Robert Kalkbrenner

James P. Mackin

Jerry Millers

Gwyn Matthews Jr.

Cynthia Maxwell, Esq.

Matthew J. Muller

Nancy Ribben

Erin Rizzo

Heather Singer

Steven Wells

Mr. Robert E. Antonacci, Esq.  
 Comptroller  
 John H. Mulroy Civic Center  
 14<sup>th</sup> Floor  
 421 Montgomery Street  
 Syracuse, NY 13202

Dear Mr. Antonacci,

Friends of the Zoo shares the goal of trying to maximize revenue for the zoo, a major county asset and community resource. The organization is concerned, however, that the proposed naming rights process will not have the desired effect of maximizing or increasing revenue for the zoo.

With regard to naming rights for the current capital campaign, Friends of the Zoo has followed the best practice of professional fundraisers by setting an investment level for components of the construction projects and offering these investment opportunities to the community. The investment opportunities that included naming rights as part of the benefit package had terms of 10 years.

Friends of the Zoo's board of directors approved the current capital campaign goal and supporting documents, including a case for support and naming opportunities, which set investment levels for exhibits and sub-units of exhibits included in the Parks for Tomorrow II capital projects. Friends of the Zoo's board of directors includes the following representation by Onondaga County:

- Appointee from the County Executive's office
- Appointee from the county legislature
- Parks Commissioner (*ex officio*)
- Zoo Director (*ex officio*)

Corporate support in our community has shrunk considerably since the late 1990s, resulting in fewer and smaller gifts from the corporate sector. This is due in part to the fact that there are fewer large companies located in our region. This is demonstrated by Friends of the Zoo's current capital campaign. It has not been our experience that corporations, who might be seeking visibility in our community, are competing with each other to secure these visibility opportunities. Rather, it is the exception, rather than the rule, that a corporation is willing to make a significant philanthropic investment in the community.

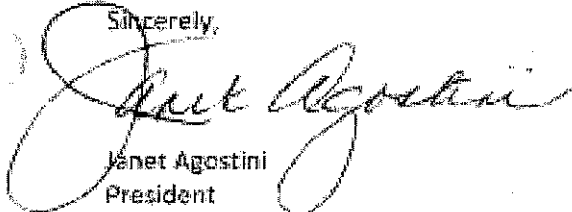
See below for the sources of private support for the zoo's current capital campaign (as compared to its' previous capital campaign):

Capital Campaign Sources of Support (% of total giving)	A Rare Breed of Zoo (1997 - 2001 campaign) Final Results	Conserving What We Love (2009-2011 campaign) at 99% of Goal	Change from 1997 to 2011
Individuals	24%	47%	+23%
Corporations	43%	11%	-32%
Foundations (including Emerson match grant)	33%	38%	+5%

Friends of the Zoo believes that placing additional requirements on securing leadership donations to the zoo will be onerous on the organization as well as potential donors and result in fewer donations, not more.

Friends of the Zoo recommends the continuation of its current naming process of setting investment levels for various zoo assets and securing board approval of these investment levels before seeking donor support.

Sincerely,



Janet Agostini  
President



OCC Response

A College of the State University of New York  
4585 West Seneca Turnpike Syracuse, New York 13215-4585  
(315) 498-2211 www.sunyocc.edu

OFFICE of the PRESIDENT

February 10, 2012

Mr. Robert E. Antonacci II, CPA  
Onondaga County Comptroller  
14<sup>th</sup> Floor, John H. Mulroy Civic Center  
Syracuse, NY 13202

Dear Mr. Antonacci:

I am responding to your recent inquiries regarding OCC's procedure in the naming of college buildings, specifically the new SRC Arena. The SRC Arena received its name by Resolution of the OCC Board of Trustees in their meeting of September 22, 2009.

Onondaga Community College has had in place for many years a policy on this issue. The policy "*K2: Naming Opportunities on Campus*" was passed in its current form by the OCC Board of Trustees at a public meeting on April 3, 2006. The policy provides that the Board of Trustees is ultimately responsible for reviewing and approving Honorary Names and/or Functional Designations of Facilities. This policy was a refinement of an earlier one passed by the Board of Trustees on April 17, 2001 which reflected de facto policy going back to at least the early 1990's.

The formulation of our current policy in 2006 relied upon New York State Education Law, related regulations and a legal opinion written by then Deputy County Attorney David W. Herkala, an opinion with which I agree after having done my own research. Education Law section 2006.4 says that "*Title to real property...shall vest in and be held by the local sponsor in trust for the uses and purposes of the community college.*" In my opinion, New York law thus provides the OCC Board of Trustees with beneficial or equitable title to the property. Education Law Section 2006.5 gives the Board of Trustees "*Care, custody, control and management...of the buildings...used for carrying out its purpose...*" In addition, 50% of the cost of the buildings is funded by the State of New York, and four of the members of the Board of Trustees are appointed by the Governor and five by the local sponsor.

I would be pleased to discuss this should you have any questions or would like further information.

Sincerely,

Kevin M. Moore, Ph.D., J.D.  
Interim General Counsel

~~October 12, 2010~~

Motion Made By Mr. Stanczyk

~~RESOLUTION NO. 241~~

**PROVIDING FOR REVENUE CONTRACTS TO BE PROCURED THROUGH A WRITTEN REQUEST FOR PROPOSALS**

WHEREAS, Onondaga County has available to it various means of raising revenues, include the awarding of contracts to other entities; and

WHEREAS, the revenues received from such contracts are used to offset the local dollars that would otherwise be needed to provide County services, and it is the desire of this Legislature to assure that when Onondaga County enters into revenue contracts, that the County receives revenue that is fair and reasonable; and

WHEREAS, pursuant to Section 104-b of General Municipal Law, it is the desire of this Legislature to provide for all county revenue contracts to be procured through a written request for proposals; now, therefore be it

RESOLVED, that each revenue contract entered into by the County shall be procured pursuant to the distribution of a written request for proposals to assure that the amount of revenue received by the County under such contract is fair and reasonable; and, be it further

RESOLVED, that the Director of the Division of Purchase is hereby requested to report back to the Ways and Means Committee of this Legislature within thirty (30) days to report on the foregoing.

Revenue contract - RFP - requesting.doc  
LHT/KMB  
mmw

**ADOPTED**  
OCT 12 2010

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF LEGISLATION DULY ADOPTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY ON THE

12<sup>th</sup> DAY OF October, 2010.

*Debra A. Matus*

CLERK, COUNTY LEGISLATURE  
ONONDAGA COUNTY, NEW YORK

10 OCT 11 AM 10:19

RECEIVED  
ONONDAGA COUNTY  
LEGISLATURE

December 21, 2010

Motion Made By Mr. Lesniak, Mr. Stanczyk

Resolution No. 310

**AMENDING RESOLUTION NO. 241-2010 REGARDING REVENUE CONTRACTS TO ESTABLISH SEVERAL EXEMPTIONS FROM THE COMPETITIVE PROCESS REQUIRED FOR SUCH CONTRACTS**

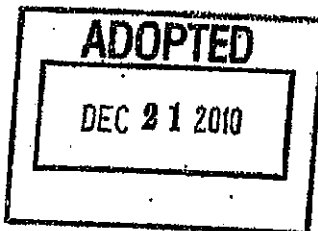
WHEREAS, by Resolution No. 241-2010, this Onondaga County Legislature provided for revenue contracts to be procured through a written request for proposals so as to assure that when Onondaga County enters into such contracts, the County receives revenue that is fair and reasonable; and

WHEREAS, it is the desire of this Legislature to amend such resolution to construe the term "revenue contract" in a manner that provides several exemptions from such term, as the intended protection afforded to the public through such competitive process would not be readily achieved in such situations; now, therefore be it

RESOLVED, that Resolution No. 241-2010 is hereby amended to insert the following language:

RESOLVED, that, for the purposes of this resolution, the term "revenue contract" shall not include gifts and shall not include a license granting the use of space in the County Clerk's office, located in the county courthouse, whereby certain title and abstract companies provide services to the public and the public is best served when such companies are in close proximity to the County Clerk's office.

M:\Legislature\Budget - by year\Budget legislation - 2011\Revenue contract - RFP - category.doc



I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF LEGISLATION DULY ADOPTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY ON THE

21<sup>st</sup> DAY OF December, 2010.

*Deborah A. Matus*

CLERK, COUNTY LEGISLATURE  
ONONDAGA COUNTY, NEW YORK

10 DEC 21 PM 2:06

RECEIVED  
ONONDAGA COUNTY  
LEGISLATURE

Intro Res. No. 2248-2008  
Introduced by Legislator D'Amaro

Laid on Table 12/16/2008

**RESOLUTION NO. 234 -2009, ADOPTING LOCAL LAW  
NO. 8 -2009, A LOCAL LAW TO PROMOTE CORPORATE  
SPONSORSHIP OR SALE OF NAMING RIGHTS OF SUITABLE  
COUNTY FACILITIES, PARKS, OR ROADS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a regular meeting held on December 16, 2008 a proposed local law entitled "**A LOCAL LAW TO PROMOTE CORPORATE SPONSORSHIP OR SALE OF NAMING RIGHTS OF SUITABLE COUNTY FACILITIES, PARKS, OR ROADS;**" and said local law in final form is the same as when presented and introduced; now, therefore be it

**RESOLVED**, that said local law be enacted in form as follows:

**LOCAL LAW NO. 8 -2009, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO PROMOTE CORPORATE SPONSORSHIP OR  
SALE OF NAMING RIGHTS OF SUITABLE COUNTY FACILITIES,  
PARKS, OR ROADS**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF  
SUFFOLK**, as follows:

**Section 1. Legislative Intent.**

This Legislature hereby finds and determines that the taxpayers of the County of Suffolk fund County government operations and capital projects through the payment of sales and property taxes.

This Legislature hereby finds and determines that other sources of revenue are necessary, and it would be in the best interest of Suffolk's taxpayers, to help ease the tax burden on County residents, and to help enhance revenues to Suffolk's general fund.

This Legislature hereby finds and determines that Suffolk has recently experienced budget shortfalls due to a weak economy, requiring budget adjustment measures, and therefore must actively pursue other sources of revenue that do not adversely affect County taxpayers.

This Legislature hereby finds and determines that the Suffolk County Department of Parks, Recreation and Conservation manages thousands of acres of active and passive parkland that require substantial revenues from the County operating budget to manage, maintain, and police.

This Legislature hereby finds and determines that corporate sponsorship of suitable facilities or areas within County parkland, or the naming of such suitable facilities or areas, in exchange for monetary consideration would provide additional revenues for parkland protection, management, and maintenance, would help provide funding for needed services, and would provide taxpayer relief.

Therefore, the purposes of this law are to: (i) amend Chapter 674 of the Suffolk County Code to provide a procedure for corporate sponsorship of suitable facilities or areas within County active or passive parkland, and/or the naming of such suitable facilities or areas, in exchange for monetary consideration, including the review of such corporate sponsorship or naming by the Suffolk County Review Committee for County Sitings of Memorials and Symbols and Naming of County Facilities, Parks, and Roads, and the Board of Trustees of Parks, Recreation and Conservation prior to legislative consideration; (ii) to direct the Commissioner of the Department of Parks, Recreation and Conservation to create, maintain and update a listing of all facilities or areas within County active or passive parkland suitable for corporate sponsorship or naming in exchange for monetary consideration; and (iii) to direct the Commissioner of the Department of Parks, Recreation and Conservation to create and implement a promotion program for sponsorship and naming opportunities.

**Section 2. Amendments.**

Chapter 674 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**CHAPTER 674,  
MEMORIALS AND SYMBOLS, SITING OF; NAMING OF COUNTY FACILITIES, PARKS AND  
ROADS**

\*\*\*\*

**§ 674-2. Committee responsibilities**

- A. The Committee shall review all requests for the proposed placement, siting and installation of memorials and/or symbols on County-owned or County-leased property[,]; [or] the naming of any County facility, park, or road, for no consideration, or in exchange for monetary consideration; or corporate sponsorship of any County facility, park, or road, for no consideration, or in exchange for monetary consideration, according to the criteria set forth herein prior to the granting of any approval of any such request, and shall issue a written recommendation to the Ways and Means Committee of the County Legislature, or any successor committee thereto, and to the County Executive, no later than 90 days subsequent to the receipt of such request, said recommendation to be in writing and to include a brief listing of the findings and determinations on which the recommendation is based.
- B. The Committee shall consider the following criteria when reviewing a request to name or rename a County facility, park, or road for no consideration:
- (1) If the facility is to be named after a deceased individual, the individual should have been deceased for at least six months prior to the naming of the facility, the individual should have provided outstanding service to the County of Suffolk over a period of years, and special consideration should be given if the individual's death was related to service to the County;
  - (2) If the facility is to be named after a living individual, that individual should have provided outstanding service to the County of Suffolk over a period of years and the individual should be at least 65 years of age;



- (3) If the facility is to be named after a group/organization, then the group/organization should have contributed at least 50% to the development costs or maintenance costs of the facility, and should agree to pay the cost of installing a plaque or other form of dedication of the facility;
- (4) A relationship should exist between the individual or group/organization being considered and the location and/or type of facility being named; and
- (5) A proliferation of names for different parts of the same facility should be avoided and the same name should not be applied to any other County facility.

C. The Committee shall consider the following criteria when reviewing a request to name or rename a County facility or area within County active or passive parkland in exchange for monetary consideration:

- (1) All relevant terms of the proposed agreement to name the facility or area, including the time period of the proposed agreement and the estimated revenue to the County that will be generated by the proposed agreement; the proposed or present use of the facility or area; the proposed name to be displayed; the conceptual connection, if any, between the facility or area to be named and the proposed name; and how the name will be displayed;
- (2) The community standing, reputation and character of the person or entity for whom the facility or area is to be named, and the accomplishments of such person or entity; and
- (3) The willingness of the applicant to pay the costs of producing and installing a plaque or other form of signage.

D. The Committee shall consider the following criteria when reviewing a request for corporate sponsorship of a County facility or area within County active or passive parkland in exchange for monetary consideration:

- (1) All relevant terms of the proposed agreement for corporate sponsorship, including the time period of the proposed agreement and the estimated revenue to the County that will be generated by the proposed agreement; the proposed or present use of the facility or area; the proposed name, if any, to be displayed; and the conceptual connection, if any, between the facility or area to be sponsored and the proposed corporate sponsor;
- (2) The community standing, reputation and character of the proposed corporate sponsor and the accomplishments of such sponsor; and
- (3) The extent of the proposed corporate sponsor's willingness to contribute to the development costs and/or maintenance costs of the facility or area to be sponsored and the willingness of the proposed sponsor to pay the cost of producing and installing a plaque or other form of signage to communicate to the public said sponsorship.

[C]E. The Committee shall not review proposals for the naming or renaming of County roads in honor of deceased veterans who perished in war zones as set forth in Resolution No. 786-2006.

F. In addition to the review herein required by the Committee, the Board of Trustees of Parks, Recreation and Conservation shall also review all requests to name or rename a County facility or area within County active or passive parkland in exchange for monetary consideration pursuant to the criteria set forth in Section C above, and shall also review all requests for corporate sponsorship of a County facility or area within County active or passive parkland in exchange for monetary consideration pursuant to the criteria set forth in Section D above.

\* \* \* \*

### **Section 3. Park Area/Site Listings and Promotions.**

The Commissioner of the Department of Parks, Recreation and Conservation shall: (i) create and maintain a listing of all facilities or areas within County active or passive parkland suitable for corporate sponsorship or naming in exchange for monetary consideration. Such listing shall include, without limitation, the identification of specific areas acceptable and appropriate for the placement of signage or other identifying materials, as determined by the Board of Trustees of Parks, Recreation and Conservation, and the recommended monetary consideration for such corporate sponsorship or naming, as determined by the Board of Trustees of Parks, Recreation and Conservation; (ii) update such listing from time to time, but not less than annually; and (iii) annually present such listing to the members of the Parks and Recreation Committee of the Legislature (or any successor committee thereof). The Commissioner of the Department of Parks, Recreation and Conservation, or his or her designee shall: (i) design and implement a promotion program for sponsorship and naming opportunities; and (ii) annually present the results of such promotion program to the Parks and Recreation Committee of the Legislature (or any successor committee thereof).

### **Section 4. Revenue.**

All revenue derived from approved requests to name or rename a County facility or area within County active or passive parkland, and all revenue derived from approved requests for corporate sponsorship of a County facility or area within County active or passive parkland shall be expended solely for the benefit of such facility or area from which such revenue is derived; provided, however, that any revenue determined by the Commissioner of Parks, Recreation and Conservation to be in excess of the necessary revenues required for the development, improvement or maintenance of such facility or area from which such revenue is derived, may be expended for the benefit of other County facilities or areas located within County active or passive parkland, such to the approval of the Suffolk County Legislature.

### **Section 5. Standard Agreement.**

The Suffolk County Department of Law shall draft and revise from time to time, as may be necessary, for use by the Suffolk County Department of Parks, Recreation and Conservation, a standard form of contract or agreement for approved requests to name or rename a County facility or area within County active or passive parkland, and for approved requests for corporate sponsorship of a County facility or area within County active or passive parkland; provided, however, any and all such contracts or agreements shall be subject to the

review of the Department of Law as to form and content, prior to its execution by the County of Suffolk, and the review and approval of the Suffolk County Legislature.

**Section 6. Applicability.**

This law shall apply to actions occurring on or after the effective date of this law.

**Section 7. Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 8. SEQRA Determination.**

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

**Section 9. Effective Date.**

This law shall take effect immediately upon filing in the Office of the Secretary of State.

[ ] Brackets denote deletion of existing language  
\_\_\_ Underlining denotes addition of new language

DATED: March 24, 2009

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: April 7, 2009

After a public hearing duly held on April 6, 2009  
Filed with the Secretary of State on April 23, 2009

Exhibit D1

November 28th, 2011



## Parks Department revives plan to sell naming rights

By Yolanne Almanzar  
The New York World

The Brooklyn Bridge still isn't for sale, but under a plan to bring new funds to financially strapped city parks, the Department of Parks and Recreation is reviving a shelved plan to cash in naming rights to some of New York City's most cherished open spaces.

The city's new financial plan, released Friday by the Office of Management and Budget (OMB), projects \$13 million a year in new Parks Department revenue from selling "naming rights for major sites."

Read more: <http://bit.ly/sngJy4>

### Comments

Exhibit D2

# THE NEW YORK **World**

money

access

spaces

justice

power

service

MONEY, SPACES

## Parks Department revives plan to sell naming rights

Posted on November 21, 2011 by Yolanne Almanzar

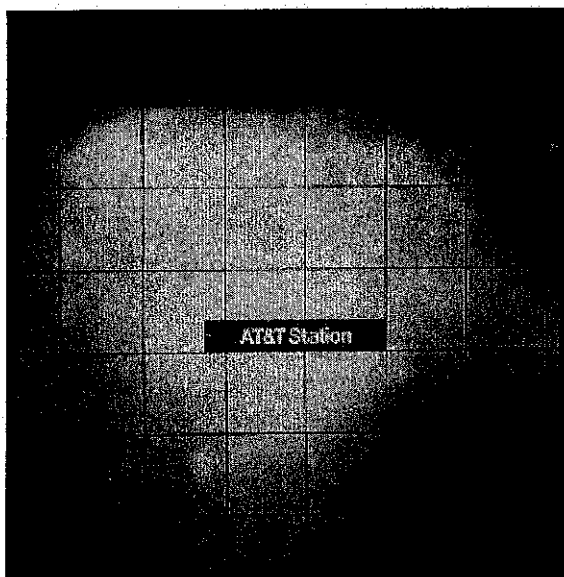
The Brooklyn Bridge still isn't for sale, but under a plan to bring new funds to financially strapped city parks, the Department of Parks and Recreation is reviving a shelved plan to cash in naming rights to some of New York City's most cherished open spaces.

The city's new financial plan, released Friday by the Office of Management and Budget (OMB), projects \$13 million a year in new Parks Department revenue from selling "naming rights for major sites."

The Parks Department first offered to stick sponsors' names on city parks property in 2009, floating the names of six properties for sale. They included Brooklyn's McCarren Park – asking price \$3 million – and Chelsea Recreation Center.

But the pitch failed to draw interest from prospective buyers and Parks suspended the project last year without selling a single name. Parks Commissioner Adrian Benepe told the New York Post's David Seifman, "It's not a viable idea in this economic climate." A year ago, when OMB released its plan for addressing budget gaps, Parks stated it "will not pursue the name recognition initiative at major sites throughout the City."

The recently released financial plan projects \$13 million in annual revenue for each of the next three fiscal years, as part of the city's effort to close a budget gap projected at more than \$2 billion for the next fiscal year and more than double that by 2015.



In Philadelphia, the former Pattison transit stop is now named AT&T Station. Photo: Dave Cooksey/Flickr

## Audit's Understanding of Legal Interpretations

From discussions with the Law Department regarding the County-Wide Naming Rights Report, it is the Audit Division's understanding there are 4 ways the County could accept naming rights monies under current State and County Law. They are as follows:

- 1) State Authorization- as done in the naming rights of Alliance Bank Stadium
- 2) Performing a proprietary function (private)
- 3) Honorary Naming Resolution No. 398
- 4) Gifts- can have conditions associated with it

We also understand the County is not able to develop too formal of a process to evaluate the reasonableness of the amount given to the County and or its Component units. If the County has too formal of a valuation process or openly solicits for companies and or individuals to give money to the County, it becomes advertising, and the County is not able to do this by State Law.

It should also be noted, the Suffolk County Legislature passed a law (Exhibit C) to promote the naming rights of suitable county facilities, parks or roads.

### Opinions referenced by the Law Department

The Law Department provided the Audit Division 4 opinion cases that relate to the present Naming Rights situation.

#### Summation of State Opinions

**Informal Opinion No. 95-38, July 25, 1995**

NY Const Art IX § 2(C) (7); General Municipal Law § 199-r (1) (d); Municipal Home Rule Law § 10 (1)(ii)(a)(7)

Office of the Attorney General of the State of New York

*The City of Kingston planned to sell **advertising** space on the City's public bus transportation system through a competitive bidding process, securing the revenue generated for the operation of its bus transit system.*

*In defraying the cost of bus operations and presumably subsidizing fares, the sale of **advertising** space serves a **public purpose**. The authority under State Law, to operate mass transportation systems includes the sale of **advertising** space, a common endeavor among common carriers. Municipalities specifically are authorized to contract with private systems, which typically sell **advertising** space to raise revenue (General Municipal Law § 199-r (1) (d)). **The Office of the Attorney General opined** Kingston's decision to sell **advertising** space on its public bus transportation system may thus be deemed appropriately authorized and conducted under State Law.*

**Opinion Number I 92-56, September 2, 1992**

Office of the Attorney General of the State of New York

*The Town Attorney of the Town of Urbana, Hammondsport, New York asked whether a town may permit the placement of advertising signs of a private profit-making corporation on its property which promotes the business of that corporation.*

*Municipalities are not authorized to engage in such pecuniary, private business endeavors (1973 Op Atty Gen (Inf) 51). To permit this type of advertising without benefit to the public is generally unauthorized. Advertising is not an authorized revenue raising measure for local governments.*

## Audit's Understanding of Legal Interpretations

### **Opinion Number F92-5, August 4, 1992**

Office of the Attorney General of the State of New York

The Department of Motor Vehicles (DMV) asked if it could enter a contract with a private vendor to print and distribute the Driver's Manual in exchange for the vendor's rights to sell advertising in the Manual.

The Attorney General opined that Vehicle and Traffic Law and statutory law does not authorize the DMV to fund its operations through revenue-raising measures as advertising.

### **Opinion Number 92-31, October 14, 1992**

Office of the State Comptroller

The Village of Maybrook inquired if it could sell advertising space in a newsletter distributed to village residents. Village Law §4-412(1) states *a village by local law may provide for publication and distribution of a newsletter for its residents including notices of public meetings, information as to structure and function of village government, schedules of village activities and financial reports.*

The Comptroller opined *it is not intended to promote private, partisan or political purposes or undertakings. Except in connection with a proprietary activity or to express statutory authority, it is not a proper municipal purpose to raise revenues by selling advertising space on municipal property.*

Westlaw.

1995 N.Y. Op. Atty. Gen. (Inf.) 1082, 1995 WL 563377 (N.Y.A.G.)

Page 1

1995 N.Y. Op. Atty. Gen. (Inf.) 1082, 1995 WL 563377 (N.Y.A.G.)

Office of the Attorney General  
State of New York

Informal Opinion No. 95-38

July 25, 1995

NY CONST ART IX § 2(c)(7); GENERAL MUNICIPAL LAW § 199-r(1)(d); MUNICIPAL HOME RULE LAW § 10(1)(ii)(a)(7).

There is nothing legally objectionable to the sale of advertising space on Kingston's bus system, as it is a business activity directly related to the legitimate public function of operating Kingston's transit system.

Robert D. Cook, Esq.  
Corporation Counsel No.  
City of Kingston  
City Hall, One Garraghan Drive  
Kingston, NY 12401

Dear Mr. Cook:

You have inquired as to whether the City of Kingston may raise revenue by permitting private enterprises to advertise on the City's public bus transportation system.

Local governments have the constitutional and statutory power to acquire, own and operate transit facilities for the benefit of their residents. NY Const Art IX § 2(c)(7); Municipal Home Rule Law § 10(1)(ii)(a)(7). Among other powers, the General Municipal Law grants a municipal corporation the authority to operate mass transportation systems in order to serve the public at adequate levels and at reasonable costs, and to contract with privately owned mass transportation systems for provision of service to its residents. General Municipal Law § 119-r.

Since a municipality has the authority to operate a public bus system, it also by necessity has the authority to regulate the manner in which it is operated. See, New York State School Bus Operators Assoc. v County of Nassau, 39 NY2d 638 (1976). Your letter of inquiry accurately notes that several of our previous opinions have expressed the view that a municipality is not authorized to permit public property to be used for the sole purpose of private business advertising—no benefit accrues to the municipality or the public weal. See, Op Atty Gen (Inf) No. 92-56; 1973 Op Atty Gen (Inf) 51. In the instant case, however, the City of Kingston plans to sell advertising space through a competitive bidding process, securing the revenue generated for the operation of its bus transit system. In defraying the cost of bus operations and presumably subsidizing fares, the sale of advertising space serves a public purpose. Further, the authority, under State law, to operate mass transportation systems reasonably includes the sale of advertising space, a common endeavor among common carriers. Municipalities specifically are authorized to contract with private systems, which typically sell advertising space to raise revenue. General Municipal Law § 199-r(1)(d). Kingston's decision to sell advertising space on its public bus transportation system may thus be deemed appropriately authorized and conducted under State law.



We find nothing legally objectionable with the sale of advertising space on Kingston's bus system, as it is a business activity directly related to the legitimate public function of operating Kingston's transit system.

The Attorney General renders formal opinions only to officers and departments of State government. This perforce is an informal and unofficial expression of the views of this office.

Sincerely,  
\*2 Joseph M. Conway  
Assistant Attorney General

1995 N.Y. Op. Atty. Gen. (Inf.) 1082, 1995 WL 563377 (N.Y.A.G.)

END OF DOCUMENT

**Opn. No. I 92-56**

A local government is unauthorized to permit the use of its property for private advertising.

You have asked whether a town may permit the placement of advertising signs of a private profit-making corporation on its property which promotes the business of that corporation.

In a 1973 opinion of this office, we concluded that municipalities are not authorized to allow their buildings or property to be used for advertising purposes. 1973 Op Atty Gen (Inf) 51. In that opinion we reasoned that municipalities are not authorized to engage in such pecuniary, private business endeavors.

To permit advertising on municipal property to benefit a private business, with no design to benefit the public generally, is unauthorized. Nor is such activity an authorized revenue-raising measure for local governments. Generally, local governments raise revenue through taxes, assessments and fees authorized by law.

A local government is unauthorized to permit the use of its property for private advertising.

The Attorney General renders formal opinions only to officers and departments of State government. This perforce is an informal and unofficial expression of the views of this office.

**Requestor:** Brian C. Flynn, Esq., Town Attorney  
Town of Urbana  
16 Sheather Street  
Hammondsport, NY 14840

**Written by:** James D. Cole, Assistant Attorney General  
in Charge of Opinions

**Issued on:** September 2, 1992

' To encourage and cooperate with other public and private organizations or groups in publicizing the attractions and industrial advantages of the state.'

Commerce Law, §100, subd. 37 states:

' the department may enter into contracts with any person, firm, corporation or governmental agency, and do all things necessary or convenient to carry out the functions, powers and duties expressly set forth in this article.'

1977 Op Atty Gen at 43-44.

Because the presence of advertising that met the Department's stringent standards would advance the objectives of both publications and carry out the Commissioner's duties, and because the proposed arrangement fell within the powers granted to the Department, the opinion concluded that such sale was proper. *Id.* at 44.

It does not appear that the Vehicle and Traffic Law vests the Department of Motor Vehicles or its Commissioner with similar powers or duties to those of the Commissioner and Department of Commerce. Nor is there an express statutory authorization for the Department to fund its operations through revenue-raising measures such as the sale of advertising.

We conclude that the Department, therefore, is not authorized to contract with a private vendor to print and distribute the Driver's Manual in exchange for the vendor's right to sell advertising in the Manual.

**Requestor:** Hon. Patricia B. Adduci  
Commissioner  
NYS Department of Motor Vehicles  
Empire State Plaza  
Albany, NY 12228

**Written by:** Robert Abrams, Attorney General

**Issued on:** August 4, 1992

## Opinion 92-31

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**This opinion represents the views of the Office of the State Comptroller at the time it was rendered. The opinion may no longer represent those views if, among other things, there have been subsequent court cases or statutory amendments that bear on the issues discussed in the opinion.**

ADVERTISING -- Municipal Advertising (no authority to sell in newsletter)  
VILLAGES -- Powers and Duties (publication of informational newsletter)

VILLAGE LAW, §4-412(1): A village, by local law, may provide for the publication and distribution of a newsletter for its residents containing information including notices of public meetings, information as to the structure and function of village government, schedules of village activities and financial reports. The village may not sell advertising space in such a newsletter.

You ask whether a village, at village expense, may publish a newsletter to be distributed to village residents.

Section 89(71) of the former Village Law provided that a village board of trustees:

May publish reports, bulletins or other information relating to the official acts and meetings of the officers, employees, boards, commissions, departments and other agencies of the village and may distribute such reports, bulletins or other information to the residents and taxpayers of the village.

The current Village Law, which became effective in 1973, does not provide similar express statutory authority for a village to publish a bulletin or newsletter. Section 4-412(1) of the Village Law, however, provides as follows:

In addition to any other powers conferred upon villages, the board of trustees of a village shall have management of village property and finances, may take all measures and do all acts, by local law, not inconsistent with the provisions of the constitution, and not inconsistent with a general law except as authorized by the municipal home rule law, which shall be deemed expedient or desirable for the good government of the village, its management and business, the protection of its property, the safety, health, comfort, and general welfare of its inhabitants, the protection of their property, the preservation of peace and good order, the suppression of vice, the benefit of trade, and the preservation and protection of public works. \* \* \*  
(emphasis added)

Based on this authorization in section 4-412, we have expressed the opinion that a village, by local law, may provide for the publication and distribution of a newsletter for its residents containing information similar to that described in former section 89(71) (1979 Opns St Comp No. 79-383, unreported; 1978 Opns St

Comp No. 78-559, unreported; see also Municipal Home Rule Law, §10[1]).

The content of the newsletter, we believe, must be intended to inform or educate residents as to the official affairs of village government, and not relate to matters which promote primarily private, partisan or political purposes or undertakings (see NY Const, art VIII, §1; Phillips v Maurer, 67 NY2d 672, 499 NYS2d 675; Schulz v State, 148 Misc 2d 677, 561 NYS2d 377, app dsmd; judgment affd 175 AD2d 356, 572 NYS2d 434, lv denied 78 NY2d 862, 578 NYS2d 877; Stern v Kramarsky, 84 Misc 2d 447, 375 NYS2d 235; cf. People v Ohrenstein, 77 NY2d 38, 563 NYS2d 744). Notices of public meetings, information as to the structure and function of village government, including names and official phone numbers of village officials, schedules for village activities, summaries of official actions, and financial reports are among the items which generally may be contained in the newsletter (see, e.g., 1990 Opns St Comp No. 90-52, p 119; 1988 Opns St Comp No. 88-32, p 60; 1983 Opns St Comp No. 83-204, p 263; see also Public Officers Law, §87[3]; cf. Town Law, §116[13]).

We have also expressed the opinion, however, that, except in connection with a proprietary activity or pursuant to express statutory authority, it is not a proper municipal purpose to raise revenues by selling advertising space on municipal property (1982 Opns St Comp No. 82-133, p 167; cf. 1980 Opns St Comp No. 80-671, unreported; General Municipal Law, §77-d). Thus, it is our opinion that a municipality may not sell advertising space in an informational newsletter to be distributed to its residents (1979 Opns St Comp No. 79-475, unreported; see also 1992 Atty Gen Formal Opn No. 92-F5; 1992 Atty Gen Inf. Opn No. 92-56; 1955 Atty Gen 181; cf. Opn No. 80-671, supra; 1977 Atty Gen 42).

October 14, 1992  
William J. Schimpf, Deputy Mayor  
Village of Maybrook

## **S4324A-2011: Allows municipalities to lease naming rights of government owned property**

Same as: [A240A-2011](#) / Versions: [S4324-2011](#) [S4324A-2011](#)

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Allows municipalities to lease naming rights of government-owned property.

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**Sponsor:** [MCDONALD](#) / **Committee:** [LOCAL GOVERNMENT](#)

**Law Section:** [General Municipal Law](#) / **Law:** Add S99-w, Gen Muni L

### **S4324A-2011 Actions**

- Mar 30, 2012: PRINT NUMBER [4324A](#)
- Mar 30, 2012: AMEND AND RECOMMIT TO LOCAL GOVERNMENT
- Jan 4, 2012: REFERRED TO LOCAL GOVERNMENT
- Mar 29, 2011: REFERRED TO LOCAL GOVERNMENT

### **S4324A-2011 Memo**

BILL NUMBER: S4324A

**TITLE OF BILL:**

An act  
to amend the general municipal law, in relation to allowing  
municipalities to lease naming rights for government owned property

**PURPOSE:**

This bill allows municipalities - counties, cities, towns and villages an option to lease naming rights for governmentally owned properties and facilities (examples include but are not limited to waterfront property, parks, rail-trails, railroad tracks, city buses and stadiums etc.)

**SUMMARY OF PROVISIONS:**

Section 1. The general municipal law is amended by adding a new section 99-w to read as follows; 99-w. Transfer and lease of naming rights. As used in this section the term municipality shall mean a county, city, town, or village.

Section 2. A municipality may enter into a contract to lease the naming rights of any property owned by such municipality according to the requirements of this section. The chief executive officer of the municipality shall be responsible for negotiating the contract, subject to the ratification of a majority of the members of the legislative body of such municipality.

Section 3. Such leasing agreement shall be for a period of not less than one year and not more than five years.

Section 4. Any transaction described in this section may be used by such municipality for any lawful municipal purpose.

**JUSTIFICATION:**

The continued weakening economy is severely impacting many local governments. Property taxes are increasing and many taxpayers are unable to afford annual tax increases. Because of the weak economy in many of these communities, establishing a sound budget and providing the necessary services is becoming much tougher. In today's environment, local governments are consequently searching for new, innovative and creative ways of finding revenue streams. It is therefore incumbent upon the New York State legislature to provide municipalities with local options that would assist generating revenues to fund services and maintain municipality owned property. Providing the local government with greater flexibility in leasing naming rights for municipal owned facilities can generate critical revenues thereby relying less on property tax increases.

**LEGISLATIVE HISTORY:**

2009-10: A.9433 (Latimer) - Referred to Local Governments

**FISCAL IMPLICATIONS:**

None to NY State.

**EFFECTIVE DATE:**

This act will take effect immediately.

**S4324A-2011 Text**

S T A T E   O F   N E W   Y O R K

4324--A  
2011-2012 Regular Sessions  
I N   S E N A T E  
March 29, 2011

Introduced by Sen. McDONALD -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law, in relation to allowing municipalities to lease naming rights for government owned property  
THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The general municipal law is amended by adding a new section 99-w to read as follows:

S 99-W. TRANSFER AND LEASE OF NAMING RIGHTS. 1. AS USED IN THIS SECTION THE TERM "MUNICIPALITY" SHALL MEAN A COUNTY, CITY, TOWN OR

VILLAGE.

2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A MUNICIPALITY MAY ENTER INTO A CONTRACT TO LEASE THE NAMING RIGHTS OF ANY PROPERTY OWNED BY SUCH MUNICIPALITY ACCORDING TO THE REQUIREMENTS OF THIS SECTION. THE CHIEF EXECUTIVE OFFICER OF THE MUNICIPALITY SHALL BE RESPONSIBLE FOR NEGOTIATING THE CONTRACT, SUBJECT TO THE RATIFICATION OF A MAJORITY OF THE MEMBERS OF THE LEGISLATIVE BODY OF SUCH MUNICIPALITY.

3. SUCH LEASING AGREEMENT SHALL BE FOR A PERIOD OF NOT LESS THAN ONE YEAR AND NOT MORE THAN FIVE YEARS.

4. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROCEEDS FROM ANY TRANSACTION DESCRIBED IN THIS SECTION MAY BE USED BY SUCH MUNICIPALITY FOR ANY LAWFUL MUNICIPAL PURPOSE.

S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD00307-02-2

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Exhibit G

LOCAL LAW NO. 3 - 1996

**DELEGATING AUTHORITY TO THE CHIEF FISCAL OFFICER AND THE COMPTROLLER OF ONONDAGA COUNTY TO ACCEPT BY GIFT PROPERTY, CONTRIBUTIONS OR DONATIONS, UP TO A VALUE OF \$1500, ON BEHALF OF ONONDAGA COUNTY**

**BE IT ENACTED BY THE ONONDAGA COUNTY LEGISLATURE OF THE COUNTY OF ONONDAGA, NEW YORK, AS FOLLOWS:**

Section 1. Individuals and organizations occasionally desire to make gifts, contributions and donations to Onondaga County.

Section 2. Pursuant to County Law Section 215 and the Onondaga County Charter and Code, the Onondaga County Legislature must approve by resolution the acceptance of any gift, contribution or donation.

Section 3. There is an expense involved in bringing a resolution through the legislative process.

Section 4. This expense is unnecessary in the case of small gifts, contributions and donations.

Section 5. It is the desire of this Legislature to eliminate the necessity of incurring the cost of bringing a resolution through the Legislative process for gifts, contributions or donations worth no more than one thousand five hundred (\$1500.00) dollars.

Section 6. This Legislature hereby delegates authority to the Chief Fiscal Officer of Onondaga County to accept by gift property, donations or contributions for lawful county purposes, worth no more than one thousand five hundred (\$1500.00) dollars, on behalf of Onondaga County, and without further action of this Legislature beyond the authority conferred by this Local Law.

Section 7. This Legislature hereby authorizes the Comptroller of Onondaga County to adjust the County Budget to account for the receipt of such gifts, contributions or donations.

Section 8. This Legislature hereby requests the Chief Fiscal Officer, upon acceptance of such a gift, contribution or donation, to notify the Chair of the Legislature and the Chair of the appropriate committee or committees of such Legislature.

Section 9. Nothing contained herein shall be construed as precluding the Onondaga County Legislature from accepting or refusing to accept by gift any property or monetary contribution valued at less than one thousand five hundred dollars (\$1500.00), nor as requiring the Chief Fiscal Officer to accept any such gift or monetary contribution.

Section 10. This Local Law shall take effect upon filing pursuant to the Municipal Home Rule Law.

GIFT.LL  
DFC/ds

**ADOPTED**

**MAY 06 1996**

December 20, 2011

Motion Made By Mrs. Rapp

RESOLUTION NO. 582

**AMENDING THE 2012 COUNTY BUDGET TO ACCEPT A DONATION FROM DRIVERS VILLAGE FOR PLAYGROUND IMPROVEMENTS AT ONEIDA SHORES PARK**

WHEREAS, the Onondaga County Department of Parks and Recreation is responsible for the operation of Oneida Shores Park, that includes a campground, a boat launch, a beach, the Arrowhead Lodge, picnic shelters, and playgrounds; and

WHEREAS, Driver's Village is willing to donate \$100,000 over the next ten years to improve Oneida Shores Park, specifically the playground areas, with the County to provide nominal recognition of said gift in signs, website information and County Parks publications in exchange for said gift; and

WHEREAS, accepting the donation will provide for needed improvements at the Park, while conserving limited taxpayer dollars; and

WHEREAS, it is the desire of this Legislature to accept this generous donation; now, therefore be it

RESOLVED, that the 2012 County Budget be amended by providing and making available the following:

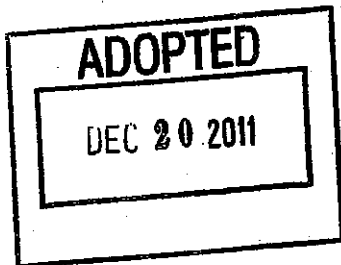
**REVENUES:**

In Admin Unit: 69 00	\$100,000
Parks and Recreations	
Index: 510032	
Project: 770027	
Playground Improvements at Oneida Shores Park	
Account: 2005 Gifts and Donations	\$100,000

**APPROPRIATIONS:**

In Admin Unit: 69 00	\$100,000
Parks and Recreations	
Index: 510032	
Project: 770027	
Playground Improvements at Oneida Shores Park	\$100,000

Oneida Shores.doc  
WL/ns  
clm  
kam



I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF LEGISLATION DULY ADOPTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY ON THE

20th DAY OF December, 20 11.

*Deborah A. Matrino*

CLERK, COUNTY LEGISLATURE  
ONONDAGA COUNTY, NEW YORK

11 NOV 23 PM 2:11  
ONONDAGA COUNTY  
LEGISLATURE