



Robert E. Antonacci II, CPA  
Comptroller

COUNTY OF ONONDAGA

Office of the  
*County 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](http://www.ongov.net)

James V. Maturio  
Deputy Comptroller/Accounting

Thomas R. Schepp II  
Deputy Comptroller/Audit

April 7, 2017

Onondaga County Legislators  
401 Montgomery Street, Room 407  
Syracuse, New York 13202

**Re: Onondaga County Lakeview Amphitheater Naming Rights**

Dear Legislators:

A recent news article published online discussed naming rights at the Onondaga County Lakeview Amphitheater.<sup>1</sup> As of this writing, we are awaiting contract information which we were forced to subpoena, therefore, our comments today will be limited to information made public so far.

Of immediate concern is the last paragraph in the article which states:

“[Deputy County Executive William] Fisher said there is no bidding process or publication for sponsorship deals, since they are negotiated by the county's agent, SMG. A deal would not require approval from the legislature, he said.”

I respectfully disagree with Mr. Fisher's estimate that no bidding process or other publication process is required for sponsorship deals relating to County-owned property. I further disagree that approval by the Legislature is not needed.

In 2012, this Office released its audit report concerning naming rights of County property.<sup>2</sup> At that time, we highlighted the fact the Legislature had previously acted on revenue contracts, such as naming rights agreements, by way of Resolutions 241 & 310 of 2010. We also highlighted Local Law 3-1996, as amended, which requires any charitable donation in excess of \$1,500 to be approved by the Legislature.

Our report also noted under Resolutions 398-200 the Legislature set forth a process and standard for the naming of buildings. Under Resolution 398-200, there are six requirements:

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<sup>1</sup>[http://www.syracuse.com/news/index.ssf/2017/04/hey\\_werent\\_we\\_going\\_to\\_sell\\_the\\_naming\\_rights\\_to\\_lakeview\\_amphitheater.html](http://www.syracuse.com/news/index.ssf/2017/04/hey_werent_we_going_to_sell_the_naming_rights_to_lakeview_amphitheater.html)

<sup>2</sup> <http://www.ongov.net/comptroller/documents/FinalNamingRights.pdf>

- 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 has 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.

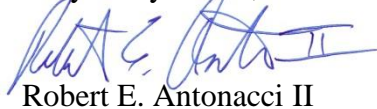
Resolution 398-2000 goes on to say “the foregoing criteria shall not apply in those instances where there is an opportunity for corporate naming rights”. It does not appear there are any other acts by the Legislature on this topic.

New York State Law does speak on this topic. County Law §215(3) provides, among other things, “Such buildings may be named, maintained and kept in repair, furnished and equipped for such public purposes.” This power is the legislative body’s power to exercise. Of more interest is a proposed law referenced in our 2012 report. Senate Bill S4324A-2011 would have allowed municipalities to lease naming rights of government owned property. This Bill has not been passed and has been reintroduced every State Legislative Session. Senate Bill S1945 is pending in a Senate Committee, while a similar bill, Senate Bill S3865, has advanced to a third reading as of March 13, 2017. The pending legislation in the Senate reveals a belief municipalities do not currently have the power to lease naming rights.

The power of municipalities to name a building for pecuniary gain is questionable. What is absolutely clear is the power to name a building is a power for the legislative body of a municipality. Presently, there is no authority for the County Executive to contract such power away, much less undertake it independent of the Legislature. At a minimum, the Legislature must review for itself the contracts concerning the Lakeview Amphitheater and determine, as the policy determining and governing body of the County<sup>3</sup>, whether the leasing of naming rights at the Onondaga Lakeview Amphitheater is in the best interests of Onondaga County.

Thank you for your prompt attention to this matter. Should you have any questions or concerns, please do not hesitate in contacting me directly.

Very Truly Yours,



Robert E. Antonacci II

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<sup>3</sup> County Charter §201