



## MEMORANDUM

**TO:** Montgomery County Planning Board and Parks Commission

**VIA:** Mary Bradford, Director of Parks  
Mike Riley, Deputy Director of Parks

**FROM:** Kate Stookey, Chief, Public Affairs and Community Partnerships Division

**RE:** Corporate Sponsorship Program

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**Staff Recommendation:** Approve the Corporate Sponsorship Policy (see circle pages 7-14).

### Background/Rationale

Nationwide, shrinking tax resources are spurring public agencies to leverage private funding through public-private partnerships, sponsorships, advertising, and market rate leases of unused or underutilized public spaces in an effort to meet demand for public facilities and services that cannot be met with the limited tax funding available. Our research uncovered hundreds of other public agencies with active sponsorship programs; a partial list is included in this packet on circle page 15.

Our ability to establish mutually beneficial relationships with community organizations and area businesses is critical to helping us expand, sustain and enhance facilities and programs for our residents despite the shrinking tax funding.

The Department's current sponsorship efforts are scattered, piecemeal, and limited to one event or program at a time. There is no strategic or coordinated approach. We have a strong partner in the Montgomery County Parks Foundation (Foundation) and an opportunity to create an effective, attractive, department-wide sponsorship program with the potential to generate significant revenue. The adoption of a Corporate Sponsorship Policy is a necessary first step in the development of the corporate sponsorship program.

### Definition of Sponsorship

Corporate sponsorship is a business relationship in which two entities exchange things of value, including a public display of support. The value to the sponsor is typically public recognition, publicity and advertising and marketing opportunities that include the sponsor's name, logo, message, and products or services. The value to the Commission is typically cash or in-kind

products and services which support Park Assets and Park Programs for the ultimate benefit of the public.

### **Sponsorship Goals**

The purpose of the proposed Corporate Sponsorship Policy is to facilitate mutually beneficial, relationship-based sponsorships with local, regional, and national commercial businesses and non-profit organizations in an effort to enhance, expand and sustain Park Assets and Park Programs for the benefit of the public we serve.

In short, the goals of the corporate sponsorship program are to:

- Raise revenue through appropriate partner/sponsor programs;
- Enhance, expand and sustain programs, facilities and services for the public;
- Increase awareness of M-NCPPC and its programs and services among new audiences; and,
- Avoid or minimize adverse impact on the park visitors' overall experience and the visual qualities of the park environment.

### **Anticipated Revenue and Use of Funds**

Analysis of our assets and their market value to sponsors is needed before we can make informed revenue projections for the program. However, research shows that sponsorship programs managed by other parks, county and municipal agencies nationally generate anywhere between \$100,000 and \$1,600,000 annually.

One of the key goals of our Vision2030 effort was to “ensure long-term sustainability by focusing taxpayer funding on those services that produce the widest community benefit.” Through this effort, a cost recovery model and resource allocation philosophy was developed to determine the degree to which the cost of specific facilities, services and programs should be supported by tax funding versus user fees and/or other designated alternative funding mechanisms such as grants, sponsorships, partnerships, use of volunteers, etc. This process involved a stakeholder summit, two public meetings and a series of staff workshops, and resulted in the development of the Cost Recovery Pyramid on circle page 16. (Detailed information about Vision2030 can be found at [www.montgomeryparks.org/about/vision/.](http://www.montgomeryparks.org/about/vision/))

It is our intention to direct the incremental revenue generated through the corporate sponsorship program to support many of the programs, activities and services valued by the public but not identified by the cost recovery pyramid as core priorities for tax funding, such as cultural and historic programs, scholarships, natural resource conservation, and interpretation programs, and introduce new opportunities (such as large-scale community events) to connect the public with enjoyable recreational activities that encourage healthy lifestyles, among others. In response to public concerns that this program will replace public funding with private dollars, it is important to note that our tax funding is and will continue to be used to cover the costs of our core ongoing park maintenance and operations as defined by the cost recovery

pyramid. We do not believe corporate sponsorship will ever generate sufficient revenue to be considered a replacement for tax funding.

### **Corporate Sponsorship Program Timeline**

The development of the corporate sponsorship program has been broken into three distinct phases:

- Phase I: Policy Development
- Phase II: Program Development
- Phase III: Program Implementation

#### Phase 1: Policy Development (April 2012 – January 2013)

The first several months in the policy development phase were spent researching and reviewing the policies of the hundreds of park and county agencies around the nation that have active, successful corporate sponsorship programs in place. Where possible, we spoke directly with their staff to identify best practices so we could incorporate them into our proposed policy and approach. Our policy document was then carefully reviewed and crafted by our legal counsel, and revised after preliminary discussions with the Planning Board and legal counsel in closed session. While this legwork took a significant amount of time, it was critical to the preparation of a draft policy document suitable for public comment and consideration. A partial list of the policies we reviewed is attached for your reference on circle page 17.

Public input was sought on the original draft of the policy (see circle pages 18-24) as follows:

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|------------------|--|
| November 29:     | Draft policy sent to the County Executive and County Council by the Chair of the Planning Board  |
| December 3:      | Presentation to the Countywide Recreation Advisory Board (CWRAB)   |
| Week of Dec. 10: | Postcards mailed to 1,300 Civic and Homeowner Association contacts<br>Email alerts through Regional Service Center listservs<br>Creation of a web page with an interactive comment tool<br>( <a href="http://www.montgomeryparks.org/team/ppp/sponsorship.shtm">http://www.montgomeryparks.org/team/ppp/sponsorship.shtm</a> ) |
| Week of Dec. 17: | Press release issued to notify media<br>Notice posted on <a href="http://www.MontgomeryParks.org">www.MontgomeryParks.org</a> homepage<br>Email alert through InfoShare e-newsletter   |

By January 4, we received feedback from fourteen individuals, the Montgomery County Civic Federation, and the Countywide Recreation Advisory Board. Of these responses, seven were in complete opposition to the proposed sponsorship program. Eight expressed concerns and shared thoughts and suggestions on policy language and ways the program could be managed. The Foundation and the CWRAB have indicated they will submit a letter of support to the

Planning Board under separate cover. All responses received to-date are included in this packet on circle pages 25-48 for your reference (circle pages 42-48 are responses received through the interactive comment tool on the sponsorship web page).

We greatly appreciate the public comments and suggestions we received, and have revised the proposed policy to address many of them. A redlined copy of the original policy document is attached on circle pages 49-56 to more clearly show the changes we have made, which are also outlined below:

- The policy name was changed to “Corporate Sponsorship Policy” to eliminate the reference to park naming. The naming of entire parks after corporate entities was an area of concern to many and is prohibited under our proposed policy.
- The definition of a “Park Asset” was amended to include specific reference to the fact that the naming of a park itself after corporate entities is prohibited under this policy.
- A definition for “Governmental Entity” was added to allow tax-supported entities such as Montgomery College (whose programs may be considered non-commercial) to be a sponsor. The eligibility criteria were also amended to reflect the inclusion of Governmental Entities as prospective sponsors.
- The definition of a “Legal Entity” was amended to include specific reference to entities “...whether organized for profit or not...” This was added to address public concern that non-profits should also have the opportunity to be a sponsor, which was the intent of the original policy.
- The eligibility criteria were amended to clarify that the promotion of any non-commercial enterprise is not permitted. Non-profits who operate commercial programs are still eligible.
- The eligibility criteria were amended to clarify that sponsorship is not available to commercial enterprises or activities which “...compete, impair or conflict with, the mission, policies, goals or operations of the Commission, the park system or designated Park Assets or Park Programs.” This was in response to public concern that sponsors be aligned with our core mission and not in opposition to it.
- The eligibility criteria were amended to expand the depictions, words or phrases that can be rejected under the policy to include those which promote unlawful discrimination, violate law (including environmental law), or promote activities or products that are reasonably determined to be detrimental to the public health or safety. This was in response to public concern that no illegal or inappropriate activities or products be promoted or allowed through sponsorship agreements.
- The Guidelines for Naming Rights and Advertising Rights were amended to remove the reference to the 20-year duration for Naming Rights. This allows for more flexible negotiations on the length of term and responds to the public suggestion that terms include shorter renewal options so relationships can be periodically evaluated for suitability before a contract is extended.

- The Administration section of the policy was amended to include language that specifies every agreement will include provisions for termination in the event of bankruptcy, violation of a law or regulation pertaining to unfair business or employment practices, or activities involving moral turpitude. This was in response to concerns that association with such sponsors would be embarrassing and degrade the reputation of our park system.

A few public comments expressed concerns or suggestions we believe are adequately addressed by the proposed policy language. These include:

- Prohibition of legal entities whose products or services include alcohol, tobacco, drugs, gambling, firearms, or sexual exploitation. This is addressed by section IV G “Compliance with Law and Regulations Required” which states sponsorship will not be granted for any Park Asset or Program unless “...the use or occurrence of the specific products, services, conduct or activity associated...would be lawful for both Commission employees and patrons...[and] would not violate Commission rules and regulations...” This would limit sponsors whose products fall into those categories to sponsorship of only those Park Assets or Programs where such products or activities are allowed.
- Concern that a corporation would seek zoning, transit or other regulatory approvals from the Commission in exchange for sponsorship. This is addressed by section IV D “No Abrogation of Governmental Authority.”
- Concern that a corporation would seek exclusive use or influence over Park Assets or Park Programs in exchange for sponsorship. This is addressed by section IV E “No Property Interest in Park Assets” and section IV F “No Rights of Control over Park Programs.”
- Concern that sponsorship implies endorsement. This is addressed by section IV H “No Endorsement.”
- Concern that the fiscal benefit be greater than the cost of the asset to maximize the return to Parks. This is addressed in section VI A “Fiscal Benefit.” This section outlines the minimum fiscal benefit; these costs in addition to the market value of the proposed sponsorship will be considered in the negotiation of sponsorships agreements.

Other concerns were raised that are not directly addressed by the policy. Following is a list of those concerns and our proposed response:

- The ability of a sponsor to change its name or resell its sponsorship to another entity through a merger. These details will be addressed through the legal contract (Definitive Agreement). Sponsorship benefits would be non-transferable, and any name change would have to meet the eligibility criteria to be allowed.
- The ability of an existing Commission vendor to also be a sponsor. The sponsorship program will be an open, competitive program, and agreements will be negotiated by the Foundation on behalf of Montgomery Parks. It is a separate and distinct process

from procurement by the Commission. Current vendors should have equal opportunity to apply and be considered for sponsorship.

- **Transparency and citizen involvement.** The public requested an annual report to the public on the sponsorship program, including revenue raised, programs and facilities funded, costs of the program, etc. There was also a request to allow the public to view and comment on every sponsorship proposal. Unfortunately, citizen involvement at every stage of each transaction is not practical or feasible. The Foundation will include a full report on the status of this program as part of its required annual report to the Planning Board in open session each year.
- **Competition between commemorative individual namings or dedications and corporate sponsorships.** Should competitive proposals be received for a commemorative individual naming or dedication and a corporate sponsorship for the same Park Asset, it is likely this would be referred to the Planning Board for resolution in open session with a recommendation from Park and Foundation staff and an opportunity for all concerned parties to testify.
- **Concerns regarding the size of signage, advertising, etc., to respect the non-commercial nature of public places.** The actual recognition benefits conveyed to sponsors have yet to be developed. During the program development phase, guidelines for sponsorship recognition will be developed and publically vetted. As stated in the list of sponsorship goals, our intent is to “...avoid or minimize adverse impact on the park visitors’ overall experience and the visual qualities of the park environment.”

#### Phase II: Program Development (February 2013 – September 2013)

During this phase, we’ll be developing a list of park facilities and programs available for sponsorship; create, establish and value packages for different levels of sponsorship; create standards and guidelines for sponsorship recognition; and prepare marketing materials to promote the program.

#### Phase III: Program Implementation (October 2013 - )

This is the phase in which the program is launched and includes the marketing, negotiation and administration of sponsorship opportunities. The Foundation will administer this program on behalf of and in coordination with the Department of Parks. Annual reports will be provided to the Planning Board in open session to ensure transparency and citizen awareness.

#### **Next Steps**

Pending approval of the proposed Corporate Sponsorship Policy, Foundation and Department staff will move to Phase II and begin work on inventory, bundling and evaluation, recognition standards and guidelines, and marketing materials. Department and Foundation staff will return to the Planning Board to present key components of the program as appropriate throughout the program development phase.

**The Maryland-National Capital Park and Planning Commission  
Montgomery County Department of Parks**

**Corporate Sponsorship Policy**

**I. PURPOSE AND SCOPE**

The purpose of this policy (**Policy**) is to establish guidelines to govern the Maryland-National Capital Park and Planning Commission (**Commission**) in the development and management of a program in Montgomery County of:

1. Naming or renaming Park Assets or Park Programs (as defined below) to signify the name of a Legal Entity (as defined below) in exchange for providing financial or material in-kind support; and
2. Entering into sponsorship agreements with Legal Entities (as defined below) under which the Commission recognizes the sponsoring entity in exchange for providing financial or material in-kind support for a specified Park Asset or Park Program (as defined below).

On December 1, 2011, the Planning Board adopted an Individual Park Naming and Dedication Policy that does not relate to the Legal Entities covered under this Policy.

This policy is not applicable to gifts, grants or unsolicited donations undertaken for charitable purposes without a naming or sponsorship arrangement and, further, does not apply to individuals or Legal Entities that have been issued a park permit for a specific event.

**II. DEFINITIONS**

**Planning Board:** The Commission's Montgomery County Planning Board.

**Commission:** The Maryland-National Capital Park and Planning Commission.

**Department:** The Montgomery County Department of Parks.

**Foundation:** The Montgomery County Parks Foundation, Inc.

**Definitive Agreement:** The binding written agreement made by and among the Commission, Foundation, and the appropriate Legal Entity to confer a Naming Right, Advertising Right or Sponsorship Benefit in compliance with this Policy.

**Park Asset:** Parks amenities such as recreation/athletic fields, playgrounds, pavilions, trails, structures and other facilities, buildings, rooms, landscaping, art or other physical features, in each case, owned, operated or managed by the Commission in Montgomery County, Maryland, and deemed eligible jointly by the Commission and the Department for Naming Rights and/or Advertising Rights and by the Department for Sponsorship Benefits. (Entire parks, regardless of classification, are excluded and not eligible for Naming Rights, Advertising Rights or Sponsorship Benefits.)

**Park Program:** (a) Recreational or interpretive programs, services or similar events that are owned, operated or managed by the Commission in Montgomery County, Maryland; or (b) functions, programs or services provided by the Department in connection with Department operations and deemed eligible by the Department for Naming Rights, Sponsorship Benefits and/or Advertising Rights.

**Governmental Entity (Entities):** The Government of the United States, the State of Maryland, another state, or any agency, unit, political subdivision or instrumentality thereof.

**Legal Entity (Entities):** A corporation, unincorporated association, limited liability company, partnership, trust, foundation or other legal entity (whether organized for profit or not) that is engaged in commercial activity and not an individual or Governmental Entity.

**Naming Right:** A commercial benefit of specified duration that: (a) is established subject to the terms of a Definitive Agreement which conforms to this Policy and (b) obligates the Commission to signify the name, trade name or trademark of a designated Legal Entity as part of the name of the Park Asset(s) or Park Program(s) specified in the Definitive Agreement.

**Advertising Right:** A commercial benefit of specified duration that: (a) is established subject to the terms of a Definitive Agreement which conforms to this Policy and (b) obligates the Commission to allow the promotion of the services, products or activities of a designated Legal Entity within the property of the Park Asset(s) specified in the Definitive Agreement.

**Sponsorship Benefit:** A commercial benefit of specified duration that: (a) is established subject to the terms of a Definitive Agreement which conform to this Policy and (b) obligates the Commission to identify the name, trade name or trademark of a designated Legal Entity as a “*sponsor*” of the Park Asset(s) or Park Program(s) specified in the Definitive Agreement.



### **III. POLICY STATEMENT**

The Planning Board has determined that this Corporate Naming and Sponsorship Policy is necessary and appropriate to provide revenue for the benefit of the Commission that is essential to develop, maintain, improve, expand, support, preserve, fund, encourage and sustain its Park Assets and Park Programs for the fiscal benefit of users and the community at large.

In an effort to utilize and maximize the community's resources, it is in the best interest of the Commission to create and enhance relationships with corporations and other organizations through commercial sponsorships and naming arrangements. This goal can be accomplished by providing local, regional, and national businesses and other commercial enterprises a method to become associated and involved with the many facilities, activities and programs provided by the Commission. The Commission delivers quality, life-enriching activities to a broad base of the community. This translates into exceptional visibility for sponsors and supporters. It is the goal of this policy to further these opportunities for the ultimate benefit of the public.

### **IV. GENERAL PROVISIONS: NAMING RIGHTS, ADVERTISING RIGHTS, AND SPONSORSHIP BENEFITS**

- A. **Editorial Discretion.** The Commission intends to preserve its rights and discretion to exercise full editorial control over the placement, content, appearance, and wording of Naming Rights, Sponsorship Benefits and related messages. It is the intent of this policy to provide sponsors with visibility through sponsorship recognition and advertising messages and avoid or minimize adverse impact on the park visitors' overall experience and the visual qualities of the park environment.
- B. **Eligibility Criteria.** Except as provided directly below for the purpose of a Governmental Entity:
  - a. Naming Rights, Advertising Rights, and Sponsorships must be for a commercial purpose and the promotion of any non-commercial enterprise is not permitted in the limited forum created by this policy.
  - b. Naming Rights, Advertising Rights or Sponsorship Benefits are further limited to the promotion or recognition of commercial enterprise and commercial activities that do not compete, impair or conflict with, the mission, policies, goals or operations of the Commission, the park system or designated Park Assets or Park Programs.
  - c. Naming Rights, Advertising Rights, or Sponsorship Benefits for a Governmental Entity may be considered for non-commercial purposes,

including proprietary and governmental functions of the entity involved; provided, however, that any promotion or recognition of a Governmental Entity must not compete, impair or conflict with the mission, policies, goals or operations of the Commission, the park system or designated Park Assets or Park Programs, and must otherwise comply fully with the conditions and requirements applicable generally in this Policy to a Legal Entity.

d. Naming Rights, Advertising Rights or Sponsorship Benefits must not include depictions, words or phrases that are reasonably deemed to be harmful or otherwise developmentally inappropriate for the purpose of communication with, or public display to, children under six years of age. Examples of depictions, words or phrases that may be rejected under this Policy are those which:

- Are sexually suggestive or obscene;
- Promote unlawful discrimination on the basis of race, ethnicity, religion, or any other classification protected by law;
- Connote inappropriate violence or intimidation;
- Relate events, activities or behaviors that are criminal or otherwise violate law (including without limitation, violations or applicable environmental, controlled substance or safety laws); or
- Promote activities or products that are reasonably determined to be detrimental to the public health or safety.

C. Combinations Authorized. A Definitive Agreement may include the combination of Sponsorship Benefits, Advertising Rights and Naming Rights.

D. No Abrogation of Governmental Authority. A Definitive Agreement shall not confer on any person the enforceable power to direct, or implied power to direct, the Commission, the Department, the Planning Board or any Commission employee on matters of policy or any other governmental process, and any provision in such an agreement which purports otherwise is void *ab initio*. Without limiting the generality of the foregoing, the Planning Board will not consider an existing or future Naming Right, Advertising Right or Sponsorship Benefit in connection with the adjudication of any planning, zoning, subdivision or other regulatory activity authorized under the Land Use Article of the Maryland Annotated Code or the Montgomery County Code.

E. No Property Interest in Park Assets. A Definitive Agreement shall not confer on any person an enforceable right, entitlement, or other property interest of any sort

relating to the use, possession or control any Park Assets, real or personal properties (including, without limitation, an exclusive right to use any Park Asset), except as to a limited and non-exclusive right to use Commission trademarks or other intellectual property which may be authorized in the Definitive Agreement (Section IV(D) below). The specific or periodic use of any Park Asset by a party to a Definitive Agreement may only be authorized by park permit evaluated and approved by the Department in the ordinary course, and such use shall be subject to the party's strict compliance with the terms of any such permit and the Definitive Agreement. A Definitive Agreement may impose on the Department reasonable operating, maintenance or performance standards applicable to a Park Asset, and the Department may agree to undertake reasonable efforts to achieve compliance with those standards.

F. No Rights of Control Over Park Programs. A Definitive Agreement shall not confer on any person the enforceable power to direct or control, or implied power to direct or control, the Commission, the Department, the Planning Board, or any Commission employee or agent, relating to the operation of any Park Program, or otherwise limiting the discretion to operate a Park Program in a manner that comports with applicable laws, best practices, or the Commission's best interests, as determined in the Commission's sole, exclusive and unreviewable discretion. A Definitive Agreement may impose on the Department reasonable operating or performance standards applicable to a Park Program and the Department may agree to undertake reasonable efforts to achieve compliance with those standards.

G. Compliance With Law and Regulations Required.

[1] A Naming Right, Advertising Right or Sponsorship Benefit pertaining to a Park Asset may not be granted for any venue unless the use or occurrence of the specific products, services, conduct or activity associated with that name: (1) would be lawful for both Commission employees and patrons, (2) would not violate Commission rules and regulations, and (3) would not conflict with the orderly operation of the Park Asset, all as determined for the specific venue where the Naming Right is intended for public display or dissemination. By way of illustration, and not in limitation, a Naming Right may not be granted for a Legal Entity associated with cigarettes or alcoholic beverages for any Park Asset where smoking or consuming those beverages is prohibited, respectively.

[2] A Naming Right, Advertising Right or Sponsorship Benefit pertaining to a Park Program may not be granted unless the use or occurrence of the specific products, services, conduct or activity associated with that sponsor: (1) would be lawful for both Commission employees and patrons, (2) would not violate Commission rules and regulations, and (3) does not conflict with the specific Park Program, activity, facility or audience, all as determined for the program or venue where the Sponsorship Benefits are directed for public display or dissemination. By way of illustration, and not in limitation, a Sponsorship

Benefit for a product with substantial health risks may conflict with a Park Program intended to promote the health of children or youth, and may not be granted on that basis.

- H. **No Endorsement.** The Legal Entity entitled to a Naming Right, Advertising Right or Sponsorship Benefit shall not imply, suggest or publicize any inference to indicate that the Commission (Planning Board or Department) officially or otherwise commercially endorses the purchase and/or consumption of any product, service, activity or conduct. Any permission granted for a Legal Entity to use the Commission's name, logo or other intellectual property in connection with a Naming Right, Advertising Right or Sponsorship Benefit must be non-exclusive and specifically authorized under a Definitive Agreement, and the entity must expressly warrant its strict compliance with the terms of such use as granted.
- I. **Disputes.** Any applicant for a Naming Right, Advertising Right or Sponsorship Benefit who is aggrieved by a decision of the Foundation or Department may appeal that decision to the Planning Board. The Planning Board will provide the applicant with an opportunity to be heard and consider the basis of appeal on the merits. After due consideration, the Planning Board will provide its decision on the appeal in writing and that decision will be final.

#### **V. GUIDELINES: NAMING RIGHTS AND ADVERTISING RIGHTS**

- A. **Fiscal Benefit.** A Naming Right or Advertising Right will be granted for a Park Asset only if (a) the fiscal benefit derived by the Commission is substantial and commensurate with the value of the specific Park Asset involved, its physical or geographical significance, or the cost to repair, renovate or maintain that Park Asset, and (b) the Naming Right or Advertising Right does not conflict or impair compliance with any outstanding or potential tax-exempt bond obligation related to the Park Asset as determined by the Secretary-Treasurer for Commission-issued bonds or by the County Finance Director for County-issued bonds. A Naming Right will be granted for a Park Program only if the fiscal benefit derived by the Commission is appropriate in relation to the cost of operating the Park Program. The sufficiency of any fiscal benefit to be derived for a Naming Right will be determined at the discretion of the Director of the Department in consultation with the Secretary-Treasurer of the Commission, as appropriate.
- B. **Duration.** Each Definitive Agreement granting a Naming Right pertaining to a Park Asset must specify an appropriate term. A Naming Right pertaining to a Park Program (including an event) should be of an appropriate duration determined in relation to the specific program involved and the fiscal benefit derived by the Commission.

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- C. **Brevity.** Where facility, building, landscape area, programs, or other related Commission asset is named for a Legal Entity, the name used should normally be the shortest name possible.
- D. **Limitations on Naming Rights.** Naming Rights will not be considered for entire parks regardless of classification. Only Park Assets that are facilities within parks (such as dog parks, ice rinks, playgrounds, etc.) will be eligible for Naming Rights.
- E. **Commercial Content For Advertising.** Subject to the eligibility criteria set forth above in this Policy, the design, layout and content of any Advertising messages must be commercially reasonable under the circumstances and approved by the Department prior to placement.

## **VI. GUIDELINES: SPONSORSHIPS**

- A. **Fiscal Benefit.** Sponsorship Benefits will be granted for a Park Asset or Park Program only if the fiscal benefit derived by the Commission is appropriate. The sufficiency of any fiscal benefit to be derived for a Sponsorship Benefit will be determined in the discretion of the Director of the Department. The fiscal benefit derived from any Sponsorship should, at a minimum, be sufficient to cover:
  - All or a proportionate percentage of annual maintenance and/or program expenses for the Park Asset or Park Program being sponsored during the full term of the sponsorship;
  - Direct expenses incurred by the Department, including design, production and installation costs for signage and other recognition benefits; and,
  - An administrative fee for the Foundation of up to 12%.
- B. **Commercial Content For Sponsorships.** Sponsorship recognition messages may identify the Legal Entity but must not constitute advertising. Subject to the eligibility criteria set forth above in this Policy, the following content is ordinarily deemed appropriate:
  - The legally recognized name, trade name, or trademark of the sponsoring organization.
  - The sponsor's organizational slogan.
  - The sponsor's product or service line, described in brief, generic, objective terms.
  - Brief contact information for the sponsor's organization, such as phone number, address, or website.

## **VII. ADMINISTRATION**

Pursuant to a written agreement between the Foundation and the Commission approved by the Planning Board and Foundation for the purpose of incorporating and implementing this policy, the process for Corporate Naming and Sponsorships will be administered by the Foundation in coordination with the Commission and the Department. This process includes, but is not limited to the marketing of Corporate Naming and Sponsorship opportunities, renaming, advertising, negotiating terms of Definitive Agreements, and presenting those agreements to the Commission or Department, as outlined below, for approval.

The Foundation is authorized to enter into negotiation with prospective sponsors for Park Assets and Park Programs deemed eligible by the Director of the Department and the Secretary-Treasurer per the criteria outlined in this policy. Terms negotiated by the Foundation must be approved by the Director of the Department and, if so approved, by the Executive Director or designee, prior to the execution of a Definitive Agreement. Signature authority for Definitive Agreements is designated as outlined below:

- A) Definitive Agreements for Park Assets that include Naming Rights require signature authorization by the Commission's Executive Director.
- B) Signature authority for Definitive Agreements for: (a) Park Programs that include Sponsorship Benefits, Naming Rights and/or Advertising Rights and/or (b) Park Assets that include Sponsorship Benefits and/or Advertising Rights may be delegated to the Director of the Department in writing by the Executive Director.

Each Definitive Agreement must include provisions for termination at will by the Commission under appropriate circumstances determined in the sole discretion of the Commission's Office of General Counsel, including without limitation, in the event (a) the Legal Entity or Governmental Entity becomes insolvent or files for bankruptcy, (b) a court or administrative tribunal of competent jurisdiction finds the entity has violated a law or regulation pertaining to unfair business or employment practices, or (c) activities involving moral turpitude.

Commencing six (6) months after the adoption of this policy by the Planning Board and every six (6) months thereafter, the Foundation and the Department will provide to the Planning Board, a list of the Definitive Agreements that have been approved and Park Assets that have been named or renamed as a result of this Policy.

The Department is authorized to promulgate appropriate standards, policies and regulations necessary to effectuate the purpose of this policy.

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## EXAMPLES OF SPONSORSHIP PROGRAMS

### **City of Chesapeake, VA**

<http://www.cityofchesapeake.net/Government/City-Departments/Departments/Parks-and-Recreation-Department/Donations-How-You-Can-Help/sponsorships-benefits.htm>

### **City of Bakersfield, CA**

<http://www.bakersfieldcity.us/recreation/sponsorship.html>

[http://www.bakersfieldcity.us/recreation/sponsorship\\_pdfs/Sponsorship%20Menu%20Tri-Fold.pdf](http://www.bakersfieldcity.us/recreation/sponsorship_pdfs/Sponsorship%20Menu%20Tri-Fold.pdf)

[http://www.bakersfieldcity.us/recreation/sponsorship\\_pdfs/Naming%20Rights%20Sponsorship%20Opportunities%20Flyer.pdf](http://www.bakersfieldcity.us/recreation/sponsorship_pdfs/Naming%20Rights%20Sponsorship%20Opportunities%20Flyer.pdf)

### **Brazoria County, TX**

<http://www.brazoria-county.com/parks/Sponsorship%20Benefits.pdf>

### **Herndon, VA**

[http://www.herndon-va.gov/Content/Parks\\_rec/Sponsorship/default.aspx](http://www.herndon-va.gov/Content/Parks_rec/Sponsorship/default.aspx)

### **Cleveland, OH**

<http://www.clevelandmetroparks.com/Main/Sponsorship-Opportunities.aspx>

### **New York, NY**

<http://www.nycgovparks.org/contact-parks/marketing>

<http://www.nycgovparks.org/contact-parks/facilities-partnership/available-opportunities>

### **Bethesda, MD**

<http://www.bethesdaqgreen.org/About/Sponsors/ChampionSponsors/tabid/278/Default.aspx>

### **Gaithersburg, MD**

[http://www.gaithersburgmd.gov/poi/default.asp?POI\\_ID=309&TOC=107;84;99;350;309;&id=5717](http://www.gaithersburgmd.gov/poi/default.asp?POI_ID=309&TOC=107;84;99;350;309;&id=5717)

### **Naperville, IL**

<http://www.napervilleparks.org/about-us/support-us/corporate-partners>

### **Santa Barbara, CA**

[http://www.santabarbaraca.gov/Business/Corporate\\_Sponsorship/Parks\\_and\\_Recreation/](http://www.santabarbaraca.gov/Business/Corporate_Sponsorship/Parks_and_Recreation/)

### **Decatur, IL**

<http://www.decaturnparks.org/decaturnpark-district-decaturnil/sponsorship-opportunities/>

# Montgomery County Parks & Recreation

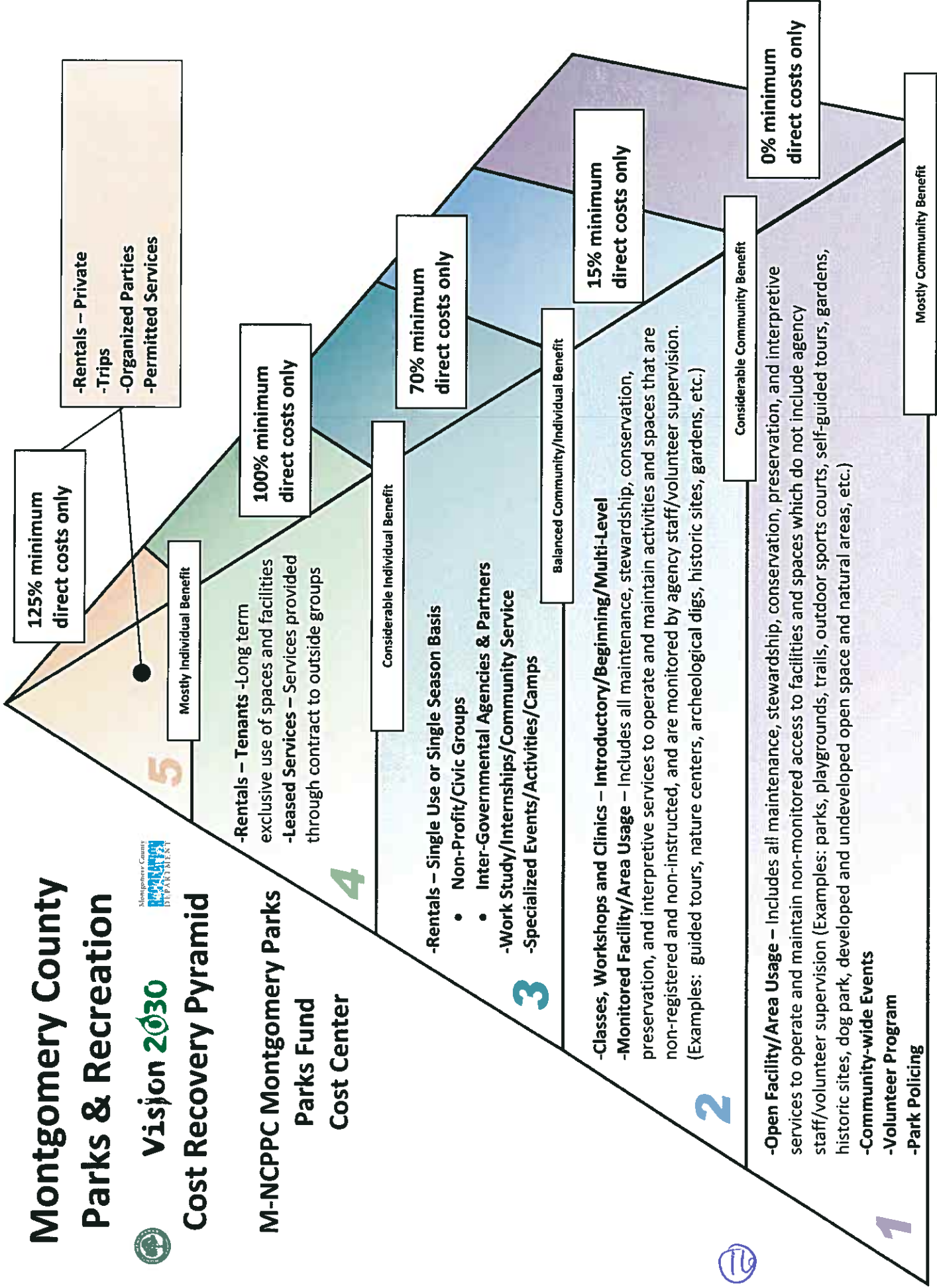


**Vision 2030**



## Cost Recovery Pyramid

### M-NCPPC Montgomery Parks Parks Fund Cost Center





## EXAMPLES OF SPONSORSHIP POLICIES

### **City of San Carlos Parks and Recreation Department**

Corporate Naming and Presentation Sponsorship Policy

<http://www.cityofsancarlos.org/civica/filebank/blobdload.asp?BlobID=4013>

### **Mason County Parks and Trails Department**

Corporate Sponsorship Policy

<http://www.co.mason.wa.us/resolutions/2009/19-09.pdf>

### **Anchorage Parks and Recreation**

Corporate Sponsorship Policy

<http://www.mrsc.org/govdocs/m58corpssponsorpolicy.pdf>

### **Seattle Parks and Recreation**

Corporate Sponsorship Policy

[http://www.seattle.gov/parks/partnerships/Partnerships\\_Policy.pdf](http://www.seattle.gov/parks/partnerships/Partnerships_Policy.pdf)

### **City of San Diego, California**

Marketing Partnership Policy

[http://docs.sandiego.gov/councilpolicies/cpd\\_000-40.pdf](http://docs.sandiego.gov/councilpolicies/cpd_000-40.pdf)

### **City of Boulder Parks and Recreation**

Sponsorship Policy

[http://www.bouldercolorado.gov/files/Parks%20and%20Recreation/About\\_Parks\\_Rec/Sponsorship-Policy.pdf](http://www.bouldercolorado.gov/files/Parks%20and%20Recreation/About_Parks_Rec/Sponsorship-Policy.pdf)

### **City of Gaithersburg**

Naming Rights Financial Policy

[http://www.gaithersburgmd.gov/Documents/mc\\_bkd\\_11/011011/011011\\_MCC\\_WS\\_Package.pdf](http://www.gaithersburgmd.gov/Documents/mc_bkd_11/011011/011011_MCC_WS_Package.pdf)

**The Maryland-National Capital Park and Planning Commission  
Montgomery County Department of Parks**

**Corporate Naming and Sponsorship Policy**

**I. PURPOSE AND SCOPE**

The purpose of this policy (**Policy**) is to establish guidelines to govern the Maryland-National Capital Park and Planning Commission (**Commission**) in the development and management of a program in Montgomery County of:

1. Naming or renaming Park Assets or Park Programs (as defined below) to signify the name of a Legal Entity (as defined below) in exchange for providing financial or material in-kind support; and
2. Entering into sponsorship agreements with Legal Entities (as defined below) under which the Commission recognizes the sponsoring entity in exchange for providing financial or material in-kind support for a specified Park Asset or Park Program (as defined below).

On December 1, 2011, the Planning Board adopted an Individual Park Naming and Dedication Policy that does not relate to the Legal Entities covered under this Policy.

This policy is not applicable to gifts, grants or unsolicited donations undertaken for charitable purposes without a naming or sponsorship arrangement and, further, does not apply to individuals or Legal Entities that have been issued a park permit for a specific event.

**II. DEFINITIONS**

**Planning Board:** The Commission's Montgomery County Planning Board.

**Commission:** The Maryland-National Capital Park and Planning Commission.

**Department:** The Montgomery County Department of Parks.

**Foundation:** The Montgomery County Parks Foundation, Inc.

**Definitive Agreement:** The binding written agreement made by and among the Commission, Foundation, and the appropriate Legal Entity to confer a Naming Right, Advertising Right or Sponsorship Benefit in compliance with this Policy.

**Park Asset:** Parks amenities such as recreation/athletic fields, playgrounds, pavilions, trails, structures and other facilities, buildings, rooms, landscaping, art or other physical features, in each case, owned, operated or managed by the Commission in Montgomery County, Maryland, and deemed eligible jointly by the Commission and the Department for Naming Rights and/or Advertising Rights and by the Department for Sponsorship Benefits.

**Park Program:** (a) Recreational or interpretive programs, services or similar events that are owned, operated or managed by the Commission in Montgomery County, Maryland; or (b) functions, programs or services provided by the Department in connection with Department operations and deemed eligible by the Department for Naming Rights, Sponsorship Benefits and/or Advertising Rights.

**Legal Entity (Entities):** A corporation, unincorporated association, limited liability company, partnership, trust, foundation or other legal entity that is engaged in commercial activity and not an individual.

**Naming Right:** A commercial benefit of specified duration that: (a) is established subject to the terms of a Definitive Agreement which conforms to this Policy and (b) obligates the Commission to signify the name, trade name or trademark of a designated Legal Entity as part of the name of the Park Asset(s) or Park Program(s) specified in the Definitive Agreement.

**Advertising Right:** A commercial benefit of specified duration that: (a) is established subject to the terms of a Definitive Agreement which conforms to this Policy and (b) obligates the Commission to allow the promotion of the services, products or activities of a designated Legal Entity within the property of the Park Asset(s) specified in the Definitive Agreement.

**Sponsorship Benefit:** A commercial benefit of specified duration that: (a) is established subject to the terms of a Definitive Agreement which conform to this Policy and (b) obligates the Commission to identify the name, trade name or trademark of a designated Legal Entity as a “*sponsor*” of the Park Asset(s) or Park Program(s) specified in the Definitive Agreement.

### **III. POLICY STATEMENT**

The Planning Board has determined that this Corporate Naming and Sponsorship Policy is necessary and appropriate to provide revenue for the benefit of the Commission that is essential to develop, maintain, improve, expand, support, preserve, fund, encourage and sustain its Park Assets and Park Programs for the fiscal benefit of users and the community at large.

In an effort to utilize and maximize the community's resources, it is in the best interest of the Commission to create and enhance relationships with corporations and other organizations through commercial sponsorships and naming arrangements. This goal can be accomplished by providing local, regional, and national businesses and other commercial enterprises a method to become associated and involved with the many facilities, activities and programs provided by the Commission. The Commission delivers quality, life-enriching activities to a broad base of the community. This translates into exceptional visibility for sponsors and supporters. It is the goal of this policy to further these opportunities for the ultimate benefit of the public.

#### **IV. GENERAL PROVISIONS: NAMING RIGHTS, ADVERTISING RIGHTS, AND SPONSORSHIP BENEFITS**

- A. **Editorial Discretion.** The Commission intends to preserve its rights and discretion to exercise full editorial control over the placement, content, appearance, and wording of Naming Rights, Sponsorship Benefits and related messages. It is the intent of this policy to provide sponsors with visibility through sponsorship recognition and advertising messages and avoid or minimize adverse impact on the park visitor's overall experience and the visual qualities of the park environment.
- B. **Eligibility Criteria.** Naming Rights, Advertising Rights or Sponsorship Benefits are limited to the promotion or recognition of commercial enterprise and commercial activities that do not impair or conflict with, the mission, policies, goals or operations of the Commission, the park system or designated Park Assets or Park Programs. Naming Rights, Advertising Rights or Sponsorship Benefits must not include depictions, words or phrases that are reasonably deemed to be harmful or otherwise developmentally inappropriate for the purpose of communication with, or public display to, children under six years of age. Examples of such depictions, words or phrases that may be rejected for this reason are those which:
- Are sexually suggestive or obscene;
  - Denigrate people on the basis of race, ethnicity, religion, or any other classification protected by law;
  - Connote inappropriate violence or intimidation; or
  - Relate events, activities or behaviors that are criminal.
- C. **Combinations Authorized.** A Definitive Agreement may include the combination of Sponsorship Benefits, Advertising Rights and Naming Rights.
- D. **No Abrogation of Governmental Authority.** A Definitive Agreement shall not confer on any person the enforceable power to direct, or implied power to direct, the Commission, the Department, the Planning Board or any Commission employee on

matters of policy or any other governmental process, and any provision in such an agreement which purports otherwise is void *ab initio*. Without limiting the generality of the foregoing, the Planning Board will not consider an existing or future Naming Right, Advertising Right or Sponsorship Benefit in connection with the adjudication of any planning, zoning, subdivision or other regulatory activity authorized under the Land Use Article of the Maryland Annotated Code or the Montgomery County Code.

- E. No Property Interest in Park Assets. A Definitive Agreement shall not confer on any person an enforceable right, entitlement, or other property interest of any sort relating to the use, possession or control any Park Assets, real or personal properties (including, without limitation, an exclusive right to use any Park Asset), except as to a limited and non-exclusive right to use Commission trademarks or other intellectual property which may be authorized in the Definitive Agreement (Section IV(D) below). The specific or periodic use of any Park Asset by a party to a Definitive Agreement may only be authorized by park permit evaluated and approved by the Department in the ordinary course, and such use shall be subject to the party's strict compliance with the terms of any such permit and the Definitive Agreement. A Definitive Agreement may impose on the Department reasonable operating, maintenance or performance standards applicable to a Park Asset, and the Department may agree to undertake reasonable efforts to achieve compliance with those standards.
- F. No Rights of Control Over Park Programs. A Definitive Agreement shall not confer on any person the enforceable power to direct or control, or implied power to direct or control, the Commission, the Department, the Planning Board, or any Commission employee or agent, relating to the operation of any Park Program, or otherwise limiting the discretion to operate a Park Program in a manner that comports with applicable laws, best practices, or the Commission's best interests, as determined in the Commission's sole, exclusive and unreviewable discretion. A Definitive Agreement may impose on the Department reasonable operating or performance standards applicable to a Park Program and the Department may agree to undertake reasonable efforts to achieve compliance with those standards.
- G. Compliance With Law and Regulations Required.

[1] A Naming Right, Advertising Right or Sponsorship Benefit pertaining to a Park Asset may not be granted for any venue unless the use or occurrence of the specific products, services, conduct or activity associated with that name: (1) would be lawful for both Commission employees and patrons, (2) would not violate Commission rules and regulations, and (3) would not conflict with the orderly operation of the Park Asset, all as determined for the specific venue where the Naming Right is intended for public display or dissemination. By way of illustration, and not in limitation, a Naming Right may not be granted for a

Legal Entity associated with cigarettes or alcoholic beverages for any Park Asset where smoking or consuming those beverages is prohibited, respectively.

- [2] A Naming Right, Advertising Right or Sponsorship Benefit pertaining to a Park Program may not be granted unless the use or occurrence of the specific products, services, conduct or activity associated with that sponsor: (1) would be lawful for both Commission employees and patrons, (2) would not violate Commission rules and regulations, and (3) does not conflict with the specific Park Program, activity, facility or audience, all as determined for the program or venue where the Sponsorship Benefits are directed for public display or dissemination. By way of illustration, and not in limitation, a Sponsorship Benefit for a product with substantial health risks may conflict with a Park Program intended to promote the health of children or youth, and may not be granted on that basis.

- H. **No Endorsement.** The Legal Entity entitled to a Naming Right, Advertising Right or Sponsorship Benefit shall not imply, suggest or publicize any inference to indicate that the Commission (Planning Board or Department) officially or otherwise commercially endorses the purchase and/or consumption of any product, service, activity or conduct. Any permission granted for a Legal Entity to use the Commission's name, logo or other intellectual property in connection with a Naming Right, Advertising Right or Sponsorship Benefit must be non-exclusive and specifically authorized under a Definitive Agreement, and the entity must expressly warrant its strict compliance with the terms of such use as granted.
- I. **Disputes.** Any applicant for a Naming Right, Advertising Right or Sponsorship Benefit who is aggrieved by a decision of the Foundation or Department may appeal that decision to the Planning Board. The Planning Board will provide the applicant with an opportunity to be heard and consider the basis of appeal on the merits. After due consideration, the Planning Board will provide its decision on the appeal in writing and that decision will be final.

#### **V. GUIDELINES: NAMING RIGHTS AND ADVERTISING RIGHTS**

- A. **Fiscal Benefit.** A Naming Right or Advertising Right will be granted for a Park Asset only if (a) the fiscal benefit derived by the Commission is substantial and commensurate with the value of the specific Park Asset involved, its physical or geographical significance, or the cost to repair, renovate or maintain that Park Asset, and (b) the Naming Right or Advertising Right does not conflict or impair compliance with any outstanding or potential tax-exempt bond obligation related to the Park Asset as determined by the Secretary-Treasurer for Commission-issued bonds or by the County Finance Director for County-issued bonds. A Naming Right will be granted for a Park Program only if the fiscal benefit derived by the Commission is appropriate in relation to the cost of operating the Park Program. The sufficiency of any fiscal benefit to be derived for a Naming Right will be determined at the

discretion of the Director of the Department in consultation with the Secretary-Treasurer of the Commission, as appropriate.

- B. **Duration.** Each Definitive Agreement granting a Naming Right pertaining to a Park Asset must specify an appropriate term and, if the Naming Right pertains to a park structure or place, or a physical feature of significance, the term must be not less than 20 years. A Naming Right pertaining to a Park Program (including an event) should be of an appropriate duration determined in relation to the specific program involved and the fiscal benefit derived by the Commission.
- C. **Brevity.** Where facility, building, landscape area, programs, or other related Commission asset is named for a Legal Entity, the name used should normally be the shortest name possible.
- D. **Limitations on Naming Rights.** Naming Rights will not be considered for entire parks regardless of classification. Only Park Assets that are facilities within parks (such as dog parks, ice rinks, playgrounds, etc.) will be eligible for Naming Rights.
- E. **Commercial Content For Advertising.** Subject to the eligibility criteria set forth above in this Policy, the design, layout and content of any Advertising messages must be commercially reasonable under the circumstances and approved by the Department prior to placement.

## **VI. GUIDELINES: SPONSORSHIPS**

- A. **Fiscal Benefit.** Sponsorship Benefits will be granted for a Park Asset or Park Program only if the fiscal benefit derived by the Commission is appropriate. The sufficiency of any fiscal benefit to be derived for a Sponsorship Benefit will be determined in the discretion of the Director of the Department. The fiscal benefit derived from any Sponsorship should, at a minimum, be sufficient to cover:
  - All or a proportionate percentage of annual maintenance and/or program expenses for the Park Asset or Park Program being sponsored during the full term of the sponsorship;
  - Direct expenses incurred by the Department, including design, production and installation costs for signage and other recognition benefits; and,
  - An administrative fee for the Foundation of up to 12%.
- B. **Commercial Content For Sponsorships.** Sponsorship recognition messages may identify the Legal Entity but must not constitute advertising. Subject to the eligibility criteria set forth above in this Policy, the following content is ordinarily deemed appropriate:

- The legally recognized name, trade name, or trademark of the sponsoring organization.
- The sponsor's organizational slogan.
- The sponsor's product or service line, described in brief, generic, objective terms.
- Brief contact information for the sponsor's organization, such as phone number, address, or website.

## **VII. ADMINISTRATION**

Pursuant to a written agreement between the Foundation and the Commission approved by the Planning Board and Foundation for the purpose of incorporating and implementing this policy, the process for Corporate Naming and Sponsorships will be administered by the Foundation in coordination with the Commission and the Department. This process includes, but is not limited to the marketing of Corporate Naming and Sponsorship opportunities, renaming, advertising, negotiating terms of Definitive Agreements, and presenting those agreements to the Commission or Department, as outlined below, for approval.

The Foundation is authorized to enter into negotiation with prospective sponsors for Park Assets and Park Programs deemed eligible by the Director of the Department and the Secretary-Treasurer per the criteria outlined in this policy. Terms negotiated by the Foundation must be approved by the Director of the Department and, if so approved, by the Executive Director or designee, prior to the execution of a Definitive Agreement. Signature authority for Definitive Agreements is designated as outlined below:

A) Definitive Agreements for Park Assets that include Naming Rights require signature authorization by the Commission's Executive Director.

B) Signature authority for Definitive Agreements for: (a) Park Programs that include Sponsorship Benefits, Naming Rights and/or Advertising Rights and/or (b) Park Assets that include Sponsorship Benefits and/or Advertising Rights may be delegated to the Director of the Department in writing by the Executive Director.

Commencing six (6) months after the adoption of this policy by the Planning Board and every six (6) months thereafter, the Foundation and the Department will provide to the Planning Board, a list of the Definitive Agreements that have been approved and Park Assets that have been named or renamed as a result of this Policy.

The Department is authorized to promulgate appropriate standards, policies and regulations necessary to effectuate the purpose of this policy.



## **Stookey, Kate**

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**From:** rushefsky norman <normanrush@yahoo.com>  
**Sent:** Wednesday, December 12, 2012 8:28 PM  
**To:** Stookey, Kate  
**Subject:** park sponsorship issue

if this is implemented it should be for a limited term. sponsors names can fall into disrepute and may prove embarrassing in later years.

## **Stookey, Kate**

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**From:** Ed & Cathy Johnson <ejohnson@erols.com>  
**Sent:** Wednesday, December 12, 2012 9:57 PM  
**To:** Stookey, Kate  
**Subject:** Corporate Naming and Sponsorship of Parks

I am opposed to this ridiculous idea in any form. What's next, school and other public buildings named by corporations. Can we retain a little dignity in our public places, please?

## Stookey, Kate

---

**From:** Barbara Falcigno <falcigno@verizon.net>  
**Sent:** Sunday, December 16, 2012 10:41 PM  
**To:** Stookey, Kate  
**Cc:** Chotiner, Melissa  
**Subject:** Park sponsorships

**Follow Up Flag:** FollowUp  
**Flag Status:** Completed

Kate,

I hope things are going well for you. I am reading over the draft policy for Corporate Park Naming and Sponsorship Program. I want to confirm that this will replace the entire current policy and thus anyone wanting to name a park asset after a citizen (as we did in Olney for Ron Berger) would now follow this new policy (sponsoring rather than dedicating). I can be reached at 301-476-4716 or 301-332-4554 if a quick phone call would be easier than email.

Barbara Falcigno  
President, Greater Olney Civic Association

## Stookey, Kate

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**From:** Steve Morrison <n3yib@yahoo.com>  
**Sent:** Wednesday, December 12, 2012 9:11 PM  
**To:** Stookey, Kate  
**Subject:** Fw: Input on a Proposed Corporate Park Naming and Sponsorship Program in Montgomery County

----- Forwarded Message -----

**From:** Steve Morrison <n3yib@yahoo.com>  
**To:** "Chotiner, Melissa" <melissa.chotiner@montgomeryparks.org>; Mary Bradford <mary.bradford@montgomeryparks.org>  
**Sent:** Wednesday, December 12, 2012 9:05 PM  
**Subject:** Input on a Proposed Corporate Park Naming and Sponsorship Program in Montgomery County

The fund-raising idea has some merit, but you really have to develop a comprehensive set of rules to avoid political and administrative pitfalls.

Would you name a park after a corporation that espoused a definite partisan or religiously taught position, for example, pro-choice or pro-life?

What is your position towards a company that says: "We bought the naming rights to this park. We want exclusive use of it for a week for our company activities."

If the corporation that purchased naming rights wanted something in return from the County, such as zoning or a transit route, would that sale of naming rights be ethical?

Would you permit the naming company to do logging in the park or appropriate water from a stream through the park?

Would it be appropriate to sell park naming rights to any food service or playground equipment company or to a home builder or construction contractor regulated by the County and the Planning Department?

To what extent might the process of park naming be corruptly influenced by elected officials?

Can a corporation that purchased a park name resell its naming rights to another corporation or even change its own name?

I am not saying that any of the foregoing are definitely going to occur, but if I can think of them, so can someone else who is not as bushy tailed and innocent as I am. Under such circumstances, it might be appropriate to develop a comprehensive set of defensive regulations before selling park naming rights. Also, please remember that

the Parks Department and the County and State already has/have park names on maps that would need to be changed as frequently as corporations bought new naming rights. So these governments would each need to fund positions to keep those of its maps with changing park names up to date.

Steve Morrison  
13816 Vintage Lane  
Silver Spring, MD 20906-2240  
301 871-6452  
[n3yib@yahoo.com](mailto:n3yib@yahoo.com)

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**From:** "Chotiner, Melissa" <[melissa.chotiner@montgomeryparks.org](mailto:melissa.chotiner@montgomeryparks.org)>  
**To:** "Chotiner, Melissa" <[melissa.chotiner@montgomeryparks.org](mailto:melissa.chotiner@montgomeryparks.org)>  
**Sent:** Wednesday, December 12, 2012 9:31 AM  
**Subject:** Montgomery Parks seeks input on Corporate Park Naming and Sponsorship Program

Hello:

As a member of a local civic and/or homeowner association, we are contacting you to let you know that M-NCPPC Montgomery Parks is developing a Corporate Park Naming and Sponsorship Program. This new program will allow the department to build mutually beneficial relationships with local, regional and national businesses and non-profit organizations in an effort to:

- Raise revenue to enhance, expand and sustain programs, facilities and services for the benefit of the public, and,
- Increase awareness of M-NCPPC Montgomery Parks and its programs, facilities and services among new audiences.

We are currently seeking public input on our draft Corporate Park Naming and Sponsorship Policy to help us finalize the document. A public hearing before the Montgomery County Planning Board has been scheduled for late January to present a final draft policy for approval. You can find the date and time of the hearing as the date nears at this link: [http://www.montgomeryplanningboard.org/meetings\\_archive/](http://www.montgomeryplanningboard.org/meetings_archive/)

**To view the draft policy, learn more about the program, and provide comments, please visit:**  
[www.MontgomeryParks.org/sponsorships](http://www.MontgomeryParks.org/sponsorships)

**Public comments must be received by January 4, 2013** for staff consideration in the development of the staff packet to be presented at the January 2013 public hearing.

Sincerely,  
Melissa Chotiner

Melissa Chotiner  
Media Relations Manager  
Public Affairs & Community Partnerships Division

Montgomery Parks  
The Maryland-National Capital Park and Planning Commission  
9500 Brunett Avenue, Silver Spring, MD 20901  
Office: 301.650.2866  
Cell: 240-638-6793  
Fax: 301.495.9340  
[www.MontgomeryParks.org](http://www.MontgomeryParks.org)

## Stookey, Kate

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**From:** KSamiy <ksamiy.soeca@gmail.com>  
**Sent:** Friday, December 14, 2012 1:32 PM  
**To:** Stookey, Kate  
**Subject:** Corporate Parks

**Follow Up Flag:** FollowUp  
**Flag Status:** Completed

> Dear Ms. Kate Stookey, Montgomery Parks:

>

> I have alot of respect for the Park Department, and Ms. Bradford so please I only share this with you out of deep sadness and great disappointment that your Agency has been so far marginalized in funding that you have to stoop to Corporate Sponsorship of Parks. This is indeed very sad news. I surely hope that mother earth will not allow this proposal to move forward. I think you all can do a better job of working directly with residents to find better solutions, I'm glad to help in this regard, just please NO deal with corporations, nor with businesses, nor putting their names on our facilities.

>

> Thank you for taking and answering my questions, so I can share them with the residents and neighborhood leaders in Silver Spring:

>

> 1. Timeline for Policy Development (April 2012 - January 2013) 3 weeks is too short, I've been a civic president am on the lists at the Planning Department and we have NOT received notice of corporate sponsorship. Why is it just this week that Neighborhoods and Civic Leaders are just learning via the newspaper?

>

> 2. How much money does Park need to raise revenue so it breaks even, or generates enough funds to operate without corporate sponsorship?

>

> 3. Has Parks revenue been going down, and by how much annually? What are the top 3 areas where revenue has dropped. And please don't say the economy- tell us specific examples, has the County and State lessened their contributions, has revenue from Park rec programs been diminished, and what caused this? Or is it due to health insurance costs increasing and rising salaries?

>

>

>

>

> I would like to also be on record as AGAINST corporate sponsorship. To me, it's an easy out, I'd like to see Parks forge stronger relationships with residents and neighborhood and community leaders to find better solutions, rather than fundraise via businesses and corporations. Residents love our Parks and respect ethical environmental stewardship, we don't want either sold out to business and corporations.

>

> Therefore, I vociferously disagree that Parks allow ANY corporate sponsorship of a Public Park, or a facility. This is NOT the way to sell our environmental souls to publicity seeking corporations - especially those who are anti-environment, yet with enough money to pay for the perception that they are pro-environment.

>

> Please look for clean money instead from private philanthropists, and residents, or through public online donations for specific Park or facility needs. Look for persons who want to support Parks because its a spiritual calling, and not because they want a corporate name on a wall or a sign. Parks will loose all its credibility. I don't care if other jurisdictions do it. If our Parks resort to this level I'm ashamed for mother earth.

- >
- > These are tough times, and they require leadership with strong backbones to stand up against corporations. Please dismiss this proposal. This corporate sponsorship shows a lack of creative thinking - its too easy an out. Have you hired PR or fundraising firm who is recommending this as a run of the mill fundraising checklist. Not good.
- >
- > To me, If the County Council and Planners would place more or a priority of value on the environment, and held developers accountable to high standards of environmental law and stewardship, and also insured all Recreation fees for Parks went into Parks budget, the Parks Dept would not have to beg for cash from corporate sponsors who are paving over our earth and polluting our County air and waterways and Parkland.
- >
- > If Parks needs to raise more revenue to cover Park maintenance then Mr. Leggett must pass along all Recreation department fees and funds he generates from all activities on Park land and put this County revenue stream if money back into the Park Department budget. Move all the fees, and revenue stream out of the Executive Branch and into Parks.
- >
- > Here is ONE example that is a testament as to why and how come corporate and business sponsorship has a dirty devil in the details. This is a very slippery slope. In my historic residential neighborhood an 'infill devil-oper' has made a trade off with Planners and Park staff.
- >
- > The infill devil-oper, wants the Planning Department to allow him to cram 63 townhouses onto a site that is too small and tight them all. There is barely any air left, not to mention he will remove much natural earth, steep slopes and trees to put in artificial stuff. He plans to turn a site with 20% impervious surface into one of 80% Impervious surface, he plans to turn a 45% tree canopy to a site with 2% tree canopy. American Forests says for healthy air residential neighborhoods need at minimum of 50% tree canopy.
- >
- > To make a larger profit (he could build 35 townhouses, maybe even 40 some, without moving or removing earth and trees). But he insists he must FIT IN ALL 63, AND MUST remove wildlife habitat, cut down 77 huge mature trees, which cleans our air, buffers urban noise, filters and cleans stormwater before it enters our Sligo watershed. Doing Park business with this devilooper makes Parks complicit with environmental degradation because the deal struck will desecrate the only environmental buffer between downtown Silver Spring and in my neighborhood and the site is only 5 blocks, or a half-mile, from the main branch w/Sligo Creek Park and my street.
- >
- > The devilooper wants to regrade 30 foot steep slopes, despite State laws that mandate the natural vegetation remain and THAT he can't build on this soil type nor on steeply sloped hills. The regrading will pollute Sligo Creek with sediment, which will take 100 years to clean. The man-made water management systems he proposes are ineffective, they have to be cleaned with a vacuum system and there is NO accountability or oversight to insure this happens. Parks and taxpayers will have to foot the bill to retrofit the environment, which will be WAY MORE expensive than the money he gives Parks to put in some playground equipment. And then, Parks - under the Corporate Sponsorship Program conceivably might give the Devil-oper a Sign in the Park announcing he is a Park Sponsor when in reality he is an Environmental Polluter.
- >
- > So yes, Corporate sponsorship could reward him with a Sign in our Neighborhood Park. Parks has already negotiated this agreement, it's in writing, as consideration of his funding new Ellsworth Park playground equipment up to the tune of \$350,000 (Parks was going to renovate a section of the play equipment for \$60,000) I find it unconscionable that Parks would trade off environmental degradation in lieu of playground equipment, so a developer pockets more money for his own profitability. While the residents -- who brought the Park into existence in the first place - will get a double slap in the face of humiliation, if and when Parks takes the developers money and puts their name on the Park our neighborhood created in the 1970's and 80's.
- >
- > These are tough times, and they require leadership with strong backbones to stand up against corporations and Planners and the County Executive. Please dismiss this Corporate Sponsorship proposal. You will find if the Planners, County Council and County Executive would place primary values on the environment, instead of socializing after hours



with the developers whose projects they vote on and approve, and whose political campaigns they fund, our Parks and our earth would be renewed and so would our souls.

>

> Know the residents will continue to support Parks, and the environment, and clean waterways, but we will not support corporations that lurk in the pockets of politicians and planners - and are rewarded for bad environmental behavior.

>

>

>--

> Kathleen Samiy

> 622 Bennington Drive

> Silver Spring

> 20910

**Stookey, Kate**

---

**From:** Ronald MacNab <rmacnab@comcast.net>  
**Sent:** Wednesday, December 19, 2012 6:19 PM  
**To:** Stookey, Kate  
**Subject:** Re: News Release: Montgomery Parks Proposes Corporate Park Naming and Sponsorship Program

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Kate,

I think the title of this email and the web page should read, "MONTGOMERY PARKS PROPOSES CORPORATE NAMING AND SPONSORSHIP POLICY."

My first reaction was that corporations could name parks which is contrary to what was discussed at the Parks/Rec meeting. I know it clarifies the confusion later in the message but not until after initial visceral reaction.

I think corporate sponsorship is a great idea and hope we get a good response.

Ron

On 12/19/2012 4:21 PM, Chotiner, Melissa wrote:

**THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION PRESS  
RELEASE**

**For immediate release:**

December 19, 2012

**Contact:**

Melissa Chotiner  
Media Relations Manager  
M-NCPPC Montgomery Parks  
[Melissa.Chotiner@MontgomeryParks.org](mailto:Melissa.Chotiner@MontgomeryParks.org)  
O: (301) 650-2866 C: (240) 638-6793

**MONTGOMERY PARKS PROPOSES CORPORATE PARK NAMING AND  
SPONSORSHIP POLICY**

*Questions and comments are due January 4, 2013; Draft policy to be presented to Planning Board January 31, 2013.*

**SILVER SPRING, MD** –Montgomery Parks, part of the Maryland-National Capital Park and Planning Commission (M-NCPPC) is proposing a Corporate Park Naming and Sponsorship Policy to guide the development of a corporate sponsorship program. The program will be administered by the Montgomery Parks Foundation and is aimed at generating non-tax based revenue to enhance the Department's parks, facilities and services for the benefit of the public. It does not involve renaming entire parks nor does it involve selling parks.

**Public input on the proposed policy is due by January 4, 2013 and may be submitted online** at <http://www.montgomeryparks.org/team/ppp/sponsorship.shtm> or by email to [Kate.Stookey@MontgomeryParks.org](mailto:Kate.Stookey@MontgomeryParks.org). A final draft policy will be presented to the Planning Board on January 31, 2013, for approval.

“A number of counties, cities, park systems and municipalities across the nation have implemented similar programs with great success,” said Mary Bradford, Director of Montgomery Parks. “Our tax funding is used to cover the costs of ongoing park maintenance and operations; sponsorship revenue will enable us to expand and enhance the services and activities we are able to provide to the public.”

The sponsorship program would provide businesses and nonprofit organizations naming, sponsorship and advertising opportunities for park facilities and programs (naming rights for entire parks will not be considered), including but not limited to:

- Regional and recreational athletic fields;
- Ice rinks;
- Dog parks;
- Picnic pavilions; and
- Special events and programs (such as the Fall Harvest Festival, concert series, or the Garden of Lights holiday light show)

“This program provides area businesses with an opportunity to express their support in a way that benefits everyone who uses our parks,” said Debbie Rankin, CFRE and Executive Director of the Montgomery Parks Foundation. “We look forward to partnering with the business community to provide much needed financial support to our county’s award-winning park system.”

The proposed Corporate Park Naming and Sponsorship Policy outlines the parameters for such opportunities, including criteria for eligibility, details on editorial discretion and other provisions.

Visit [www.MontgomeryParks.org/sponsorships](http://www.MontgomeryParks.org/sponsorships) for a copy of the draft policy and more information on how to comment.

### **About The Maryland-National Capital Park and Planning Commission - Montgomery Parks**

Montgomery Parks manages more than 35,000 acres of parkland, consisting of 417 parks. Montgomery Parks is a department of the Maryland-National Capital Park and Planning Commission (M-NCPPC), a bi-county agency established in 1927 to steward public land. The M-NCPPC has been nationally recognized for its high quality parks and recreation services and is regarded as a national model by other parks systems. [www.montgomeryparks.org](http://www.montgomeryparks.org)

### **About the Montgomery Parks Foundation**

The Montgomery Parks Foundation is a 501(c)(3) organization established to support the creation, maintenance and improvements of Montgomery Parks’ facilities, open spaces, forests, wetlands and historic and cultural resources. The Foundation provides opportunities for county residents and businesses to support Montgomery Parks as members, donors, sponsors, and advocates, and actively seeks individual donations, sponsorships, legacy gifts, and endowments to support park operations, development and maintenance.

[www.montgomeryparksfoundation.org](http://www.montgomeryparksfoundation.org)

###

**Melissa Chotiner**  
**Media Relations Manager**  
**Public Affairs & Community Partnerships Division**

**Montgomery Parks**  
**The Maryland-National Capital Park and Planning Commission**  
**9500 Brunett Avenue, Silver Spring, MD 20901**  
**Office: 301.650.2866**  
**Cell: 240-638-6793**  
**Fax: 301.495.9340**  
**[www.MontgomeryParks.org](http://www.MontgomeryParks.org)**

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## Stookey, Kate

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**From:** Jean Cavanaugh <jeancavanaugh@fastmail.fm>  
**Sent:** Friday, January 04, 2013 5:31 PM  
**To:** Stookey, Kate  
**Subject:** Caution: parks and corporate sponsorship

**Follow Up Flag:** FollowUp  
**Flag Status:** Flagged

Dear Ms. Stookey,

I hope my letter is not too late. Thank you for the opportunity to comment.

I read the proposed legislation, and did a little research on what other jurisdictions around the U.S. do in these lean financial times. I urge the Parks Department and County to act with an abundance of caution when it comes to affiliating the County with corporate bodies. Here are a few pointers to work into legislation, code, agreements, practices:

1. Retain names of very popular facilities like Brookside Gardens;
2. Concur with intention NOT to rename major parks, ie Wheaton Regional Park;
3. Shorten amount of time a name is leased to 5 years. Can be renewed for another 5 years, but must be time when relationship and nature of corporate sponsor is reviewed for suitability;
4. Transparency: Report annually to public on revenue raised, programs and facilities etc funded through corporate sponsorship program. Include list of corporate sponsors, location or id of place or program sponsored. Include details on cost to County to execute programs, maintain relationship, ie cost of personnel, materials, programs, PR, etc.;
5. Respect non commercial nature of public places by severely limiting size of signs, advertising and the like;
6. Corporate entity's products/services must be consistent with Park Department's missions, goals and values, as well as those of the County;
7. Prohibit corporations or other entities whose product or services are derived from sale of alcohol, tobacco, drugs, gambling, firearms or sexual exploitation;
8. Section VI.A. Fiscal Benefit should be expanded to include funds collected beyond cost of asset. Right now it seems like a zero sum game. Park Department needs to make money on this to put into improving and expanding the park system.
9. **Emulate California State Parks Corporate Sponsorships. They are offered to corporations and companies with the following qualities:**

**Corporate Citizenship**Corporations with innovative and generous charitable programs with a particular emphasis on programs promoting environmental, historical and cultural awareness, healthful living, education, and high-quality outdoor recreation.**High-Quality Outdoor Recreation**Corporations that promote, support or help create and preserve opportunities for high-quality outdoor recreation.

**Environment** Companies that show respect for the natural environment and have programs that support or promote preservation and conservation efforts. **Healthful Living** Companies that promote, support or help preserve opportunities for healthful living, through health and fitness. **Diversity** Companies that show respect for California's cultural resources and have programs that support or promote diverse cultures. **Safe and Useful Products** Corporations and companies that provide high-quality products and are industry leaders in research and development.

Thank you,  
Jean Cavanaugh  
9207 Worth Ave  
Silver Spring, MD 20901

## **Stookey, Kate**

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**From:** cbarth@mindspring.com  
**Sent:** Friday, January 04, 2013 10:38 PM  
**To:** Stookey, Kate  
**Subject:** Proposed Corporate Park Naming and Sponsorship Policy  
**Attachments:** Naming Comments.doc

**Follow Up Flag:** FollowUp  
**Flag Status:** Flagged

Kate,

The attached comments are sent on behalf of the Montgomery County Civic Federation Executive Committee. If you have any questions or wish to discuss these comments, please don't hesitate to contact me. Also, I understand that the draft policy will be presented to the Planning Board for adoption in a public session on January 31, 2013. If this schedule changes, I would appreciate your letting me know.

Thanks,  
Carole

Carole Ann Barth  
301-883-3264 (Office)  
301-593-7863 (Home)  
301-524-5027 (Cell)



TO: Kate Stookey

RE: Proposed Corporate Park Naming and Sponsorship Policy

At its December 2012 meeting, the Executive Committee of the Montgomery County Civic Federation directed me to transmit some concerns to you in regards to the Proposed Corporate Park Naming and Sponsorship Policy. Although we would like to see more funding for the maintenance of park facilities (including an expanded Weed Warrior program), we foresee the following problems with the program as currently proposed:

Confusion as to extent of naming rights - The title (*Corporate Park Naming and Sponsorship Policy*) leads one to suppose that entire parks may be renamed for corporate entities. One has to read further into the document to understand that the policy only applies to assets within parks and park programs. A clearer title might be "Policy for Corporate Naming of Facilities within Parks". In any case, the document should clearly state up-front that parks will not be renamed for corporations.

Confusion as to how this policy will interact with the *Individual Naming and Dedication Policy* - Civic groups wishing to honor community leaders already face a steep hurdle (\$2,000 donation) under the Dedication Policy. Parks may lose potential donations from communities who feel there's no way they can compete with corporate advertising dollars. Both policies should briefly describe how potential competition between the two programs will be handled. This conflict resolution should happen early in the process, before citizens actually need to raise the funds. In addition, it needs to be made clear that facilities which have already been named or dedicated for individuals will not be available for corporate naming.

Potential for perceived or actual conflicts of interest - The policy's language (*Naming Rights, Advertising Rights or Sponsorship Benefits are limited to the promotion or recognition of commercial enterprise and commercial activities that do not impair or conflict with, the mission, policies, goals or operations of the Commission, the park system or designated Park Assets or Park Programs*) is insufficient to ensure that conflicts of interest will not occur.

To begin with, this language does not address potential ramifications for the procurement process. For example, what about a ballfield named for the company which supplies artificial turf to Parks? That would certainly appear to give the sponsoring company a negotiating advantage. Similarly, although the policy states that sponsorships do not convey any control of programs, certain sponsorships might result in undue program influences over time.



For example, what if a pesticide manufacturer wants to sponsor the weed warrior program or the community gardens program? Even if the sponsorship doesn't change how the program is conducted, the program could lose credibility. Greenwashing is prevalent in the marketplace, and Parks should not appear to be part of that process. The policy also needs to specify that naming / advertising will be removed if the sponsoring corporate entities are found to be bad actors.

Lack of Transparency - Citizens should be able to see sponsorship proposals on the Parks website so they can comment and/or provide relevant information to Parks. In addition, Parks should provide specific, documented information on the costs of the programs, maintenance activities, or facilities potentially being sponsored. Finally, there needs to be transparency for how and where the sponsorship revenue is spent.

Lastly, the Executive Committee suggests opening up the sponsorship program to nonprofit organizations. Environmental, Preservation Groups, and other non profits with missions that closely align to Parks may want to advertise where potential supporters spend their time. Moreover, foundations may want to sponsor park programs just as they sponsor public broadcasting programs. For example, a foundation with a mission to bring science to citizens might want to sponsor nature exploration programs.

Thank you for the opportunity to comment.

## Showing 8 of 8 comments



**AnneinSilverSpring**

I protest strongly what amounts to a sell-out of our commons to commercial interests, but also I protest MOST strongly the fact that I got notice of this just 2 HOURS ago via Park & Planning's Infoshare--and the deadline for comments is Jan 4, that is TODAY. This has every appearance of a sneaky deal.

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**DL**

I categorically object to corporate naming or advertising at public facilities. These should be a refuge from the corporatism that excessively infiltrates our lives. Such a program should be banned, not promoted.

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**Hans Wegner**

I am opposed in principal to the idea of corporate sponsorships for any public asset. I understand the funding objective and the seemingly painless way of raising revenues that support the maintenance and expanded use of our public facilities but I object to the concept on several levels.

1. I do not want more advertising and commercial endorsements on places designed specifically to escape from those. We need the respite that getting away from the constant intrusion into our collective lives by commercial interests that parks and recreation centers provide.

2. I do not want any corporate entity to seemingly be endorsed by us as citizens and the property that is owned by the public. Allowing corporations to place their names in and on public property conveys a perception of endorsement by the public of their products and services. I oppose any such suggested or implied endorsement.

3. I oppose the idea that we choose not to fund public assets with public dollars. Montgomery County has always done so and done so well, so we have some of the best park facilities in the tri-state area. I think we should have the courage of our convictions to continue doing so, and I refuse to believe that we do not have the money to do so. What we lack is not resources, but the courage to charge appropriate fees and or raise revenues through tax levies to maintain these facilities that we own. It is a basic tenet of any enterprise to invest in and improve the assets we own collectively. We should not be afraid to do so with our parks and recreation areas.

4. I am opposed to encouraging the belief that we should or could have someone else pay to maintain our assets. Good citizenship requires owning up to the responsibility we all share to protecting and enhancing the assets we own. Taking dollars from private entities is nothing but allowing ourselves to believe that this is an acceptable way to transfer our fiduciary responsibility to maintain what we own. Private entities will almost always want some special advantage that we cede to them when they give us dollars to maintain a public property. I am not willing to do that. It is the proverbial camels nose under the tent. First it is their name, then it is the perception of our endorsement of them, then it leads to special privileges in the use of that space, then it is political contributions, etc. etc. We do not need private dollars intruding into what we pride ourselves in, which is Good Government.

5. We should not allow ourselves to be victimized by a corporate sponsor who is then discovered to have conducted their business in an illegal or unethical way. The fact is many corporations over the last five years in particular, have done things that hurt the the consumer, have discriminated against a class, have been found to skirt their responsibility under the law or even violate the law, have been found to behave not in the interest of the country but for the benefit of their executive management, etc.

That is a sad fact of life today. I would not want it to come out that such a company "sponsors" a MC property. The fact is that such a scenario is very likely and I am not willing to take that risk. It would taint the integrity of our County. We can do better than that.

6. There are very few companies that are universally respected and admired for their products, their social responsibility or the services they provide. It is very likely that by having corporate sponsorships, you will offend a significant portion of the County's residents. We should not be doing so in our parks. For example, a company as seemingly benign as Coca Cola, is known to sell generally unhealthy products to our children and to unwittingly be underwriting the obesity dilemma we suffer from in this country. Yet I can easily imagine their being seen by the Department of Parks as a legitimate and wholesome American enterprise. I know many who would strongly resent a sponsor like that in our parks. I do not want to be a party to endorsing their products and their behavior. I would resent seeing their name in my parks. They are just one of many such examples.

Please do not succumb to the temptation of taking the seemingly easy money. This is not how we should run our facilities. The best way for us all to take pride in OUR facilities is through ownership not only of the asset, but of its maintenance.

Hans Wegner  
Garrett Park, Md.  
301 - 946 - 8755

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- [E](#)



**Kenbarnes65**

i am against this proposal. under this plan, the park behind my house could be called "Verizon Pond Park" and i would have to stare at the sign all day. oh, and at night too because the sign will be lighted. and next, the Verizon people would be able to stand at the entrance handing out sample phone cards to drum up business. and will naming rights be sold for playgrounds too? Will we have the "Target sliding board" and the "Safeway seesaw"?

the whole idea is trash. who is the bizarre person who thought this would be a good idea. and you tell us that other counties do this. So, should we take on the worst ideas that other people mistakenly adopt. is your new policy to always drift towards the lowest common denominator?

Ken Barnes Silver Spring, md.

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**Sally**

Wait a minute. We want to advertise corporations in the parks so there is more money for programs we've done without so far? No. That's selling our souls. The Park doesn't specify how the money would be used - for part time new staff, for supplies, for computer programs? And are these short-term projects?

What is it that we need so badly? Weed Warriors uses volunteers. Interpretive information is desirable, but we have lived without much of it for some time. Put much more interpretive material on the website - it's free once a staff person develops it. If we don't have children's programs, will the adults they become fail to use parks? If money is needed for something more than "niceties," let's go to corporations and ask them to help support Parks WITHOUT recognition. If they don't want to do that, then describe what's needed and ask for VOLUNTEERS. If that isn't feasible, ask for private support or DO WITHOUT. We should NOT weave the Department of Parks into the economic picture. That's why we use taxes to pay for Parks. If agencies are dependent on commerce, the sponsoring corporations become influential, a poor idea. Some things we may have to do without. Actually, we have, haven't we? We could have been collecting corporate money for fifty years, and didn't. If money ever starts to flow easily again, would we take down the corporate signs? No, in no uncertain terms to this proposal.

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**Carole Ann Barth**

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Thank you for the opportunity to comment.

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**Paul Myers**

I do not like the idea of renaming any of our county facilities to that of a paid corporate sponsor or any other non county entity. Nor do I want to see any signs on any of our County property. Usually but not always the park's names reflect the community in which they are located. Needwood, Wheaton regional etc. I don't have a problem however with selling advertising space on pamphlets, brochures etc.

- [Like](#)
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**P. Myo Khin**

Enough is enough. Does everything have to be for sale? Corporate branding of our park and county resources for a price is a bad idea and needs to be stopped immediately. Not all of us want to have our tax funded resources named after companies, fast food restaurants, athletic apparel companies, telecommunications companies, or any other companies. Revenue creation using this process is fine for the commercial private sector but not for government.

Let's find another way to generate revenue but leave the naming of our governmental resources to honor past honorable county citizens and leaders or recognizing neighboring locales where we live.



**The Maryland-National Capital Park and Planning Commission  
Montgomery County Department of Parks**

**Corporate ~~Naming and~~ Sponsorship Policy**

**I. PURPOSE AND SCOPE**

The purpose of this policy (**Policy**) is to establish guidelines to govern the Maryland-National Capital Park and Planning Commission (**Commission**) in the development and management of a program in Montgomery County of:

1. Naming or renaming Park Assets or Park Programs (as defined below) to signify the name of a Legal Entity (as defined below) in exchange for providing financial or material in-kind support; and
2. Entering into sponsorship agreements with Legal Entities (as defined below) under which the Commission recognizes the sponsoring entity in exchange for providing financial or material in-kind support for a specified Park Asset or Park Program (as defined below).

On December 1, 2011, the Planning Board adopted an Individual Park Naming and Dedication Policy that does not relate to the Legal Entities covered under this Policy.

This policy is not applicable to gifts, grants or unsolicited donations undertaken for charitable purposes without a naming or sponsorship arrangement and, further, does not apply to individuals or Legal Entities that have been issued a park permit for a specific event.

**II. DEFINITIONS**

**Planning Board:** The Commission's Montgomery County Planning Board.

**Commission:** The Maryland-National Capital Park and Planning Commission.

**Department:** The Montgomery County Department of Parks.

**Foundation:** The Montgomery County Parks Foundation, Inc.

**Definitive Agreement:** The binding written agreement made by and among the Commission, Foundation, and the appropriate Legal Entity to confer a Naming Right, Advertising Right or Sponsorship Benefit in compliance with this Policy.

**Park Asset:** Parks amenities such as recreation/athletic fields, playgrounds, pavilions, trails, structures and other facilities, buildings, rooms, landscaping, art or other physical features, in each case, owned, operated or managed by the Commission in Montgomery County, Maryland, and deemed eligible jointly by the Commission and the Department for Naming Rights and/or Advertising Rights and by the Department for Sponsorship Benefits. (Entire parks, regardless of classification, are excluded and not eligible for Naming Rights, Advertising Rights or Sponsorship Benefits.)

**Park Program:** (a) Recreational or interpretive programs, services or similar events that are owned, operated or managed by the Commission in Montgomery County, Maryland; or (b) functions, programs or services provided by the Department in connection with Department operations and deemed eligible by the Department for Naming Rights, Sponsorship Benefits and/or Advertising Rights.

**Governmental Entity (Entities):** The Government of the United States, the State of Maryland, another state, or any agency, unit, political subdivision or instrumentality thereof.

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**Legal Entity (Entities):** A corporation, unincorporated association, limited liability company, partnership, trust, foundation or other legal entity (whether organized for profit or not) that is engaged in commercial activity and not an individual or Governmental Entity.

**Naming Right:** A commercial benefit of specified duration that: (a) is established subject to the terms of a Definitive Agreement which conforms to this Policy and (b) obligates the Commission to signify the name, trade name or trademark of a designated Legal Entity as part of the name of the Park Asset(s) or Park Program(s) specified in the Definitive Agreement.

**Advertising Right:** A commercial benefit of specified duration that: (a) is established subject to the terms of a Definitive Agreement which conforms to this Policy and (b) obligates the Commission to allow the promotion of the services, products or activities of a designated Legal Entity within the property of the Park Asset(s) specified in the Definitive Agreement.

**Sponsorship Benefit:** A commercial benefit of specified duration that: (a) is established subject to the terms of a Definitive Agreement which conform to this Policy and (b) obligates the Commission to identify the name, trade name or trademark of a designated Legal Entity as a "*sponsor*" of the Park Asset(s) or Park Program(s) specified in the Definitive Agreement.

### **III. POLICY STATEMENT**

The Planning Board has determined that this Corporate Naming and Sponsorship Policy is necessary and appropriate to provide revenue for the benefit of the Commission that is essential to develop, maintain, improve, expand, support, preserve, fund, encourage and sustain its Park Assets and Park Programs for the fiscal benefit of users and the community at large.

In an effort to utilize and maximize the community's resources, it is in the best interest of the Commission to create and enhance relationships with corporations and other organizations through commercial sponsorships and naming arrangements. This goal can be accomplished by providing local, regional, and national businesses and other commercial enterprises a method to become associated and involved with the many facilities, activities and programs provided by the Commission. The Commission delivers quality, life-enriching activities to a broad base of the community. This translates into exceptional visibility for sponsors and supporters. It is the goal of this policy to further these opportunities for the ultimate benefit of the public.

**IV. GENERAL PROVISIONS: NAMING RIGHTS, ADVERTISING RIGHTS, AND SPONSORSHIP BENEFITS**

A. **Editorial Discretion.** The Commission intends to preserve its rights and discretion to exercise full editorial control over the placement, content, appearance, and wording of Naming Rights, Sponsorship Benefits and related messages. It is the intent of this policy to provide sponsors with visibility through sponsorship recognition and advertising messages and avoid or minimize adverse impact on the park visitors' overall experience and the visual qualities of the park environment.

B. **Eligibility Criteria.** Except as provided directly below for the purpose of a Governmental Entity:

a. Naming Rights, Advertising Rights, and Sponsorships must be for a commercial purpose and the promotion of any non-commercial enterprise is not permitted in the limited forum created by this policy.

b. Naming Rights, Advertising Rights or Sponsorship Benefits are further limited to the promotion or recognition of commercial enterprise and commercial activities that do not compete, impair or conflict with, the mission, policies, goals or operations of the Commission, the park system or designated Park Assets or Park Programs.

c. Naming Rights, Advertising Rights, or Sponsorship Benefits for a Governmental Entity may be considered for non-commercial purposes, including proprietary and governmental functions of the entity involved; provided, however, that any promotion or recognition of a Governmental

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Entity must not compete, impair or conflict with the mission, policies, goals or operations of the Commission, the park system or designated Park Assets or Park Programs, and must otherwise comply fully with the conditions and requirements applicable generally in this Policy to a Legal Entity.

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B-d. Naming Rights, Advertising Rights or Sponsorship Benefits must not include depictions, words or phrases that are reasonably deemed to be harmful or otherwise developmentally inappropriate for the purpose of communication with, or public display to, children under six years of age. Examples of ~~such~~ depictions, words or phrases that may be rejected ~~for this reason~~under this Policy are those which:

- Are sexually suggestive or obscene;
- ~~Denigrate people~~Promote unlawful discrimination on the basis of race, ethnicity, religion, or any other classification protected by law;
- Connote inappropriate violence or intimidation; ~~or~~
- Relate events, activities or behaviors that are criminal or otherwise violate law (including without limitation, violations or applicable environmental, controlled substance or safety laws); or
- Promote activities or products that are reasonably determined to be detrimental to the public health or safety.

C. Combinations Authorized. A Definitive Agreement may include the combination of Sponsorship Benefits, Advertising Rights and Naming Rights.

D. No Abrogation of Governmental Authority. A Definitive Agreement shall not confer on any person the enforceable power to direct, or implied power to direct, the Commission, the Department, the Planning Board or any Commission employee on matters of policy or any other governmental process, and any provision in such an agreement which purports otherwise is void *ab initio*. Without limiting the generality of the foregoing, the Planning Board will not consider an existing or future Naming Right, Advertising Right or Sponsorship Benefit in connection with the adjudication of any planning, zoning, subdivision or other regulatory activity authorized under the Land Use Article of the Maryland Annotated Code or the Montgomery County Code.

E. No Property Interest in Park Assets. A Definitive Agreement shall not confer on any person an enforceable right, entitlement, or other property interest of any sort relating to the use, possession or control any Park Assets, real or personal properties (including, without limitation, an exclusive right to use any Park Asset), except as to

a limited and non-exclusive right to use Commission trademarks or other intellectual property which may be authorized in the Definitive Agreement (Section IV(D) below). The specific or periodic use of any Park Asset by a party to a Definitive Agreement may only be authorized by park permit evaluated and approved by the Department in the ordinary course, and such use shall be subject to the party's strict compliance with the terms of any such permit and the Definitive Agreement. A Definitive Agreement may impose on the Department reasonable operating, maintenance or performance standards applicable to a Park Asset, and the Department may agree to undertake reasonable efforts to achieve compliance with those standards.

F. No Rights of Control Over Park Programs. A Definitive Agreement shall not confer on any person the enforceable power to direct or control, or implied power to direct or control, the Commission, the Department, the Planning Board, or any Commission employee or agent, relating to the operation of any Park Program, or otherwise limiting the discretion to operate a Park Program in a manner that comports with applicable laws, best practices, or the Commission's best interests, as determined in the Commission's sole, exclusive and unreviewable discretion. A Definitive Agreement may impose on the Department reasonable operating or performance standards applicable to a Park Program and the Department may agree to undertake reasonable efforts to achieve compliance with those standards.

G. Compliance With Law and Regulations Required.

- [1] A Naming Right, Advertising Right or Sponsorship Benefit pertaining to a Park Asset may not be granted for any venue unless the use or occurrence of the specific products, services, conduct or activity associated with that name: (1) would be lawful for both Commission employees and patrons, (2) would not violate Commission rules and regulations, and (3) would not conflict with the orderly operation of the Park Asset, all as determined for the specific venue where the Naming Right is intended for public display or dissemination. By way of illustration, and not in limitation, a Naming Right may not be granted for a Legal Entity associated with cigarettes or alcoholic beverages for any Park Asset where smoking or consuming those beverages is prohibited, respectively.
- [2] A Naming Right, Advertising Right or Sponsorship Benefit pertaining to a Park Program may not be granted unless the use or occurrence of the specific products, services, conduct or activity associated with that sponsor: (1) would be lawful for both Commission employees and patrons, (2) would not violate Commission rules and regulations, and (3) does not conflict with the specific Park Program, activity, facility or audience, all as determined for the program or venue where the Sponsorship Benefits are directed for public display or dissemination. By way of illustration, and not in limitation, a Sponsorship Benefit for a product with substantial health risks may conflict with a Park

Program intended to promote the health of children or youth, and may not be granted on that basis.

- H. **No Endorsement.** The Legal Entity entitled to a Naming Right, Advertising Right or Sponsorship Benefit shall not imply, suggest or publicize any inference to indicate that the Commission (Planning Board or Department) officially or otherwise commercially endorses the purchase and/or consumption of any product, service, activity or conduct. Any permission granted for a Legal Entity to use the Commission's name, logo or other intellectual property in connection with a Naming Right, Advertising Right or Sponsorship Benefit must be non-exclusive and specifically authorized under a Definitive Agreement, and the entity must expressly warrant its strict compliance with the terms of such use as granted.
- I. **Disputes.** Any applicant for a Naming Right, Advertising Right or Sponsorship Benefit who is aggrieved by a decision of the Foundation or Department may appeal that decision to the Planning Board. The Planning Board will provide the applicant with an opportunity to be heard and consider the basis of appeal on the merits. After due consideration, the Planning Board will provide its decision on the appeal in writing and that decision will be final.

#### **V. GUIDELINES: NAMING RIGHTS AND ADVERTISING RIGHTS**

- A. **Fiscal Benefit.** A Naming Right or Advertising Right will be granted for a Park Asset only if (a) the fiscal benefit derived by the Commission is substantial and commensurate with the value of the specific Park Asset involved, its physical or geographical significance, or the cost to repair, renovate or maintain that Park Asset, and (b) the Naming Right or Advertising Right does not conflict or impair compliance with any outstanding or potential tax-exempt bond obligation related to the Park Asset as determined by the Secretary-Treasurer for Commission-issued bonds or by the County Finance Director for County-issued bonds. A Naming Right will be granted for a Park Program only if the fiscal benefit derived by the Commission is appropriate in relation to the cost of operating the Park Program. The sufficiency of any fiscal benefit to be derived for a Naming Right will be determined at the discretion of the Director of the Department in consultation with the Secretary-Treasurer of the Commission, as appropriate.
- B. **Duration.** Each Definitive Agreement granting a Naming Right pertaining to a Park Asset must specify an appropriate term ~~and, if the Naming Right pertains to a park structure or place, or a physical feature of significance, the term must be not less than 20 years.~~ A Naming Right pertaining to a Park Program (including an event) should be of an appropriate duration determined in relation to the specific program involved and the fiscal benefit derived by the Commission.

- C. Brevity. Where facility, building, landscape area, programs, or other related Commission asset is named for a Legal Entity, the name used should normally be the shortest name possible.
- D. Limitations on Naming Rights. Naming Rights will not be considered for entire parks regardless of classification. Only Park Assets that are facilities within parks (such as dog parks, ice rinks, playgrounds, etc.) will be eligible for Naming Rights.
- E. Commercial Content For Advertising. Subject to the eligibility criteria set forth above in this Policy, the design, layout and content of any Advertising messages must be commercially reasonable under the circumstances and approved by the Department prior to placement.

## **VI. GUIDELINES: SPONSORSHIPS**

- A. Fiscal Benefit. Sponsorship Benefits will be granted for a Park Asset or Park Program only if the fiscal benefit derived by the Commission is appropriate. The sufficiency of any fiscal benefit to be derived for a Sponsorship Benefit will be determined in the discretion of the Director of the Department. The fiscal benefit derived from any Sponsorship should, at a minimum, be sufficient to cover:
- All or a proportionate percentage of annual maintenance and/or program expenses for the Park Asset or Park Program being sponsored during the full term of the sponsorship;
  - Direct expenses incurred by the Department, including design, production and installation costs for signage and other recognition benefits; and,
  - An administrative fee for the Foundation of up to 12%.
- B. Commercial Content For Sponsorships. Sponsorship recognition messages may identify the Legal Entity but must not constitute advertising. Subject to the eligibility criteria set forth above in this Policy, the following content is ordinarily deemed appropriate:
- The legally recognized name, trade name, or trademark of the sponsoring organization.
  - The sponsor's organizational slogan.
  - The sponsor's product or service line, described in brief, generic, objective terms.
  - Brief contact information for the sponsor's organization, such as phone number, address, or website.

## **VII. ADMINISTRATION**

Pursuant to a written agreement between the Foundation and the Commission approved by the Planning Board and Foundation for the purpose of incorporating and implementing this policy, the process for Corporate Naming and Sponsorships will be administered by the Foundation in coordination with the Commission and the Department. This process includes, but is not limited to the marketing of Corporate Naming and Sponsorship opportunities, renaming, advertising, negotiating terms of Definitive Agreements, and presenting those agreements to the Commission or Department, as outlined below, for approval.

The Foundation is authorized to enter into negotiation with prospective sponsors for Park Assets and Park Programs deemed eligible by the Director of the Department and the Secretary-Treasurer per the criteria outlined in this policy. Terms negotiated by the Foundation must be approved by the Director of the Department and, if so approved, by the Executive Director or designee, prior to the execution of a Definitive Agreement. Signature authority for Definitive Agreements is designated as outlined below:

- A) Definitive Agreements for Park Assets that include Naming Rights require signature authorization by the Commission's Executive Director.
  
- B) Signature authority for Definitive Agreements for: (a) Park Programs that include Sponsorship Benefits, Naming Rights and/or Advertising Rights and/or (b) Park Assets that include Sponsorship Benefits and/or Advertising Rights may be delegated to the Director of the Department in writing by the Executive Director.

Each Definitive Agreement must include provisions for termination at will by the Commission under appropriate circumstances determined in the sole discretion of the Commission's Office of General Counsel, including without limitation, in the event (a) the Legal Entity or Governmental Entity becomes insolvent or files for bankruptcy, (b) a court or administrative tribunal of competent jurisdiction finds the entity has violated a law or regulation pertaining to unfair business or employment practices, or (c) activities involving moral turpitude.

Commencing six (6) months after the adoption of this policy by the Planning Board and every six (6) months thereafter, the Foundation and the Department will provide to the Planning Board, a list of the Definitive Agreements that have been approved and Park Assets that have been named or renamed as a result of this Policy.

The Department is authorized to promulgate appropriate standards, policies and regulations necessary to effectuate the purpose of this policy.