

RESOLUTION 2016-38

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, ADOPTING THE TOWN OF FOUNTAIN HILLS MUNICIPAL SPONSORSHIP AND NAMING RIGHTS POLICY, AMENDED AND RESTATED DECEMBER 15, 2016.

WHEREAS, the Mayor and Council of the Town of Fountain Hills (the “Town Council”) has determined that it is in the best interests of the citizens of Fountain Hills to establish a formal procedure and criteria for the receipt or solicitation of, selection of, and agreements with persons or entities for municipal sponsorships, co-sponsorships, sole sponsorships and marketing arrangements (including facility naming rights); and

WHEREAS, the Town Council approved Resolution No. 2014-36 on August 7, 2014, adopting the Town of Fountain Hills Municipal Sponsorship and Naming Rights Policy (the “Existing Naming Policy”); and

WHEREAS, the Town Council desires to amend and restate the Existing Naming Policy to amend the procedures for special event fee waivers.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The Town of Fountain Hills Municipal Sponsorship and Naming Rights Policy, Amended and Restated December 15, 2016, is hereby adopted in substantially the form and substance attached hereto as Exhibit A and incorporated herein by reference.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Resolution or any part of the policy adopted herein by reference is for any reason to be held invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 4. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps and execute all documents necessary to carry out the purpose and intent of this Resolution.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Mayor and Council of the Town of Fountain Hills, Arizona, December 15, 2016.

FOR THE TOWN OF FOUNTAIN HILLS:

ATTESTED TO:



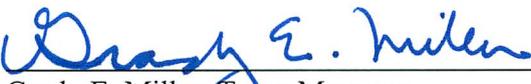
Linda M. Kavanagh, Mayor



Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:



Grady E. Miller, Town Manager



Andrew J. McGuire, Town Attorney

EXHIBIT A
TO
RESOLUTION 2016-38

[Municipal Sponsorship and Naming Rights Policy, Amended and Restated December 15, 2016]

See following pages.

TOWN OF FOUNTAIN HILLS
MUNICIPAL SPONSORSHIP AND NAMING RIGHTS POLICY
Amended and Restated December 15, 2016

1. Purpose. To establish for the Town of Fountain Hills, Arizona (the “Town”) a formal procedure and criteria for the receipt or solicitation of, selection of, and agreements with, persons or entities for Municipal Sponsorships, Co-Sponsorships, Sole Sponsorships and Marketing Arrangements, (including Facility Naming Rights), the following Municipal Sponsorships and Naming Rights Policy (this “Policy”) is hereby adopted by the Mayor and Council of the Town (the “Town Council”). This Policy is intended to set forth the process for the Town to participate in Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship and Marketing Arrangement programs to give valuable support to important Town programs, facilities and services for public benefit by (i) providing funding for Town events from private businesses and (ii) allowing the Town to partner with activities provided by outside entities. In doing so, the Town must ensure its actions are consistent and appropriate to the Town’s vision, mission and values. This Policy is not intended to apply to Bequests or Donations (each as defined below). This Policy shall:

A. Establish Procedures. Establish consistent procedures and practices for receipt or solicitation of Municipal Sponsorships (as defined below), Co-Sponsorships (as defined below), Sole Sponsorships (as defined below) and Marketing Arrangements (as defined below) by Town staff.

B. Encourage Sponsorships. Encourage solicitation of Municipal Sponsorship opportunities such as Facility Naming Rights, Sole Sponsorships, Co-Sponsorships, Marketing Arrangements and similar agreements that generate revenue (financial or in-kind) in support of existing and new Town facilities, projects, programs or services.

C. Encourage Partnerships. Develop public/private alliances to provide programs, events, venues and services within the Town.

D. Encourage Staff Innovation. Empower Town departments to seek Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship and Marketing Arrangement opportunities to provide funds for programs, events, venues or services they might not otherwise be able to provide to Town residents and visitors.

E. Safeguard Town Interests and Goals. Ensure that Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship and Marketing Arrangement activities (1) safeguard the Town’s assets and interests, (2) support the Town’s goals of service to the community and (3) remain responsive to the public’s needs and values.

F. Establish Naming Framework. Provide a framework within which requests to name public facilities are considered and evaluated.

2. Scope. This Policy shall govern all Town departments regarding the solicitation of, and the unsolicited offers/requests from third parties related to, Municipal Sponsorships, Co-Sponsorships, Sole Sponsorships and Marketing Arrangements for Town programs, projects, events, venues, facilities and services. Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship and Marketing Arrangement solicitations shall be in furtherance of the Town's needs and conducted in accordance with the provisions in this Policy. All Town staff responsible for, or otherwise involved in, Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship and Marketing Arrangement activities on behalf of the Town or their respective departments shall adhere to the policies, procedures and guidelines set forth herein.

A. Third Party Solicitation. Subject to the conditions of this Policy, Town staff may solicit or respond to solicitations from third parties for such Municipal Sponsorships, Co-Sponsorships, Sole Sponsorships or Marketing Arrangements for the Town.

B. Fair Compensation. At all times, recognition for Municipal Sponsorships or Marketing Arrangements must be evaluated to ensure the Town is receiving fair and competitive compensation and that such recognition is consistent with the scale of each Sponsor or Marketing Arrangement's contribution.

C. Outside the Scope of this Policy. This Policy shall not apply to:

(1) Funding obtained through formal grant programs or through intergovernmental agreements with other political subdivisions of the State.

(2) Town support of external projects where the Town provides funds to an outside organization (examples include, but are not limited to, grants to Nonprofit Organizations).

(3) Gifts, Bequests, or unsolicited Donations to a Town department or the Town where no reciprocal commercial benefit is given or expected and no business relationship exists.

3. Definitions.

Bequest. A gift or contribution of cash, goods or services given voluntarily and expressed in writing through a will or other testamentary document.

Co-Sponsorship. Participation by the Town (via direct funding, waived fees, staff coordination or technical assistance) in an event that is provided by an outside entity and that is closely aligned with or furthers a core Town program or service.

Donation. A gift or contribution of cash, goods or services given voluntarily toward an event, project, program or corporate asset where no reciprocal commercial benefit is given or expected. If reciprocal commercial benefits are given or a business relationship exists with a corporate donor, the contribution will be a Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangement, as applicable, and the principles of this Policy will apply.

Facility Naming Rights. The naming of Town-owned and/or operated buildings, structures, natural features and recreational facilities, whether in whole or portions thereof (hereafter referred to individually as a “Facility” or collectively as “Facilities”), and streets, roads or any public rights-of-way (hereafter referred to individually as a “Street” or collectively as the “Streets”) within the corporate limits of the Town. Portions of a Facility may have names other than that of the entire Facility and features may be dedicated to or in honor of a person such as “Smith Beach” or “Jones’ Amphitheater,” subject to the provisions of this Policy.

In-Kind Contribution. A contribution received in the form of goods and/or services rather than cash as part of a Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangement.

Marketing Arrangement. A mutually beneficial business arrangement between the Town and a third party, wherein the third party provides cash and/or in-kind services to the Town in return for access to the commercial marketing potential associated with the Town. Marketing Arrangements may include Municipal Sponsorship or Sole Sponsorship of one or more of the Town’s programs, projects, events, Facilities or activities.

Municipal Sponsorship. A business relationship in which the Town and another entity exchange things of value, including a public display of support. This value can be financial, in-kind or benefits related to visibility/exposures, publicity or market reach. It should not be confused with Donations (as defined above), the sale of advertising or innovative approaches to purchasing goods or services. Municipal Sponsorships include funds, products or services provided by a company or individual to the Town, in consideration of the opportunity for the company or individual to promote its name, product or service in conjunction with a Town program, project, event, venue or activity.

Nonprofit Organizations. Organizations designated as tax-exempt under the Federal Tax Code.

Sister Agency. Local government entities that are traditional partners with the Town (i.e. Fountain Hills Unified School District and Fountain Hills Sanitary District).

Request for Proposals (“RFP”). An open and competitive process whereby the Town invites companies, subsidiaries or individuals to express their interest in participating, and submit proposals to participate, in Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangement opportunities with the Town.

Sole Sponsorship. A business relationship in which a company, subsidiary or individual has paid to be the only Sponsor of a Town program, project, event, venue or activity.

Sponsor. A company or individual that provides the Town with a Municipal Sponsorship and that enters into a Municipal Sponsorship agreement with the Town to promote itself and/or its products or services.

Standards of Responsibility. The requisite standards to enter into a Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangement with the Town. Factors to be considered in determining whether the standards have been met include, but are not limited to, whether a prospective Sponsor: (i) has available (or the ability to obtain) the appropriate financial, material, equipment, Facility, personnel resources and expertise necessary to indicate its capability to meet all contractual requirements; (ii) is able to comply with required or proposed delivery or performance scheduling; (iii) has a satisfactory record of performance; (iv) has a satisfactory record of integrity and business ethics; and (v) is qualified legally to contract with the Town.

4. Restrictions. In general, the following industries and products are not eligible for Municipal Sponsorships, Co-Sponsorships, Sole Sponsorships or Marketing Arrangements, including Facility Naming Rights, with the Town, but the Town may elect to enter into Municipal Sponsorships, Co-Sponsorships, Sole Sponsorships or Marketing Arrangements with these restricted industries or products when it is deemed appropriate by the Town Council acting in its sole discretion.

A. Prohibited or Restricted Products. A company, subsidiary and association with products or services that are prohibited or restricted by Town Code or other governing laws and policies.

B. Adult Products. A company or subsidiary whose business is substantially derived from the sale or manufacture of tobacco products, products prohibited under federal law or sexual/adult-oriented products.

C. Alcohol Sponsor at Youth-Related Events. Alcoholic beverages when the intended audience of or participants in the Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangement are youth under the legal drinking age.

D. Parties not Deemed Responsible. Parties that are not deemed responsible under the Standards of Responsibility.

E. Parties to Litigation. Parties involved in a lawsuit with the Town.

F. Separate Contracts. Parties involved in any stage of negotiations for a Town contract unless the contract is directly linked to a Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship, Marketing Arrangement or Facility Naming Rights opportunity.

G. Conflicts of Interest. Individuals or commercial enterprises having past, present or pending business agreements or associations with the Town, if a Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangement Agreement would create an appearance of impropriety.

H. Pending Land-Use Approval. Parties with an active case for any land-use approval before the Town.

I. Religious or Political Entities. Religious or political associations or candidates running for any political office.

5. Roles and Responsibilities.

A. Responsibilities of Town Departments.

(1) Initiating Town Department. The initiating Town department shall (a) ensure adherence to the principles and guidelines outlined in this Policy, (b) prepare a proposal setting forth the scope of the program or project as provided in Subsection 6(A) below and (c) work with the Town Finance Division to ensure appropriate budgeting of revenues and expenditures and with the Town Attorney's Office to ensure the integrity of the procurement process and the legal sufficiency of contractual obligations.

(2) Finance and Budget. The Finance Division shall provide general guidance, cost/benefit analysis, and direction relating to the appropriate budgeting of revenues and expenditures in a manner that maximizes the benefits of each Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship, Marketing Arrangement or Facility Naming Rights arrangement for the initiating Town department, the Town and the Sponsor.

(3) Procurement. When applicable, the Town Manager or authorized designee shall oversee the preparation of the RFP or other competitive solicitation for Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship, Marketing Arrangement and Facility Naming Rights opportunities.

(4) Town Attorney. The Town Attorney's Office shall provide legal review of any RFP or other competitive solicitation for Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship, Marketing Arrangement and Facility Naming Rights opportunities and oversee the preparation of all Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship, Marketing Arrangement and Facility Naming Rights agreements.

(5) Town Manager. The Town Manager shall review all Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship and Marketing Arrangement activities, including interim reports provided from time to time by Town departments. The Town Manager also shall be responsible for determining the frequency of reports by Town departments.

6. Procedures. The Town's participation in Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship, Marketing Arrangement and/or Facility Naming Rights activities shall be according to the procedures set forth below. For Municipal Sponsorships, Co-Sponsorships, Sole Sponsorships, Marketing Arrangements and/or Facility Naming Rights arrangements initiated by the Town, Subsections 6(A) – (G) shall apply; for Municipal Sponsorships, Co-Sponsorships, Sole Sponsorships, Marketing Arrangements and/or Facility Naming Rights arrangements initiated by another person or entity, Subsections 6(B), (D), (E), (F) and (G) shall apply.

A. Prepare a Proposal. A Town department considering a potential Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship, Marketing Arrangement or Facility Naming Rights arrangement shall prepare a proposal setting forth the scope of the program or project, including a description of the community benefit, financial goals, means of recognition, potential interested Sponsors, and general marketing strategy if a Marketing Arrangement is involved. The proposal shall be submitted to the Department Director for review and approval. If Facility Naming Rights are involved and will result in a name change to an existing Facility, the history and legacy of the current municipal Facility should be considered and/or incorporated within the new proposed name. All Facility or Street naming shall be in accordance with the additional procedures set forth in Sections 8 and 9 below.

B. Estimate Value. If the proposed Municipal Sponsorship or Marketing Arrangement includes Facility Naming Rights or granting Sole Sponsorship, the Department Director shall provide a reasonable basis for determining the value of the Municipal Sponsorship, Marketing Arrangement or Facility Naming Rights opportunity. At the Town Manager's discretion, a qualified third party may be used to establish value.

C. Develop and Implement Solicitation. The applicable Town department, working with the Town Attorney, shall develop an RFP for each Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangement opportunity valued greater than \$10,000 and all Facility Naming Rights opportunities and the most beneficial, qualified response shall be submitted to Town Council with a recommendation for approval. Town-originated Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangements valued at \$10,000 or below and revenue producing or "no-cost" Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangement opportunities that involve the provision of commodities or services provided either to the Town or the Fountain Hills community in support of Town operations, functions or programs through which the provider will benefit monetarily, must be awarded using a competitive process that is appropriate to the value, complexity and profile of the business opportunity. Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangement proposals forwarded to the Town are not subject to competitive solicitations if the proposed Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship, Marketing Arrangement or Facility Naming Rights opportunity is determined through a good faith effort to be unique and without interested competitors.

D. Evaluate Submissions. The applicable Town department shall review and analyze all responsive submittals received and shall provide a recommendation of approval or denial to the Town Manager. The submittals shall be reviewed against selection criteria that may include, but are not limited to:

(1) Consistency of the prospective entity's products, customers and promotional goals with the Town's character, values and service priorities, including the most recently adopted Town Council goals.

(2) The ability for the Town to retain its identity as owner/operator of the Facility or principal provider of the service.

(3) The prospective entity's historical participation and association with community projects, events and continued willingness to participate.

(4) The operating and maintenance costs to the Town associated with the proposed sponsorship.

(5) Anticipated public perception of the association with the Town and the prospective entity and community support for, or objection to, the prospective entity.

(6) The prospective entity's regard for and demonstrated success in valuing diversity.

(7) The prospective entity's regard for and demonstrated success in environmental stewardship.

E. Develop Agreement. In the event a Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship, Marketing Arrangement or Facility Naming Rights proposal is recommended for approval, the Town department will work with the Town Attorney's Office to prepare an agreement consistent with all applicable Town Codes, policies and ordinances. The agreement shall contain a provision granting the Town the right to suspend or terminate the Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship, Marketing Arrangement or Facility Naming Rights agreement if, in the sole discretion of the Town Manager or the Town Council (whichever approved the agreement), the continued arrangement would no longer satisfy the selection criteria by which the arrangement was initially approved.

F. Manager Review; Council Approval. The Town Manager shall review all Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship and Marketing Arrangement proposals and shall submit to the Town Council for approval all Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangement Agreements (1) with an aggregate value greater than \$50,000, (2) involving Town contributions, whether in cash or as an In-Kind Contribution greater than \$50,000, (3) involving a request to close public access to a Town-owned facility for more than one day, (4) involving events lasting longer than one week (including set-up and take-down) and (5) all agreements involving Facility Naming Rights. Municipal Sponsorship, Co-Sponsorship, Sole Sponsorship or Marketing Arrangement Agreements not identified in clauses (F)(1)-(5) above may be approved by the Town Manager.

G. Record Financial Transaction. In the event a Municipal Sponsorship is received as an In-Kind Contribution of goods or services, the Finance Division shall create and retain a record of that donation and any associated revenue or expense to the Town to document the financial transaction to the Town.

7. Co-Sponsorship Requests. The Town actively supports the efforts of organizations, other governmental agencies and Sister Agencies whose events are (i) held in Town parks and Facilities and (ii) further Town core program goals and services. Such support may include fee waivers, reduced fees, reduced rental charges and Co-Sponsorship. All permit fee waivers and reductions, reduced Facility rentals and Co-Sponsorship agreements must comply with the guidelines and procedures set forth below.

A. Fees. The Town charges everyone a fee to permit and have priority use of any park, amenity, stage or recreation Facility. This fee is to cover extra operational expenses associated with the use or event and to guarantee the space for the permittee. Fees are based upon the purpose and size of the event. Additional fees are charged as set forth in the Town's fee schedule.

B. General Requirements for Reduced Fees. The determination as to fee reductions shall be made by the Town Manager or the Town Council, with the authority for such review determined according to the limitations set forth in Subsection 6(F) above. Fees for specific groups may be reduced as set forth in Subsections 7(C) - (F) below. All requests for reduced fees shall be evaluated with the following considerations:

- (1) The impact on Town staff time.
- (2) The impact on Town volunteer resources.
- (3) The number of events submitted per organization or promoter.
- (4) The dollar value of the fee reduction.
- (5) The organization or promoter's performance with prior events, including financial reports and event outcomes. The Town may also consider the organization or promoter's overall good standing within the community.

C. Reduced Fees for Nonprofit Organizations. Events sponsored and sanctioned by Nonprofit Organizations (as opposed to simply partnering or associating with a Nonprofit Organization) may be eligible for reduced or waived fees. Nonprofit Organizations applying for a Town permit or Facility rental may be granted a reduction in fees if the following criteria are met:

- (1) At the time of the request for reduced fees, the Nonprofit Organization provides a copy of the determination letter from the IRS granting the Nonprofit Organization tax-exempt status.
- (2) The mission of the Nonprofit Organization does not conflict with the Town's regulations, mission or policies.
- (3) The majority of event proceeds distributed by the organizer will be distributed to entities within the Town of Fountain Hills.
- (4) The proposed event is unique and distinct, with the potential to bring positive publicity to the Town.
- (5) All necessary applications and related materials have been provided to the Town for required permits.

(6) The Nonprofit Organization permit-holder must remain responsible for damage fees and other costs, including, but not limited to, general liability insurance, police coverage, player/team fees, electrical fees, lights, overnight security, concessions, toilet/trash service agreements, fencing and any other additional needs and agreements pertaining to the event. Damage deposits are never waived for events conducted by organizations from outside of Fountain Hills. Events at the Desert Vista Skate Park require an additional damage deposit in addition to the regular park permit procedure.

(7) Except for Municipal Sponsorship Agreements, any fee reductions for athletic field permits should be limited to youth tournaments and events only. Youth programs must be based in Fountain Hills and primarily serve Fountain Hills residents. The permit-holder is responsible for the damage deposit and any athletic field light fees.

In addition to the requirements set forth above, the following will receive favorable consideration and are highly preferred:

- (1) Expected attendance of more than 500.
- (2) Events that are free and open to the public or for which Fountain Hills residents are provided discounts or priority pricing.
- (3) Innovative regional marketing.
- (4) Events that generate overnight stays in Fountain Hills.
- (5) The Nonprofit Organization is based in Fountain Hills.

D. Reduced Fees for Commercial or Private Promoter Events. If the organizing body is a commercial, private, or other for-profit venture, the following criteria will be used to evaluate a potential fee waiver. Please note: the criteria below are intended to be minimum, but not complete, standards for the Town to consider a fee waiver; only events that meet or exceed the following minimums will be considered:

- (1) Events that provide national, regional or state-wide exposure for the Town and draw participants from those locations.
- (2) Events with expected attendance of 2,000 or more.
- (3) Events that are unique and distinct, with the potential to bring positive publicity to the Town.
- (4) Events that have a definable and measurable benefit to the Town including, but not limited to, marketing exposure, sales tax revenue and overnight stays.
- (5) The event/program should be open to the public.

(6) The event/program should support the Town's core recreation programs, mission and goals.

(7) The event/program should demonstrate community pride and involvement.

(8) The event/program should not have a religious or political purpose.

(9) Priority should be given to events/programs that support or positively impact youth.

(10) The sponsoring organization should clearly recognize the Town as a co-sponsor (including logo) on all materials and announcements associated with the event or program, subject to the Town's prior, written approval of the use of the Town logo or trademarks. The Town may display its banners at all co-sponsored events.

E. Reduced Fees for New Events. Fountain Hills is an event-friendly destination; as such, the Town solicits and supports new event opportunities. The Town looks to nurture events that have long term potential for creating a positive impact for both the event organizers and Fountain Hills. First time events often face financial difficulties with startup costs and other initial expenses, and the Town recognizes the value of helping an event find its footing. The Town has developed a tiered system for all event organizers requesting in-kind support for new events. It is the expectation that events become self-supporting after this three year support cycle.

(1) Year One: if approved, first year events may receive a fee waiver of up to 100% of Town costs.

(2) Year Two: if approved, second year events may receive a fee waiver of up to 50% of Town costs.

(3) Year Three: if approved, third year events may receive a fee waiver of up to 25% of Town costs.

All applicants will be required to submit: (i) a detailed description of the event; (ii) a pre-event schedule, budget and marketing plan; and (iii) a detailed description of the fees requested to be waived, in-kind contributions to be made by the Town or accommodations to be made by the Town or others. Following the event, recipients are required to submit a post-event financial assessment. Events will not be automatically "renewed" for subsequent years; an application must be submitted for annual review and approval. Fee waiver decisions will be made by the person/entity designated in Subsection 6(F) above.

F. Legacy Events. Fountain Hills hosts several events annually that are recognized as pillars in the Fountain Hills Special Event Calendar. These events have long standing reputations in our community and have established an event foundation for residents and guests alike. Due to their long track records of success, these events will have the privilege of operating under the guidelines listed below. "Legacy" status is based upon continuous,

consistent operation by the same entity or organization. If any established “Legacy Event” changes dates, format, impact area, organizer, or other significant component, Legacy status will be suspended until a review of the special event can be completed by the Special Event Committee and the Town Manager. Legacy status may also be forfeited.

(1) Rental fees for Town property will be waived for Legacy Events, however all permits, rental costs, and other incurred fees must be paid by the organizer.

(2) Legacy Events will still be required to follow all Town Code guidelines for Special Events, including permits, deadlines, traffic control requirements, security, alcohol service, etc. Participating vendors will be required to abide by Fountain Hills Business License requirements. Proceeds from Legacy Events must remain with or be distributed to entities within Fountain Hills.

(3) Identified Legacy Events are:

Fountain Festival: Organized by the Fountain Hills Chamber of Commerce; held annually on the second full weekend of November; Thursday- Sunday format.

The Great Fair: Organized by the Fountain Hills Chamber of Commerce; held annually on the last full weekend of February; Thursday- Sunday format.

Oktoberfest: Organized by Fountain Events, Inc.; held annually on the last weekend of September; Friday and Saturday evening format.

St. Patrick’s Day Celebration: Organized by Fountain Events, Inc.; held annually on the Sunday before March 17.

G. Requests for Co-Sponsorship of Other Governments and Sister Agencies.

(1) If another governmental entity or Sister Agency (i.e. Fountain Hills Unified School District or Fountain Hills Sanitary District) is only a supporting sponsor for another outside organization, that other outside organization still must apply for Town Co-Sponsorship.

(2) If another governmental entity or Sister Agency is the primary organizer for a public program or event, generally the Town will grant a request to be a co-sponsor. Like sponsorship of outside organizations, the governmental entity or Sister Agency still is responsible for all other costs associated with the program or event.

(3) The governmental entity or Sister Agency holding the program or event must clearly acknowledge the Town as a co-sponsor on all written materials associated with the event, subject to the Town’s prior, written approval of any use of the Town logo or trademarks.

8. Facility Naming General Policies.

A. Recommendations to Other Bodies. This Policy should be followed in reviewing or preparing the Town's official comments or recommendations to State, Federal, and/or intergovernmental boards taking actions regarding geographic names, naming or renaming of Facilities or Streets.

B. Town Request; Town Council Consideration. The Mayor, three members of the Town Council, or the Town Manager may request the naming or renaming of a Facility or a Street. Thereafter, the Town Council shall discuss the requested renaming at a public meeting.

C. Bond-Financed Facilities or Streets. If a bond-financed Facility or Street is proposed or requested to be named or renamed, bond counsel must review and approve the request or proposal before consideration at a Town Council meeting.

D. Public Notice. The Town Council shall provide appropriate public notice of any Street or Facility naming actions in conjunction with other agenda items for regularly-scheduled meetings.

E. Changes to Approved Names. Once a name has been officially approved by the Town Council, changes should be strongly resisted.

F. Town Council Discretion. In all cases, the Town Council reserves the right to accept or reject any proposal to name or rename a Street or Facility, in its sole discretion.

G. Town Manager Duties. The Town Manager, upon approval of the naming or renaming action by the Town Council, shall implement names or name changes of Facilities or Streets. The Town Manager shall notify those who have submitted the suggestion as well as other appropriate offices and agencies. Upon Town Council denial of a name or name change, the Town Manager shall notify those who requested the name change.

9. Facility Naming Criteria.

A. For Facilities and Streets Generally. Recognizing that the naming or renaming of a Facility or Street should be approached cautiously with forethought and deliberation, the following criteria are hereby established:

(1) To avoid duplication, confusing similarity or inappropriateness, the Town Council, in considering name suggestions, shall review existing Facility and/or Street names, as applicable.

(2) In naming Facilities and Streets, consideration shall be given to geographic location, historical or cultural significance and natural or geological features. In the construction of a Facility, the address designation shall be used until the formal naming of the Facility. Whenever possible, naming shall be made prior to the completion of construction of a Facility or Street.

(3) Facilities and Streets may be named only for a deceased individual or individuals if (i) the individual or individuals has/have enhanced the quality of life within the Town and (ii) two years or more has elapsed between the consideration for naming and the time of death of the individual or, in the case of related individuals, two years after the death of one of the individuals. The deceased individual shall have performed outstanding service in one or more of the following categories:

(a) Maintained involvement in a leadership role in civic organizations that are devoted to community improvement.

(b) Provided assistance to the underprivileged, economically disadvantaged or physically and/or mentally handicapped.

(c) Actively promoted and directed community events and activities that have clearly added to the enrichment of the quality and quantity of cultural life within the community.

(d) Actively promoted and implemented effective programs and activities within the community for the Town's youth.

(e) Actively promoted and implemented effective programs and activities within the community for the Town's senior citizens.

(f) Assumed an active leadership role in developing and implementing programs directed to the improvement of the visual aesthetic appearance of the community at the commercial, public or residential level.

(g) Assumed an active leadership role in developing programs and Facilities directed toward the improvement of community social and health needs as well as programs directed toward humanitarian purposes.

B. Additional Criteria Applicable to Streets. In considering the renaming or naming of a Street, the Town Council shall consider the following:

(1) Street names, plats, specific sites and places and natural features indicated on general usage maps for 50 years or more (age criteria applied by the National Register of Historic Places) should be changed only under exceptional circumstances. Street names shall not be similar in spelling or pronunciation to a presently-existing major collector or arterial road in the Phoenix Metropolitan area. No Street shall be named by number only according to the street numbering grid (i.e. 150th Street) unless the Street follows a straight north-south alignment.

(2) Attention should be paid to maintaining sequential, numerical and alphabetical naming patterns when considering any Street name changes or additions. All Streets shall be named and numbered consistently with the County-wide street numbering system and no such name or change of name shall take effect until (a) the affected public safety agencies have been notified and (b) all impacted public safety

dispatch maps have been amended. Any extensions of presently-existing Streets within or into the Town shall bear the same name as the existing roadway. No Street name shall contain a homonym.

(3) New Streets shall be named according to the following guidelines:

(a) In most cases, the Street name will be proposed by the property owner, reviewed by the Town staff and approved by the Town Council as part of its consideration of a final plat for a development within the Town.

(b) If an unnamed private Street is dedicated to the Town, the name may be suggested by the property owners thereon, but the Town Council shall make the final determination.

(4) No Street shall be renamed unless:

(a) The new Street name is not one already well-known in the Phoenix metropolitan area.

(b) There are no (or very few) buildings or other addressed Facilities presently existing along the Street.

(c) The new Street name will not be confused with other existing Streets in the Town.

(d) The new Street name shall not be the same as a specific living person within the Phoenix Metropolitan area.

C. Historical Reference. Changes of names for Facilities or Streets should be approved only when they do not violate historical or common usage names. Facilities and Streets may be named after research reveals that the area around the Facility or Street has been commonly, yet unofficially, named by the residents in the area.

D. Donor Naming. Facilities and Streets may be permanently named for an individual (alive or deceased), organization, or business if that individual, organization or business has made a donation of money, land or other goods and/or services to the Town equal to at least half the full cost of the Facility or Street, either for purposes of developing a particular Facility or Street or for the Town's Capital Fund. Such arrangements will be called "Permanent Naming." Permanent Naming proposals that are not in accordance with Section 4 of this Policy shall not be considered.