

ORDINANCE NO. 21-277

AN ORDINANCE OF THE TOWN OF MIAMI LAKES, FLORIDA; AMENDING CHAPTER 13 OF THE TOWN OF MIAMI LAKES CODE OF ORDINANCE, CREATING ARTICLE XII TITLED “SPONSORSHIP, NAMING AND LETTERS OF SUPPORT POLICY” PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (DIEGUEZ)

WHEREAS, during the February 2020 Town of Miami Lakes, (the “Town”) Council Meeting, the Town Council instructed the Town Attorney and Staff to develop a Naming Rights Ordinance, in order to ensure that all sponsorship programs are consistent with the vision, mission and core values of the Town; and

WHEREAS, in order to provide a uniform method by which solicitation for sponsorship and the application of naming rights are accepted, and letters of support are provided, the Town proposes an amendment to Chapter 13, Land Development Code in order to provide a methodology for the acceptance of sponsorship and naming applications, and the provision of letters of support; and

WHEREAS, on March 9, 2021, the Town Council met and passed the Town’s Sponsorship, Naming and Letters of Support Policy Ordinance in first reading; and

WHEREAS, on May 11, 2021, the Town Council met, passed and adopted the Sponsorship, Naming and Letters of Support Policy Ordinance in second reading.

THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES AS FOLLOWS:

Section 1. Recitals. Each of the above stated recitals is true and correct and is incorporated herein by this reference.

Section 2. Amendment of Chapter 13, Creation of Article XII, Sponsorship, Naming, and Letters of Support Policy. The Town Council hereby amends Chapter 13, of the Town Code of Ordinances in order to create Article XII, titled "Naming Rights, Sponsorship Policy and Letters of Support."

Section 3. Repeal of Conflicting Provisions. All provisions of the Code of the Town of Miami Lakes that are in conflict with this Ordinance are hereby repealed.

Section 4. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. Inclusion in the Town Code. It is the intention of the Town Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code and that if necessary the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Article", "Division" or other appropriate word.

Section 6. Effective Date. That this Ordinance shall be effective immediately upon its adoption on second reading.

Additions to the Ordinance in First Reading shall be reflected by underlined, and deletions shall be reflected as ~~strike throughs~~. Additions to the Ordinance between first reading and second reading shall be reflected by a double underline, and deletions between first reading and second reading shall be reflected by a ~~double strike through~~.

FIRST READING

The foregoing ordinance was offered by Councilmember Dieguez who moved its adoption on first reading. The motion was seconded by Councilmember Rodriguez and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	yes
Vice Mayor Luis E. Collazo	yes
Councilmember Carlos O. Alvarez	Absent
Councilmember Josh Dieguez	yes
Councilmember Tony Fernandez	yes
Councilmember Jeffrey Rodriguez	yes
Councilmember Marilyn Ruano	yes

Passed on first reading this 9th day of March 2021

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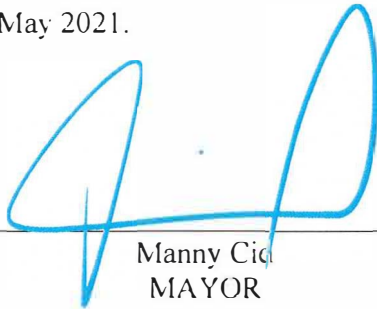
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SECOND READING

The foregoing ordinance was offered by Councilmember Dieguez who moved its adoption on second reading. The motion was seconded by Councilmember Rodriguez and upon being put to a vote, the vote was as follows:

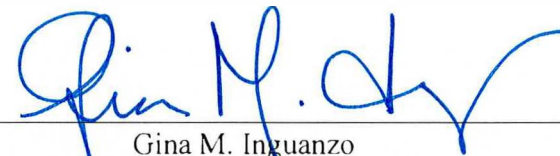
Mayor Manny Cid	yes
Vice Mayor Luis E. Collazo	yes
Councilmember Carlos O. Alvarez	Absent
Councilmember Josh Dieguez	yes
Councilmember Tony Fernandez	yes
Councilmember Jeffrey Rodriguez	yes
Councilmember Marilyn Ruano	yes

Passed and adopted on second reading this 11th of May 2021.



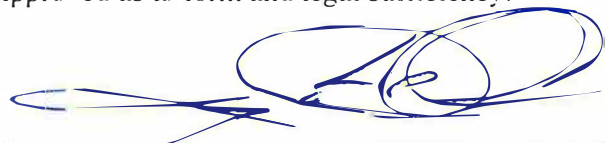
Manny Cid
MAYOR

Attest:



Gina M. Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:



Raul Gastesi, Jr.
Gastesi, Lopez and Mestre, PLLC
TOWN ATTORNEY

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EXHIBIT "A"

CHAPTER 13, LAND DEVELOPMENT CODE

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ARTICLE XII. NAMING RIGHTS, SPONSORSHIP POLICY AND LETTERS OF SUPPORT

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DIVISION I. SPONSORSHIP POLICY

13- 2103. – Purpose.

The primary objective of this Division is to create the parameters and guidelines is to protect the Town's values, image, assets, and interests while increasing the opportunities for revenue generation via personal and corporate sponsorship.

13-2104. – Definitions.

1. Sponsorship - Is the contribution of monetary, or in-kind support by private or a public entity, to support a Town function, in exchange for which the private or public entity shall receive recognition.
2. Event Sponsorship – Supporting a public event or social function financially or through the provision of products or services.
3. Program Sponsorship – Supporting a series of activities, performances, or procedures, financially or through the provision of products or services.
4. Corporate Partners Program - A sponsorship level in which a business or corporation has exclusive sponsorship rights for a "bundle " of pre-specified sponsorship properties, assets and/or venues. A key component of the Corporate Partners Program may also include short-term Naming Rights and/or Official Partner status.

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5. Pouring Right - A type of sponsorship in which a corporation, an organization or an individual purchases the exclusive right to supply beverages at a Town facility in exchange for significant cash and/ or other considerations over a long-term agreement (For example: Official Soft Drink Provider).
6. Recurring – Sponsorship activity that will occur more than once, again, periodically or repeatedly.
7. Nonrecurring – Occurring only once, one time only.

13-2105. – Scope.

This Policy applies to all relationships between the Town of Miami Lakes and businesses, organizations and individuals that contribute either financially or in-kind to Town programs, services or facilities in return for recognition, public acknowledgement or other promotional considerations. The Policy applies to the following:

1. Program and Event Sponsorship;
2. Corporate Partners Program;
3. Pouring Rights.

13-2106. – General Requirements and Criteria for Accepting Sponsorship.

1. All sponsorship agreements must comply with the laws of the State of Florida, as well as conform to the Town Charter and the Town’s Code of Ordinances where applicable.
2. The following conditions apply when establishing corporate sponsorship relationships:
 - o The Town will maintain control over the planning and delivery of sponsorship activities.
 - o Sponsorship agreements shall not in any way influence or be perceived to influence the day-to-day business of the Town.
3. The relationship must not cause a Town employee to receive any product, service or assets for personal gain or use.
4. Sponsorship must not negatively impact the quality and integrity of the Town’s properties, buildings and streetscape.
5. The sponsorship and opportunity should be appropriate to the target audience.

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13-2107. – Restrictions for Sponsorship.

The Town will not solicit or accept sponsorship from:

1. Houses of worship and religious organizations.

2. Companies whose primary business is:
 - The sale of tobacco (with limited exceptions for adult-oriented activities and events).
 - The sale of alcohol (with limited exceptions for adult-oriented activities and events).
 - Pornography and erotic material.
 - Involved in the production, distribution, and sale of weapons (with limited exceptions for adult-oriented activities and events).

 - Political candidates or partisan organizations.

3. The Town will not allow, either directly or through third party arrangements, sponsorships:
 - That promote alcohol, tobacco and other addictive substances at venues, events, and programs geared primarily to children.
 - That present demeaning or derogatory portrayals of individuals or groups or contain anything, which, in light of generally prevailing community standards, is likely to cause offense.
 - Whose primary objective is to market its products and services directly to employees.

4. Town Staff may, at its discretion, bring any proposals to the Town Council for their approval even if they do not meet the guidelines of this Policy.

13-2108. - Solicitation and Allocation of Sponsorship Opportunities.

1. Sponsorship activities should continue, as always, to be the result of direct solicitation by the Town Manager or his, her designee

2. All solicitations shall be in writing, usually through a Sponsorship Opportunities Proposal, and will be confirmed by the sponsor through selection of a defined sponsorship level and/or by an executed Agreement.

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13-2109. – Procurement of Sponsorship Opportunities.

1. Generally, sponsorship agreements that involve the procurement of goods and services should be competitively bid or selected in accordance with the Town's procurement procedures.
2. Non-competitive arrangements may be considered when:
 - o An unlimited number of sponsors are being sought.
 - o It is an exclusive, original or experimental sponsorship opportunity.
 - o Only one appropriate sponsor can be identified.
 - o It is determined to be in the best interest of the Town.
3. Unsolicited sponsorship and advertising proposals received by the Town will be reviewed and evaluated by the Town Manager or his designee according to policy requirements.
4. The Town reserves the right to reject any unsolicited sponsorships that have been offered to the Town. The Town reserves the right to decline to enter into agreements for any sponsorship that originally may have been openly solicited by the Town.
5. All sponsorship agreements shall be evaluated on an annual basis to determine continued benefit. The term of all agreements shall not exceed three years unless authorized by the Town Council.
6. The Town reserves the right to terminate an existing sponsorship agreement should conditions arise that makes it no longer in the best interest of the Town.

13-2110. – Approval of Sponsorship.

1. The Town Council must approve or ratify all sponsorship opportunities. Corporate Partners Programs (multi-year sponsorships) must be approved by the Town Council with an executed Agreement. The Town Manager or his designee, may approve Sponsorship Opportunities up to \$10,000 which are single-Town event sponsorships.
2. The Town Council may waive policy requirements if good cause is presented.

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DIVISION II. - NAMING POLICY

13-2111 – Policy

- a. Since the grant of naming, co-naming, and renaming of Town amenities, building parks streets, recreational areas and facilities owned and, or operation by the Town may affect the reputation of the Town among its residents and its ability to govern effectively, the Town retains sole and final decision-making authority for determining the appropriateness when granting naming rights to any sole individual or organization. The Town reserves the right to refuse any application for naming, co-naming, or renaming of Town amenities, building parks streets, recreational areas, and facilities.
- b. The Naming Policy's objectives are aimed to enhance community involvement and public participation within the Town. Accordingly, the Naming Policy provides for a uniform and comprehensive process of formal process, ensures that naming is consistent with Town values and priorities, and encourages the recognition of outstanding individuals and groups that have made an impact by their donation of time, talent and treasure to the Town.

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13-2112 – Definitions

1. Applicant – One who makes a formal proposal to name, co-name, or re-name a Town owned and, or operated facility.
2. Application – A completed proposal requesting a naming, co-naming, or re-naming by an Applicant.
3. Town Owned Facility- Any property, complex amenity, building, park, structure, street, or related property, owned or controlled by the Town.
4. Commemorative Naming - a naming opportunity granted to an individual, group of individuals, family foundation, or a non-profit community organization in recognition of significant philanthropy, or as an honor an generally without financial consideration.
5. Naming Entity - The entity, corporation, community organization or individual to whom Naming Rights are granted pursuant to a Naming Rights Agreement.
6. Naming Rights - Refers to the granting by the Town the right to name a portion of a Town owned facility either in exchange for financial consideration or in honor of outstanding achievement, distinctive service, or significant community contribution.

13 - 2113 – Exemptions

The Naming Policy does not apply to:

1. Fire or Police Stations.
2. Non-Town facilities located within Town boundaries.
3. Naming of programs, events, or other kinds of sponsorship conducted through the Town’s sponsorship program.
4. Naming of Parks, which is provided for in Chapter 18, Section 18-112.

13 – 2114 – Qualifying Criteria

1. A Town facility that does not fall within the scope provided in 5-107.
2. An outstanding geographical or physical feature of Town (ie. lake, bridge, road).
3. A Person (non-living) or group who significantly contributed to the acquisition or development of the Town owned property or street.
4. A Person (living) whose contribution or significant gift is of a most extraordinary nature.

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5. Naming may be considered based on the provision of significant funding that underwrites the cost of renovation or construction of Town owned facility. Financial underwriting shall be broadly defined as substantial monetary contributions that completely or significantly enable Town projects such as parks, buildings or property acquisition to occur. This may include monetary gifts and, or grants that leverage federal, state, and local funding for such projects or complete donation of land.
6. Parks and facilities that are donated to the Town may be named by deed restriction by the donor. The naming and acceptance of land is subject to approval by the Town Council.
7. Naming should not conflict with grant funding policies established by local private, state and, or federal grant funding programs.

13 – 2115 – Exclusions

1. Naming associations with smoking or vaping products, alcohol, contraceptives, religious organizations, businesses associated with pornography and erotic material, political candidates, or partisan organization.

13 – 2116 – Process

1. An Applicant shall apply to the Office of the Town Manager for initial review and acceptance.
2. Provided the Application meets the criteria set forth in this policy, the Town Manager shall submit the application with a report based on the Town Manager's findings and recommendation.
3. If the Application is for the naming of a public street or park, residents who reside within 300 feet of the street or park will receive notification by mail of the Town Council meeting at which the Application will be considered.
4. The Town Council will allow for public input and comment at no less than two Town Council meeting prior to a final decision on the Application.

DIVISION III. – LETTERS OF SUPPORT POLICY

13-2117 – Request for Letters of Support.

All not-for profit entities desiring a letter in support of a grant application or other purpose must submit their request to the Town, who shall review their request for completeness and forward to the Council for their approval.

13-2118 – Restrictions.

All restrictions applicable to Division I and II of this Article shall be applicable to Division III.

13-2119 – Requirements.

All letters of support must include the applicants name, information of the grant applied or the purpose/intent of the letter, evidence of the entity’s not-for-profit designation. The Town reserves the right to deny any request for a letter of support.

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