

ORDINANCE NO. 26-349

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA DELETING TOWN OF MIAMI LAKES CODE CHAPTER 13, ARTICLE XII, "NAMING RIGHTS, SPONSORSHIP POLICY AND LETTERS OF SUPPORT"; CREATING CHAPTER II, ARTICLE V, DIVISION 5 "NAMING RIGHTS, SPONSORSHIP POLICY AND LETTERS OF SUPPORT"; CREATING PROVIDING FOR INCLUSION INTO THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Miami Lakes (the "Town") Council has provided direction to Town Staff and the Town Attorney to prepare legislation removing houses of worship and religious organization as a prohibited donor of sponsorship; and

WHEREAS, the Town Council finds that this Ordinance is in the Town's best interest.

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

Section 1. Recitals. The foregoing Recitals are true and correct and incorporated herein by this reference.

Section 2. Adoption of Ordinance The Ordinance included herein and detailed herein is adopted.

Section 3. Providing for Codification. The Town Clerk shall ensure that this Ordinance is codified and incorporated into the Town Code.

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 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 the Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. **Effective Date.** That this Ordinance shall be effective immediately upon its adoption on second reading.

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FIRST READING

The foregoing Ordinance was offered by Councilmember Vice Mayor Morera who moved its adoption on first reading. The motion was seconded by Councilmember Sanchez and upon being put to a vote, the vote was as follows:

Mayor Joshua Dieguez	Yes
Vice Mayor Bryan Morera	Yes
Councilmember Juan Carlos Fernandez	Yes
Councilmember Angelo Cuadra-Garcia	Yes
Councilmember Ray Garcia	Yes
Councilmember Steven Herzberg	Yes
Councilmember Alex Sanchez	Yes

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SECOND READING

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

Mayor Joshua Dieguez	Yes
Vice Mayor Bryan Morera	Yes
Councilmember Juan Carlos Fernandez	Yes
Councilmember Angelo Cuadra-Garcia	No
Councilmember Ray Garcia	No
Councilmember Steven Herzberg	Yes
Councilmember Alex Sanchez	Yes



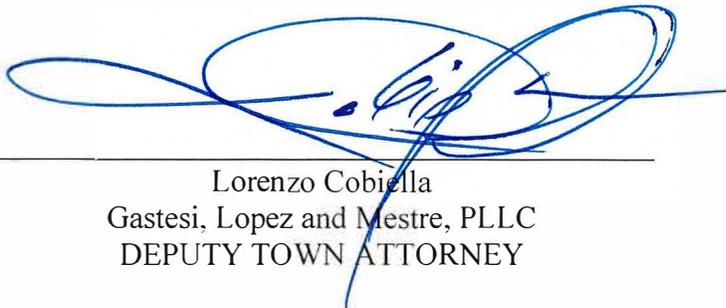
Joshua Dieguez
MAYOR

Attest:



Gina M. Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:



Lorenzo Cobiella
Gastesi, Lopez and Mestre, PLLC
DEPUTY TOWN ATTORNEY

EXHIBIT "A"

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

~~DIVISION 1. SPONSORSHIP POLICY~~

~~Sec. 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.~~

~~Sec. 13-2104. Definitions.~~

~~*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.~~

~~*Event sponsorship.* Supporting a public event or social function financially or through the provision of products or services.~~

~~*Nonrecurring occurring.* Only once, one time only.~~

~~*Program sponsorship.* Supporting a series of activities, performances, or procedures, financially or through the provision of products or services.~~

~~*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).~~

~~*Recurring sponsorship.* Activity that will occur more than once, again, periodically or repeatedly.~~

~~*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.~~

~~Sec. 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;~~

~~Sec. 13-2106. General requirements and criteria for accepting sponsorship.~~

- ~~(a) 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.~~
- ~~(b) The following conditions apply when establishing corporate sponsorship relationships:
 - The Town will maintain control over the planning and delivery of sponsorship activities.
 - Sponsorship agreements shall not in any way influence or be perceived to influence the day-to-day business of the Town.~~
- ~~(c) The relationship must not cause a Town employee to receive any product, service or assets for personal gain or use.~~
- ~~(d) Sponsorship must not negatively impact the quality and integrity of the Town's properties, buildings and streetscape.~~
- ~~(e) The sponsorship and opportunity should be appropriate to the target audience.~~

~~Sec. 13-2107. Restrictions on sponsorship.~~

~~The Town will not solicit or accept sponsorship from:~~

- ~~(1) Houses of worship and religious organizations. Monetary or in-kind sponsorship from religious entities may be considered, provided that the agreed upon sponsorship does not promote or advocate a religious viewpoint.~~
- ~~(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, sponsorship:
 - 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) ~~The Town Manager may, at his or her discretion, bring any proposals to the Town Council for the Town Council's approval even if the proposals do not meet the guidelines of this policy.~~

Sec. 13-2108. Solicitation and allocation of sponsorship opportunities.

- (a) ~~Sponsorship activities should continue, as always, to be the result of direct solicitation by the Town Manager or his, her designee~~
- (b) ~~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.~~

Sec. 13-2109. Procurement of sponsorship opportunities.

- (a) ~~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.~~
- (b) ~~Non-competitive arrangements may be considered when:~~
- ~~• An unlimited number of sponsors are being sought.~~
 - ~~• It is an exclusive, original or experimental sponsorship opportunity.~~
 - ~~• Only one appropriate sponsor can be identified.~~
 - ~~• It is determined to be in the best interest of the Town.~~
- (c) ~~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.~~
- (d) ~~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.~~
- (e) ~~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.~~
- (f) ~~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.~~

Sec. 13-2110. Approval of sponsorship.

- (a) ~~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 \$10,000.00 which are single town event sponsorships.~~

~~(b) The Town Council may waive policy requirements if good cause is presented.~~

DIVISION 2. NAMING POLICY

Sec. 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.~~

Sec. 13-2112. Definitions.

~~*Applicant.* One who makes a formal proposal to name, co-name, or re-name a Town-owned and, or operated facility.~~

~~*Application.* A completed proposal requesting a naming, co-naming, or re-naming by an applicant.~~

~~*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.~~

~~*Naming entity.* The entity, corporation, community organization or individual to whom naming rights are granted pursuant to a naming rights agreement.~~

~~*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.~~

~~*Town owned facility.* Any property, complex amenity, building, park, structure, street, or related property, owned or controlled by the Town.~~

Sec. 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.~~

~~Sec. 13-2114. Qualifying criteria.~~

- ~~(a) A Town facility that does not fall within the scope provided in 5-107.~~
- ~~(b) An outstanding geographical or physical feature of Town (i.e. lake, bridge, road).~~
- ~~(c) A person (non-living) or group who significantly contributed to the acquisition or development of the Town-owned property or street.~~
- ~~(d) A person (living) whose contribution or significant gift is of a most extraordinary nature.~~
- ~~(e) 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.~~
- ~~(f) 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.~~
- ~~(g) Naming should not conflict with grant funding policies established by local private, state and, or federal grant funding programs.~~

~~Sec. 13-2115. Exclusions~~

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

~~Sec. 13-2116. Process~~

- ~~(a) An applicant shall apply to the Office of the Town Manager for initial review and acceptance.~~
- ~~(b) 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.~~
- ~~(c) Reserved.~~
- ~~(d) 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. At least one of the meetings shall be advertised in a newspaper of general circulation or by any other method provided by Florida Law, as may be amended from time to time.~~

DIVISION 3. LETTERS OF SUPPORT POLICY

Sec. 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.

Sec. 13-2118. Restrictions.

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

Sec. 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.

CHAPTER 2

ARTICLE V – CONTRACTS AND PURCHASING

DIVISION 5. NAMING RIGHTS, SPONSORSHIP POLICY AND LETTERS OF SUPPORT

SUB- DIVISION 1. SPONSORSHIP POLICY

Sec. 2-186 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.

Sec. 2-187 Definitions.

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.

Event sponsorship. Supporting a public event or social function financially or through the provision of products or services.

Nonrecurring occurring. Only once, one time only.

Program sponsorship. Supporting a series of activities, performances, or procedures, financially or through the provision of products or services.

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).

Recurring sponsorship. Activity that will occur more than once, again, periodically or repeatedly.

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.

Sec. 2-188 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.

Sec. 2-189 General requirements and criteria for accepting sponsorship.

- (a) 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.
- (b) The following conditions apply when establishing corporate sponsorship relationships:
 - The Town will maintain control over the planning and delivery of sponsorship activities.
 - Sponsorship agreements shall not in any way influence or be perceived to influence the day-to-day business of the Town.
- (c) The relationship must not cause a Town employee to receive any product, service or assets for personal gain or use.
- (d) Sponsorship must not negatively impact the quality and integrity of the Town's properties, buildings and streetscape.
- (e) The sponsorship and opportunity should be appropriate to the target audience.

Sec. 2-190 Restrictions on sponsorship.

The Town will not solicit or accept sponsorship from:

(1) Houses of worship and religious organizations. Monetary or in-kind sponsorship from religious entities may be considered, provided that the agreed upon sponsorship does not promote or advocate a religious viewpoint.

(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) The Town Manager may, at his or her discretion, bring any proposals to the Town Council for the Town Council's approval even if the proposals do not meet the guidelines of this policy.

Sec. 2-191 Solicitation and allocation of sponsorship opportunities.

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

(b) 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.

Sec. 2-192 Procurement of sponsorship opportunities.

(a) 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.

(b) Non-competitive arrangements may be considered when:

- An unlimited number of sponsors are being sought.
- It is an exclusive, original or experimental sponsorship opportunity.

- Only one appropriate sponsor can be identified.
 - It is determined to be in the best interest of the Town.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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.

Sec. 2-193 Approval of sponsorship.

- (a) 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 Twenty-Five Thousand Dollars and 00/100 (\$25,000.00) which are single-town event sponsorships.
- (b) The Town Council may waive policy requirements if good cause is presented.

SUBDIVISION 2. NAMING POLICY AND LETTERS OF SUPPORT

Sec. 2-194 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.

Sec. 2-195 Definitions.

Applicant. One who makes a formal proposal to name, co-name, or re-name a Town owned and, or operated facility.

Application. A completed proposal requesting a naming, co-naming, or re-naming by an applicant.

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.

Naming entity. The entity, corporation, community organization or individual to whom naming rights are granted pursuant to a naming rights agreement.

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.

Town owned facility. Any property, complex amenity, building, park, structure, street, or related property, owned or controlled by the Town.

Sec. 2-196 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.

Sec. 2-197 Qualifying criteria.

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

- (f) 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.
- (g) Naming should not conflict with grant funding policies established by local private, state and, or federal grant funding programs.

Sec. 2-198. Exclusions

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

Sec. 2-199 Process

- (a) An applicant shall apply to the Office of the Town Manager for initial review and acceptance.
- (b) 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.
- (c) Reserved.
- (d) 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. At least one of the meetings shall be advertised in a newspaper of general circulation or by any other method provided by Florida Law, as may be amended from time to time.

Sec. 2-200. 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.

Sec. 2-201 Restrictions.

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

Sec. 2-202 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.