



## Fresno County Board of Supervisors

# ADMINISTRATIVE POLICY

### NUMBER 48.1

## Naming Rights For Eligible County Facilities

Effective Date: December 17, 2024

Final Adopted Date: January 28, 2025

### **POLICY STATEMENT**

The Board of Supervisors may, in its discretion, apply this Policy to eligible County facilities, including new and existing facilities, instead of Policy Number 48.

The Board grants the authority to the County Administrative Officer (CAO), or their designee, to develop a list of new and existing County facilities eligible for Naming Rights under this Policy.

“Naming Rights” are the result of a financial arrangement known as a Naming Rights Agreement between the County and a sponsor (i.e., a successful bidder, in a public bidding process conducted under the County ordinance code) in which the sponsor pays the County an agreed upon aggregate amount of funds, under a fixed time schedule for paying installments of such amount, in exchange for the right to name a County facility for the Term (defined below); under the Naming Rights Agreement, the County grants the sponsor a right to license the sponsor’s name for the County facility during the Term.

“Sponsor” means an individual (or group of individuals, such as a family) or entity, such as a business.

If the CAO deems a County facility eligible for Naming Rights under this Policy, the CAO shall follow (a) pre-bid procedures established by the CAO under its Management Directive (the Pre-bid Procedures) and (b) the bidding procedures under County Ordinance Code sections 13.28.010 (Alternative Procedures) and 13.28.021 (informal bidding procedures, Naming Rights for County facilities) (collectively, the Bidding Procedures). The CAO shall develop the elements of primary naming rights conditions (the “Primary Naming Rights Conditions”) in the Management Directive – Pre-bid Procedures, which shall be used for the Pre-bid Procedures and the Bidding Procedures.

After the County conducts the Pre-bid Procedures and the Bid Procedures, a sponsor of an eligible County facility may receive a naming right for an eligible County facility, in exchange for the sponsor’s monetary pledge (“Pledge”) to be paid in three (3) installments to the County, for a maximum number of years (the “Term”) under a Naming Rights Agreement developed and consummated under this Policy.

## **MANAGEMENT RESPONSIBILITY**

The CAO is responsible for overseeing the County's conducting of the Pre-bid Procedures and the Bidding Procedures, reviewing the timely submitted bids, and bringing the recommended Naming Rights Agreements, including a license for naming rights, with a successful bidder to the Board for its requested approval of such recommended Naming Rights Agreement. The CAO will include a list of the bids in order of highest to lowest proposals, excluding non-responsive bids.

The CAO shall provide and implement the Primary Naming Rights Conditions in the CAO's preparation of the draft and final call for bids and of the draft and final form of the Naming Rights Agreement, as applicable, for the Pre-Bid Procedures and Bidding Procedures concerning the eligible County facility.

Failure by the apparent successful bidder to execute the proposed Naming Rights Agreement, as required by this Policy or County ordinance code, will cause them to forfeit their bid and the CAO may move forward to the next highest proposal, or, based on Board direction, go out to bid again. A Board item would be required to formally close out the public bid process if it does not result in a Naming Rights Agreement with a successful bidder.

The CAO's implementation of the Pre-bid Procedures and Bidding Procedures are expected to result in a Naming Rights Agreement between the successful bidder and the County for the eligible County facility.

The CAO shall maintain a list, and copy, of all Naming Rights Agreements that are then in effect. Every five (5) years from the anniversary of the Board's adoption of this Policy, the CAO shall during the first calendar year quarter:

1. Report to the Board the following:
  - a. Each of the Naming Rights Agreements and their then-current sponsors, and their aggregate amount of the Pledge;
  - b. The funds the County has received under each Naming Rights Agreement; and
  - c. The Term and remaining number of years of the Term of each Naming Rights Agreement.
2. Within thirty (30) days following each such report to the Board, correspond with each then-current sponsor under each such Naming Rights Agreement, the CAO will inform the sponsor of the number of years remaining on their Naming Rights Agreement, and requesting the confirmation of their contact information. If a then-current sponsor does not respond within thirty (30) days, the CAO shall make diligent efforts to find any responsible heirs (for individuals) or successor (for any business) for further contact with such heirs or successor under this Management Responsibility.