

ORDINANCE NO. TO BE DETERMINED-_____

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF SWEENY, TEXAS, ADOPTING A NAMING RIGHTS POLICY FOR CITY PARKS AND FACILITIES AND ADOPTING A PARKS MEMORIAL POLICY; AMENDING TITLE XII PARKS AND RECREATION, CHAPTER 120; OF THE CODE OF ORDINANCES OF THE CITY OF SWEENY, TEXAS; PROVIDING FOR SEVERABILITY; PROVIDING FOR PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 51.001 of the Local Government Code, a home-rule municipality may adopt, publish, amend or repeal ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants; and

WHEREAS, the City Council of the City of Sweeny Texas, (“City Council”) desires to adopt such Code of Ordinances, recommended and approved by the City of Sweeny Park and Recreation Board, to provide for a Park & Facility Naming Policy for naming or renaming city owned facilities, parks of major features within a park or facility by any person, group, business, or organization; and

WHEREAS, the City Council desires to adopt such Code of Ordinances, as recommended and approved by the City of Sweeny Park and Recreation Board, to provide for a Parks Memorial Policy establishing a method for the community to place personal memorials within the community on municipal property; and

WHEREAS, the City Council finds and determines that the adoption of a Parks and Facility Naming Policy and Parks Memorial Policy and additions to the Code of Ordinances of the City of Sweeny, Texas, are necessary to preserve the good government, order, and security of the City of Sweeny and its inhabitants.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF Sweeny, TEXAS:

SECTION 1. All of the facts recited in the preamble to this Ordinance are hereby found by the City Council of the City of Sweeny, Texas, to be true and correct and are incorporated by reference herein and expressly made a part thereof, as if copied herein verbatim.

SECTION 2. The Code of Ordinances, City of Sweeny, Texas, Title XII, Parks and Recreation, Chapter 120

Article I. – In General, is hereby amended and shall read as follow:

Division I. – Parks and Facility Naming Policy

Sec. 120-01. Definitions.

Major Facility: Major City-owned buildings, parks and trails built for permanent use.

Sub-Facility: Minor City-owned structures within a Major Facility, including but not limited to swimming pools, pavilions, tennis courts, large water features, bridges, trail sections, athletic fields, or meeting rooms.

Sec. 120-02. General Naming Criteria and Guidelines.

- A. To be considered a qualifying name, the proposed name must meet one of the following criteria:
1. Be descriptive of geographic location, a significant natural feature in or near the facility, or an adjoining subdivision, street, or school.
 2. Commemorate historical events, groups or exceptional individuals that are of continued importance to the city, region, state, or nation.
 3. Individuals who are deceased and have a history of performing exceptional community service or contributions to the facility's best interest may be recognized with a named facility under the following conditions:
 - i. Involvement in a leadership role in civic organizations which are devoted to community improvement.
 - ii. Assistance to the underprivileged as well as people with physical or intellectual disabilities.
 - iii. Actively promoted and directed effective programs for youth or senior citizens within the community.
 - iv. Actively promoted and directed community events and activities which have enriched the quality of life within the community.
 - v. Actively promoted and directed efforts to improve the aesthetic appearance and environmental quality of the community.
 - vi. Led efforts to collect, promote and retain the historical heritage of the community.
 4. Individuals who made significant contributions or major gifts to facilitate the acquisition or development of the facility.
 - i. If a facility is named to commemorate or honor an individual or group, the scale of the facility to be named should match the stature, characteristics, and contributions of the individual. The threshold for considering the naming of a facility after a donor, benefactor or group will include one or more of the following:
 1. Land for most of the facility was deeded to the City.
 2. Contribution of a minimum of 50% of the capital construction costs associated with developing the facility.
 3. Provision of an endowment for at least 50% of a facility's estimated useful life for the continued maintenance and/or programming of the facility.
 4. The City Council may alter these guidelines if deemed necessary.
 - ii. The City reserves the right to utilize criminal background checks as part of the vetting process to establish an honoree's good character.
 - iii. Names that will not be considered would include:
 1. Any elected or appointed official currently serving in that capacity;
 2. Any individual(s) currently employed by the City or municipal entity.
 5. Recognize organizations involved in a public-private partnership with the City of Sweeny that have made significant financial or capital contributions to the acquisition

or development of the facility. This includes any Naming Rights Agreements approved by the City Council.

6. Have historical, cultural, or social significance for future generations.
7. Research indicates that the area around the facility, or the facility itself, has been commonly named in an unofficial capacity by residents.

Sec 120-03. Corporate Naming Rights.

- A. The City Council may also select the naming rights of a major facility, sub facility or major feature. The City Council may issue a Request for Proposals (RFP) process or by other means solicit proposals for corporate naming of a major facility, sub facility or other feature. Corporate logos, brands, and insignias shall be allowed as part of the naming rights so long as it does not result in the over commercialization of the public asset. The City Council will evaluate the proposals based on:
 1. The reputation of the corporation;
 2. The alignment of the corporation's products or services with the city park, facility, building, other feature; and
 3. The duration and revenues specified for the naming rights.

Sec. 120-04. Restrictions on the Naming of Major Facilities and Sub-Facilities:

- A. Duplication of other facility names in the City will not be considered.
- B. To minimize confusion, facilities will not be subdivided beyond the level of sub-facilities for the purpose of naming unless there are readily identifiable physical divisions such as roads or waterways.
- C. Facility names that might be considered discriminatory or derogatory names relating to age, race, religion, creed, national origin, sex, color, marital status, disability, sexual orientation, political affiliation, or other similar categories will not be considered.
- D. Facility names will not advocate a current political figure, political affiliation, ideology, or religion.
- E. Cumbersome, corrupted, or modified names, or any profane name or language will not be considered.

Sec. 120-05. Guidelines for Naming Process.

- A. Naming of Major Facilities.
 1. The naming process for a major facility will automatically be initiated with the City Council's approval for the design, construction, or acquisition of the facility.
 2. The City will utilize City Council to facilitate the naming of major facilities.
 3. A permanent name for the major facility should occur no later than the 50% completion mark in the construction or acquisition process.
 - i. Prior to the permanent naming of a major facility, the location will be referred to by its address or location designation until such a time as the major facility is given an official name.
 4. The City Council is to conduct the naming of a major facility according to the following process:

- i. The major facility naming process is initiated with the approval of the design, construction, or acquisition of the major facility.
- ii. A person or group may submit a suggestion for naming by submitting a letter to the City Manager or the Mayor. The letter should include:
 1. the proposed name;
 2. a short explanation of why the facility should be named or renamed; and
 3. a description of the proposed namesake's contributions to the community or other justification for naming a street, facility, park or feature that name.
- iii. The City Manager shall direct staff to review the naming request. Staff shall evaluate:
 1. the requestor's proposal in consideration of this policy;
 2. the impact on existing facilities;
 3. the financial impact for changing signs, plaques, and markers or initiation new signs, plaques, and markers; and
 4. the appropriateness of the name based on this policy.
- iv. Requests to name individual features with a value of less than \$5,000 such as park benches, fountains, furniture, or other small items shall be referred to City staff and shall not require the approval of the Park Board or City Council.
- v. All names for major facilities will be approved by a majority City Council vote regardless of the source of the name's recommendation.

B. Naming of Sub-Facilities

1. All requests for the naming or renaming of a sub-facility must be made in writing to the Director of the responsible department of the sub-facility, or to the City Manager. Written requests for the changing of a sub-facility's name should contain the following minimum information:
 - i. The proposed name.
 - ii. Reasons for the proposed name.
 - iii. Written documentation indicating community support for the proposed name (if applicable).
 - iv. If proposing to name a sub-facility within a park, include a description/map showing the location of the sub-facility.
 - v. If proposing to name a sub-facility after an individual, group, donor, or benefactor, include documentation of that person or group's significance and good reputation in the City's, State's, or Nation's history. Please refer to the commemorative naming conditions for an individual found in this policy.
2. Upon receipt of a naming request, the Director of the responsible department or City Manager will:
 - i. Review the proposed request for its adherence to the policies of the City of Sweeny.
 - ii. Ensure that supporting information has been authenticated, particularly when an individual's name is proposed.
3. When deemed appropriate, the City Manager will recommend City Council review sub-facility renaming suggestions.
4. City Council will have the prerogative of accepting or rejecting the final proposal.

Sec. 120-06. Guidelines for Re-Naming Process.

- A. The renaming of major or sub-facilities is strongly discouraged. It is recommended that efforts to change a name be subject to the most critical of examinations so as not to diminish the original justification for the name or discount the value of the prior contributors.
 - 1. Parks or other facilities named by deed restriction will not be considered for renaming.
 - 2. Parks and facilities named after individuals will not be changed unless it is found that the individual's personal character is or was such that the continued use of the name for a facility would not be in the best interest of the community.
 - i. Exceptions may be granted for changes in use of facilities or for facility demolitions.
- B. If it is decided that it is in the best interest of the City to rename a major or sub-facility, it must be renamed in accordance with the criteria and guidelines outlined in the procedures of this policy.

Sec. 120-07. Plaques, Markers and Memorials.

- A. Plaques, pavers, and memorials may be incorporated into a facility or sub-facility during the design phase of the project. Plaques, pavers, and memorials that are incorporated into the design of a facility will be subject to the same oversight and controls inherent to the project.
- B. Plaques, pavers, and memorials added to a facility or sub-facility after its completion and opening will be designed and installed according both this policy and to the City's Park Memorial Policy.
- C. All plaques and memorials must follow the policy as set forth in Sec 120-09.

Sec. 120-08. Accountability

- A. The City Council shall have the authority to name City-owned major facilities, as well as all City-owned sub-facilities, according to the procedure and criteria established by this policy.

Division II. – Parks Memorial Policy

Sec. 120-09. Parks Memorial Policy

- A. The City's Parks and Recreation Department shall consider and confirm reservations in the following priority:
 - 1. Memorial Request
 - 2. Types of Memorials
 - 3. Plaques or Markers
 - 4. Installation
- B. Memorial Requests:
 - 1. Memorial requests can only be submitted for a loved one who has passed away and must be in writing to the Sweeny City Manager. All requests must

have the written consent of the family involved. The request should provide all information requested on the Memorial Application and must include the type of memorial (see below), and preferred location.

C. Types of Memorials:

1. Bench - The style and type of the bench is not specific to any certain brand but must be composed of a weather resistant material and conform to the appearance of surrounding appurtenances and be approved by the Parks and Recreation Board. At the applicant's request, the bench can have a cast bronze plaque TPQ-02 mounted on the bench with memorial wording. (Plaque specifications and wording choices detailed below). Benches will be installed adjacent to common area/park sidewalks or trails.
2. Tree - A 30-gallon tree from the approved tree list found on the memorial application maybe selected by the applicant. The tree's exact location will be determined by city staff to conform to surrounding area landscaping. These trees are selected for their durability. Trees will only be installed where adequate irrigation and spacing is present. Donors will be notified once a tree has been planted and will be made aware of its location. The city cannot guarantee a specific planting date.

D. Plaques:

1. Plaque requests can only be made in conjunction with a bench or service project. Standalone plaques are not permitted. A standard plaque style will be chosen by Sweeny Parks and Recreation Board for bench memorials and service projects. Suggested plaque specifications include:
 - i. Bench plaques are approximately 8" w x 2" h in size, bronze, has up to three lines of text and 18 characters/spaces maximum per line and will be mounted on the front of the bench.
 - ii. Specific wording for a plaque is required. Additional inscriptions and extraneous content are not permitted. Inscriptions will appear in the following format:

IN MEMORY OF / IN LOVING MEMORY / IN HONOR OF
BOB SMITH
7/5/1942–1/7/2010
 - iii. Service project plaques are approximately 8" w x 2" h in size, bronze, has up to three lines of text and 18 characters/spaces maximum per line and will be mounted on the project. Parks and Recreation staff will designate the location of the plaque on the service project.

GROUP NAME
INDIVIDUAL NAME
MM/DD/YYYY

E. Installation:

1. Parks and Recreation staff, or designated vendor, will be responsible for the final site selection and installation of the memorial or service project. The date of the tree planting and installation or bench installation cannot be guaranteed. Requests are processed in the order they are received. Trees are planted between November 1 and March 1 due to climate conditions. Benches may be installed at any time during the year.

F. Applicant's Responsibility

1. The applicant will be responsible for the cost and installation of the memorial. Parks and Recreation staff will provide the requesting applicant the cost of the memorial, with installation, and the applicant will be responsible for paying the City of Sweeny. Full payment is required prior to ordering any memorial.

G. Ownership

1. Sweeny Parks and Recreation Department holds ultimate ownership over all memorials and service projects, and it is prohibited for applicants to decorate, personalize, or add adornment to any memorials or service projects.

H. Maintenance and Installation

1. The city will not replace or be responsible for trees, or service projects, that become damaged or die.
2. Special maintenance requests for specific benches, or service projects, will not be granted except in cases of safety concerns, or damage. If a memorial bench, or service project, is vandalized or damaged by an act of God, the Parks and Recreation Department will make every effort to repair the bench, or service project, within the limits of its available funding. If the bench, or service project, cannot be repaired or replaced, and if the bench, or service project, is a hazard or is unsightly, the Parks and Recreation Department may remove the bench, or service project.
3. In the event that a memorial plaque is stolen from a bench, or service project, the donor will be given the option to purchase a replacement. Written efforts will be made and documented to contact the donor. If the donor cannot be reached, the Sweeny Parks and Recreation Department reserves the right to forego replacement, move or abandon the plaque, bench or other marker. Sweeny Parks and Recreation Department is not responsible for any theft of memorials or service projects.
4. Any memorial, or service project, which is installed without the approval of the Sweeny Parks and Recreation Department may be removed at the expense of the party who installed the memorial, or service project.
5. All benches, or service projects, will be installed and maintained by the Parks and Recreation Department Staff or contractors. Memorial benches, or service projects, will remain in place for the duration of the structure's lifespan. At the end of this period, the Parks and Recreation Department may at its own discretion replace or remove the bench, or service project.
6. Sweeny Parks and Recreation Department reserves the right to relocate the bench, or service project, for safety, environmental, or land management reasons. In the event

that this occurs, the donor will be notified of the new location of the bench, or service project.

- I. The Parks and Recreation Board of directors requires a minimum of thirty (30) business day to review and follow-up on all memorial and service project requests. Location determination and payment process will begin after that. The City of Sweeny reserves the right to reject or decline any donation.

SECTION 3. *Severability.* In the event any clause, phrase provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Sweeny, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be on or more parts.

SECTION 4. *Repeal.* All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

SECTION 5. *Notice.* It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

SECTION 6. *Penalty.* Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than Two Thousand and No/100 Dollars (\$2,000.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of the Ordinance occurs shall constitute a separate offense.

SECTION 7. *Effective Date.* This Ordinance shall be effective immediately and enforced when published as required by law and in full force when published as required by law.

[Signature Page to Follow]

PASSED AND APPROVED THIS THE 21ST DAY OF MARCH 2023.

CITY OF SWEENY, TEXAS

Jeff Farley
Mayor

ATTEST:

Kaydi Smith
City Secretary