

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE
NAMING ORDINANCE SUBCOMMITTEE REPORT

AUGUST 16, 2012

Present: Aldermen Baker and Blazar

Also attending: Rick Iacobucci of the Newton Schools Foundation, School Committee Member Margie Ross Decter, School Committee Chair Claire Sokoloff

REFERRED TO PROG & SERV, PUB. FACIL & FINANCE COMMITTEES

#170-12 ALD. SANGIOLO, BAKER, BLAZAR, JOHNSON, and YATES requesting the creation of an ordinance to govern the naming of public assets of the City, including the interior and exterior features of public buildings, lands, and water bodies of the City, as well as any public facilities and equipment associated with them, all to serve the best interests of the City and to insure a worthy and enduring legacy for the City's physical facilities and spaces, including appropriately honoring historic events, people, and places. [05/29/12 @ 1:34 PM]
PROGRAMS AND SERVICES HELD 6-0 ON 07/11/12

NOTE: Alderman Baker presented a copy of his August 15 memorandum to the Subcommittee, which is attached to this report, and in the absence of the Chair of the Subcommittee, as the senior member present, chaired the meeting. (Alderman Sangiolo was detained by a work commitment.)

After allowing time for Mr. Iacobucci and Ms. Ross Decter to read the memorandum, which they had not yet read (though it was sent to them last afternoon as intended), the two members present of the Subcommittee discussed what to do. Alderman Blazar indicated his preference for not moving forward at this time on an ordinance in light of the withdrawal of naming rights funding for the time being and further work might be counterproductive. Alderman Baker indicated he was receptive to Alderman Blazar's point of view, though was also willing to do more work on since other docketers were also involved, and a naming ordinance did not just involve selling naming rights. Alderman Baker said that he had prepared his August 15 memorandum to assist the work of the Subcommittee, but even if it were not acted upon, it might be helpful in providing some interim guidance of at least his own views if and until a formal naming ordinance was to be adopted.

After hearing from Mr. Iacobucci, Ms. Ross Decter, and finally Ms. Sokoloff, the Subcommittee voted 2-0 in favor of holding the item, with the understanding that another Subcommittee meeting might be needed to include all three members of the Subcommittee to reach a final decision. Pending such a meeting, at a time convenient to all three members of the subcommittee, the decision was not to press forward with further work on the proposed ordinance at this time.

Respectfully submitted, Alderman Lisle Baker, Acting Chairman.

Memorandum

To: Alderman Amy Sangiolo, Alderman Richard Blazar, members of the Programs and Services Naming Ordinance Subcommittee

From: Alderman Baker

Subject: #170-12 ALD. SANGIOLO, BAKER, BLAZAR, JOHNSON, and YATES requesting the creation of an ordinance to govern the naming of public assets of the City, including the interior and exterior features of public buildings, lands, and water bodies of the City, as well as any public facilities and equipment associated with them, all to serve the best-interests of the City and to insure a worthy and enduring legacy for the City's physical facilities and spaces, appropriately honoring historic events, people, and places. [05/29/12 @ 1:34 PM]

Date: August 15, 2012

Cc: Board of Aldermen, Mayor Warren, Newton School Committee, Newton Law Department

This memorandum further updates one which was provided to the Programs and Services Committee dated July 7, and attempts to respond to the Committee discussion and the subsequent discussion of the Naming Ordinance Subcommittee on July 19.

Several members of the Newton School Committee, as well as a representative of the Newton School Foundation ("NSF") have argued to the Subcommittee that because the sale of naming rights has now been put on hold, having the Board of Aldermen continuing to consider a naming ordinance will revive the controversy over selling naming rights, and therefore be counterproductive. At the same time, some others who are involved with fund-raising for the Schools have expressed a desire to have some early guidance as to what can and cannot be done to aid the Schools, so that they do not pursue ways in the coming months that have to be reconsidered, or even withdrawn, after they are underway.

On balance, the combination of these factors has led, with some guidance from Ouida Young of the Law Department on matters of form, to reshaping the draft naming ordinance so that our Subcommittee can decide how best to proceed in responding to the Programs and Services Committee in September.

One option is to continue to refine this draft, including seeking further input as we have tried to do, and provide that final draft to the Programs and Services Committee. A second option is to develop the draft as far as we can, and then report to our colleagues on the Programs and Services Committee that it may be appropriate to hold the item for the time being, with the understanding that it may be easier to revisit if and when donor naming were to return as a possible means of public fund-raising. Or there may be other options to consider.

Because as of this writing it is unclear whether all three of us will be able to attend the Subcommittee meeting tomorrow morning at 9:30 in Room 202 at City Hall, we may need to hold at least one more meeting of our Subcommittee before making a decision about what to do next. In the meantime, let me explain some of the background for the revisions which have been made in the most recent draft of this ordinance, set out below.

The purpose of this ordinance is to offer guidance to those citizens and officials who from time to time wish to use the ability to name public assets for public recognition. At the same time, it is also designed to provide guidance to naming in response to, or to induce, acts of donor generosity, since those assets have almost always been paid for in the first instance with public funds and the implication should be avoided that a donor is instead responsible. Also, naming of public assets should be done with an understanding of the implicit lessons imparted, meaning that civic or public service should be paramount, and personal self-promotion or business commercialism should be avoided.

While it would therefore be the case that naming decisions should be made independent of fund-raising, an appropriate exception might be where alumni of a Newton school donate funds in honor of an exemplary teacher to recognize his or her accomplishments as an educator. Another would be to memorialize an event or people involved in it, like the tragedy of 9-11, by allowing the name of a donor to be inscribed on a brick in a walk or within a brick wall where many such bricks are so inscribed.

Also, small plaques acknowledging a gift, such as on a park bench, would not be deemed a naming event, as Newton ordinance 2-10(d) currently allows for gifts of \$1,000 or more, and if more than one donor is involved, it would be important to cluster them in a specific location on a facility, as apparently occurs at Newton Wellesley Hospital, so as to avoid cluttering the facility with such plaques. The use of such means for acknowledgement does not mean that the specific means chosen must be durable, however, if the needs of those using the facility later require their removal or relocation, since acknowledgement in this way is intended to serve the public interests of the City more than the interests of those named.

In the case of shared assets, the intent is not to disturb longstanding practices, such as in City Hall, where the Board of Aldermen traditionally has control over the Chamber and the adjacent committee rooms, while the Executive Department has control over the remainder of City Hall.

Finally, with the understanding that some further policy guidance may be helpful after passage of such an ordinance, the ordinance provides for the creation of a policy committee to assist that effort.

With these ideas in mind, what follows is a revised draft of a naming ordinance.

Article [x] Naming of Public Assets [*Draft for discussion only 08-15-12*].

1. Purposes. It is the purpose of this ordinance to reserve the naming or renaming of public assets within the City of Newton for circumstances that will serve the best interests of the City, and ensure a worthy and enduring legacy for the City's physical spaces. This ordinance is also designed to offer guidance to those citizens and officials who from time to time wish to use the ability to name public assets in response to, or to induce, acts of donor generosity so as to preserve the naming of public assets for deserved public recognition and to avoid donor or corporate self-promotion.
2. Prohibition. Unless otherwise permitted by paramount state law, no city assets may be named or renamed except in accordance with the provisions of this ordinance.
3. Sale or conditional gifts of naming rights restricted. The sale of a right to name a public asset of the City of Newton shall not be permitted. Nor shall any gift be accepted conditioned upon the naming of a public asset of the City, except for certain tangible personal property pursuant to Section 2-10(d) of these ordinances.
4. Categories of names. In the case of naming public assets whenever it occurs, the following categories of names are permissible:
 - a. Historic events, people and places. The City may preserve and honor the history of the City of Newton, the Commonwealth of Massachusetts, or the United States; prominent historical figures no longer living; and local landmarks, neighborhoods, or prominent geographical locations.
 - b. Outstanding individuals. The City may acknowledge individuals who have contributed of their time, talent, and energy to the public life and well-being of the students or citizens of the City of Newton, the Commonwealth of Massachusetts, or the United States, including those veterans who put themselves in harm's way to serve their country. The contribution of money or property to the City, or to one of its agencies, shall not by itself qualify a donor to be the subject of naming of a public asset, as the purpose of naming is to recognize exemplary public service by individuals or nonprofit organizations, and to avoid personal self-promotion or commercialization of public assets.
5. Donor acknowledgement. So long as it does not involve naming of a public asset in honor of the donor, donors may be acknowledged by the donee agency of the City with a plaque or inscription on or within a public asset within the donee agency's control, and multiple acknowledgements shall be clustered together. Such an acknowledgement, however, may be removed by the donee agency if the donee agency later determines that the space is needed for other purposes.

6. Major Assets. Assets that are considered to major physical assets of the City of Newton, such as school and other buildings, recreational facilities, parks, school playing fields and theaters, water bodies, and conservation land, streets and squares, shall be named only after the Executive Department, School Committee, or City agency with operational jurisdiction of such an asset shall approve the name, and, if not initially named by the Board of Aldermen itself, the Board of Aldermen, by a majority vote of the full Board concurs in that naming, with the Mayor's approval of the measure under Section 3-8 of the Charter.
7. Non-major assets. All other City assets which are part of a larger major asset, such as the interior spaces of buildings; features within parks, conservation land, recreational areas; driveways or parking lots; or furnishings and fixtures of any description shall be named by the Executive Department, School Committee, or City agency or board having operational jurisdiction over the asset, pursuant to a policy which is consistent with this ordinance.
8. Policies for naming:
 - (a) Naming policy required. No board or agency otherwise authorized to name a public asset shall do so without having a written naming policy, adopted after a public hearing, which policy shall include an opportunity for public comment before a naming decision is reached, and which policy shall be otherwise consistent with the provisions of this ordinance. All such policies shall be available from the Newton City Clerk and also posted on the Newton City web site.
 - (b) Change of names. Names given to public assets in the City shall not be hanged without following the same procedures as for naming an asset under this ordinance.
 - (c) Naming Policy Advisory Committee. On behalf of the Board of Aldermen, the Chairman of the Programs and Services Committee of the Board, with the consent of the President of the Board, shall appoint a Naming Review Committee to which questions of the application of this ordinance can be referred for guidance. The Naming Policy Advisory Committee shall include three representatives of the Programs and Services Committee of the Board of Aldermen, complemented from time to time by ex officio nonvoting advisory members to be designated by the agency involved, such as Newton Schools Foundation, the Newton School Committee, the Council of Newton Parent Teacher Organizations, the Recreation Commission, the Board of Library Trustees, or others, when specific naming policy issues arise that may affect the facilities within their control.