



**TOWN OF AMHERST
BOARD OF SELECTMEN
NAMING RIGHTS POLICY**

The purpose of this policy is to establish the criteria and procedures for granting Naming Rights for Amherst Town-owned facilities. The Naming Rights Policy recognizes that the naming of publically owned facilities is an act of the governing body. As such, this policy applies to all Town owned real property.

A. Naming Rights Defined

There are two circumstances in which “Naming Rights” may be granted. In each case, Naming Rights shall be established through a specific written agreement about the nature of the naming right. Such Agreement shall be negotiated between the parties or their representatives. Any such agreement shall be governed by the provisions of this policy.

1. Naming Rights in Consideration

“Naming Rights in Consideration” is in consideration of a significant financial contribution, sponsorship or other commercial transaction wherein the Town receives a monetary gain in exchange for the naming of a Town facility.

Naming Rights in Consideration may be granted by the Town in consideration of financial contribution made to the Town normally in the form of a cash gift. Naming Rights in Consideration may also be granted in return for provision to the Town of an appropriate sponsorship, including a grant of money or the provision or supply of equipment, materials, land or services. Naming Rights in Consideration may be granted at the sole discretion of the Town by majority vote of the Board of Selectmen after a finding that the naming rights are consistent with this policy and in the best interests of the Town.

2. Naming Rights in Recognition

“Naming Rights in Recognition” is the naming of a Town facility, building or portion thereof in recognition of a significant contribution to the Town by a citizen who has been deceased for three or more years. The recognized contribution can be in the form of financial or other gift from a donor unrelated to the award of the naming right, or meritorious service, and is at the discretion of the Town in agreement with the requesting party. Naming Rights in Recognition may be granted at the sole discretion of the Town by majority vote of the Board of Selectmen after a finding that the naming rights are consistent with this policy and in the best interests of the Town, and subject to the agreement of the party or the party’s representative.

One of the following three criteria shall be fulfilled in order for the granting of Naming Rights in Recognition to be considered:

- a. Recognition of historical significance and/or outstanding service to the Town, State of New Hampshire or the United States of America while serving in a community service, public office, historic significance, or administrative capacity or other form of outstanding service to the community as determined by the Board of Selectmen;
- b. Recognition of the career or professional achievements of distinguished alumni of the Amherst Public Schools or for distinguished service in the United States Military;
- c. Recognition of a generous financial or other contribution from a donor (in the form of a donation, bequest, sponsorship etc.), such contribution being voluntary and not rendered in consideration of the granting of naming rights.

The Town may solicit suitable monetary donations from the advocates of such recognition, particularly if the request comes from other than a family member.

3. Procedure

Proposals for the naming of a Town facility shall be directed to the Town Administrator on a form prescribed by the Board of Selectmen. After an administrative review for the completeness of the request, the Town Administrator shall transmit the proposal to the Board of Selectmen. The Board may then take one of two actions: (a) reject the proposal; or (b) refer the proposal to a naming rights committee appointed by the Board of Selectmen. If the proposal is referred to a naming rights committee, that committee shall, after review, make its recommendation to the Board of Selectmen. Such recommendation may include: (a) rejection of the proposal; (b) acceptance of the proposal; or (c) request a call for additional proposals from the public. In the event that a name is proposed for a newly constructed facility, the Board of Selectmen shall request a call for additional proposals from the public. The Board of Selectmen shall hold a public hearing prior to taking final action on a properly submitted proposal. Notice of the public hearing shall be provided in a manner consistent with Section NH RSA 41:14-b – “Adoption and Amendment of Town Codes and Ordinance.” Notice shall also be provided on the Town website and sent via the Town’s electronic distribution list.

B. Granting Naming Rights

In granting naming rights, either in consideration or in recognition, due regard should be taken of the need to maintain an appropriate balance between commercial considerations and the role which names of public buildings and spaces play in contributing to the Town’s sense of identity.

The granting of Naming Rights shall always be consistent with the Town’s vision and mission as defined by the Board of Selectmen. The long-term effects of the Naming Rights shall be considered in all decisions. The Town agency affected by the naming right to be granted may

be consulted before any decision is made. Each granting of Naming Rights shall be memorialized by an agreement as defined by this and all other applicable Town policies.

1. Facilities for Which Naming Rights May Be Awarded

The term “facilities” as used in the Policy shall apply to the following:

- Town Owned Buildings – provided that the interior features of a Town owned building may be named separately from the main building subject to the criteria and procedures set forth in this policy
- Auditoriums/Theater
- s Gymnasiums
- Libraries
- Gardens/Walks
- Streets
- Athletic Fields/Facilities
- Concessions/Locker
- Rooms Paths or trails

For the purposes of this policy, the term “facilities” shall not apply to such minor items as benches, trees, refuse cans, flagpoles, water fountains or similar items.

2. Delegation of Approval Authority

The Amherst Board of Selectmen is the body that grants Naming Rights and this authority may not be delegated.

3. Informed Consent

Except in the case of historical figures, the Town shall not grant a Naming Right without the informed written consent of the named party or the named party’s legal representative.

4. Monetary Valuation of Naming Rights

Monetary valuations may be assigned to Naming Rights possibilities on a case-by-case basis to aid with making decisions about granting Naming Rights. The Town Administrator

shall determine the monetary valuation of each Naming Right after receiving a recommendation from the Town Finance Director, who may take advice from such persons or other professionals as needed and transmit it to the Board of Selectmen. Each case should take into account market comparisons for Naming Rights. As appropriate, the Town may seek professional valuation services for the valuation of the naming rights.

5. Duration of Naming Rights

The duration of Naming Rights shall be decided or negotiated on a case-by-case basis.

6. Physical Display of Naming Rights

The physical display of the Naming Rights shall be decided or negotiated on a case-by-case basis. In the case of buildings, the physical display of the Naming Rights will take into account the identification of the Town and opportunities offered by the named building for the Town.

In cases of Naming Rights in Recognition, plaques or tablets may be installed in the building in recognition of a distinguished member of the Town community whose services were identified with the functions of those buildings.

C. Other Matters

1. Transferability

Named Rights may be transferred upon written approval of the Board of Selectmen

2. Renewability

Naming Rights that have expired may be renewed by mutual agreement between all the parties.

3. Limit of Naming Rights

a. On the part of the Town

The Town's right to use the name and other brand elements of the Named Party shall only be permitted by express agreement with the Named Party.

b. On the part of the Named Party

The Named Party after whom a building or part of a building is named shall have no rights to the purpose to which that building or part of the building is applied unless provided for in the specific contract between the parties. The Town will not agree to any condition in a contract that could unnecessarily limit the following: progress towards the Town's mission and purpose as well as statutory obligations.

In turn, the Named Party shall bear no liability in respect of that building or part of a building unless any such limits must be included in the Naming Rights agreement.

4. Early Termination of Naming Rights

In the event that this policy or any specific contract entered into in accordance with this policy is breached, the parties may terminate a Naming Rights agreement in advance of the scheduled date. A Naming Rights agreement may also be terminated under the following conditions:

a. Termination by the Town

The Town reserves the right, at its sole discretion, to terminate Naming Rights without refund of consideration, prior to the scheduled termination date, should it feel it is necessary to do so to avoid the Town being brought into disrepute.

b. Termination by the Named Party

The Named Party may without refund of consideration at its sole discretion, terminate its acceptance of the Naming Rights prior to the scheduled termination date, in the event that the Town directly brings the Named Party into disrepute.

Adopted by the Board of Selectmen on 8/14/ 2017

Dwight Brew
Dwight Brew, Chairman

Nate Jensen
Nate Jensen, Vice Chairman

Tom Grella
Tom Grella

Peter Lyon
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