



**Livermore Area  
Recreation & Park District**  
*An independent special district*

Policy No. FAC-08-2101

City of Livermore  
and  
Livermore Area Recreation and Park District

**JOINT POLICY FOR NAMING  
RECREATIONAL AND MUNICIPAL FACILITIES**

PURPOSE OF POLICY	To establish the manner in which new or existing recreational and municipal facilities shall be named
POLICY SUMMARY	This policy articulates the provisions, process, criteria and considerations for naming or dedicating parks, recreation facilities, plazas, municipal facilities and trails.
APPROVAL	Adopted: Board Resolution No. 2101, Feb. 13, 2008 Livermore City Council, Feb. 11, 2008

**I. PURPOSE**

The purpose of this policy is to establish the manner in which new or existing recreational and municipal facilities shall be named.

**II. GENERAL PROVISIONS – NEW FACILITES OR EXSTING FACILITES**

It is to the benefit of the City of Livermore (City) and the Livermore Area Recreation and Park District (LARPD) that a name for newly acquired facilities be determined as soon as possible following acquisition, in order to clarify reference to, and identification of, the site for the benefit of the public, the City Council, the LARPD Board, and staff.

When appropriate, a facility may be named in honor of a person, if that person has made a major contribution to the community, the country, the City or the field of recreation and/or parks, or has voluntarily donated the land to the City or LARPD.

In addition to determining the names for facilities, these policies apply to the dedication of portions of facilities, such as trail segments or playgrounds, to a person or entity. A dedication does not change the official name of the larger facility in which it is located.

### **III. NAMING PROCESS**

For any facility covered by this policy that is entirely owned, operated, and maintained by the City, the City Council shall approve all facility names, consistent with this policy.

For any facility covered by this policy that is entirely owned, operated, and maintained by LARPD, the LARPD Board shall approve the facility name, consistent with this policy.

For facilities that are owned, operated or maintained in cooperation between the City and LARPD, either the LARPD Board or the City Council may propose a name for a facility for consideration by the other agency. Upon approval of both agencies, the name shall become official. This same process shall be used to modify the name of an existing facility.

### **IV. GENERAL CRITERIA**

- a. Names should be easy and recognizable references for all residents and visitors.
- b. All signs shall be consistent with the City sign ordinance and design standards. A standardized sign program shall include the same size, same font, and same construction material.
- c. Items that may be dedicated include trails segments, furniture, trees, rest or special stops along the trail.
- d. The proposed policies generally do not include the selling of "naming rights." The exception would be special use park/facilities where there is a significant large facility and there exists an opportunity to recover costs. In such a case, an agreement for selling the naming rights would be negotiated by staff with the final approval by the City Council and/or the LARPD Board in accordance to Section III. The agreement could include, but not be limited to, items such as location, duration of the agreement, design, and renewal options.
- e. Advertising is prohibited unless specifically approved by the City Council and/or the LARPD Board in accordance to Section III.
- f. Historical names may be considered when the name is appropriate to the site.
- g. When a facility, such as a park, is carrying out a particular theme, then that theme may be considered for the facility's name.
- h. Descriptive nomenclature should be included in the name of the facility, such as "Community Park," "Neighborhood Park," "Regional Trail" or "Local Trail."

- i. Specific areas within a facility, such as a play area, ball field, tot lot, or meeting room may be named or dedicated separately after an individual or for a geographical area.
- j. The facility name or dedication may be changed by the City Council and/or the LARPD Board per Section III when community interests and events make such a change desirable.
- k. Developers who either contribute or construct parks and trails are not guaranteed the naming rights.

## **V. Criteria for Parks/Recreational Facilities/Plazas/Municipal Facilities**

Names should relate to at least one of the following criteria:

- a. Events or entities with historical significance or positive influence on the development of the City.
- b. Natural features or plant or animal life indigenous to the area.
- c. Cultural features such as archeological, topographic location, or geographic features.
- d. Individuals, families or organizations, subject to the limitations listed in Section IV above.
- e. The neighborhood in which the park or facility is located.
- f. Any street that borders the facility.

## **VI. Criteria for Trails**

- a. For clarity and continuity, trails that cross jurisdictional boundaries and are identified with a name or code in an adopted Master Trail Plan shall maintain their original names or codes but segments of the trail are allowed to be dedicated. For example the Iron Horse trail may have two segments: Iron Horse trail segment John Smith and Iron Horse Trail segment Jane Doe.
- b. Trails with solely a code designation in an adopted Master Trail Plan shall maintain the original code designation but a trail may be named and segments of the trails are allowed to be dedicated.
- c. Names may relate to geographic location, local natural features, or historical elements, uses or events related to the site.
- d. Trail segments may be dedicated after individuals, families, or organizations, subject to the limitations listed in Section VII below.
- e. Trail segments for dedicating purposes shall not be less than approximately one mile long unless the trail itself is less than a mile in length.
- f. Plaques and signage acknowledging trail dedications shall be of uniform design and shall be pedestrian scale. Plaques shall be no larger than one square feet, supported on a pedestal of stone, wood or other natural material, and approximately 30 inches in height. All signs or plaques shall include a few words explaining the reasons for dedication.

**VII. Considerations and Guidelines for Facilities to be Named or Dedicated for Individuals, Families, or Organizations**

Naming and dedications are a special recognition that is considered for persons deserving exceptional recognition for their unique, substantial or outstanding contributions. If the facility, or a portion thereof, is to be named or dedicated for an individual, family, or organization, they should meet at least one of the following criteria:

- a. Individuals, families, or organizations that have made exceptional contributions to the community, which could include distinguished public service or community activities.
- b. An individual with a direct substantial connection to the facility being named or dedicated, including those whose efforts contributed to the creation of the facility.
- c. Names of historic persons or families that relate to the specific location of the facility or that had a substantial contribution to Livermore's history.

**Additional Considerations:**

- a. Has the nominee already been substantially honored with recognition naming in other places, particularly in Livermore? The City and/or LARPD should endeavor not to duplicate names within its system.
- b. Is the nominee's contribution sufficiently enduring so as to be apparent to future generations?
- c. Did the individual's contribution provide a major benefit to the City and/or LARPD or on a local, regional, state or national scale?

Board Resolution No. 2102  
February 13, 2008

Livermore City Council  
February 11, 2008

**APPROVAL**

  
\_\_\_\_\_  
Timothy J. Barry  
General Manager

12-18-09  
\_\_\_\_\_  
Date



Policy No. FAC-10-31710

## ADDITIONAL CRITERIA FOR NAMING OF DISTRICT-OWNED FACILITIES

PURPOSE OF POLICY	To add criteria that will assist the Board in determining the appropriateness of naming a District facility for an individual and to identify a funding source for signage
POLICY SUMMARY	This policy stipulates three additional criteria that must be considered when naming LARPD-owned facilities.
APPROVAL	Board of Directors, March 17, 2010

### Naming New or Existing LARPD Facilities

In addition to the standards outlined in the District's *Joint Policy for Naming Recreational and Municipal Facilities* with the City of Livermore, the following three criteria will also be considered by the LARPD Board of Directors:

1. When the Livermore Area Recreation and Park District Board of Directors considers naming a facility after a person, if the person is no longer living, he/she must have been deceased for no less than five (5) years prior to approving the facility name.
2. When the Livermore Area Recreation and Park District Board of Directors considers naming a facility after a person who is, or has been, an LARPD Board member, his/her service as an LARPD Board member must have ended no less than five (5) years prior to approving the facility name.
3. The funding source for the appropriate signage will be identified at the time of nomination.

### APPROVAL

  
 \_\_\_\_\_  
 Timothy J. Barry  
 General Manager

  
 \_\_\_\_\_  
 Date



## Policy No. FAC-86-1007

# MEMORIAL AND COMMEMORATIVE GIFT POLICY

PURPOSE OF POLICY	To provide guidelines for staff in addressing requests from the public to donate memorial or commemorative gifts
POLICY SUMMARY	This policy provides the parameters for processing memorial and commemorative donations.
APPROVAL	Adopted: Board Resolution No. 1007, March 12, 1986 Amended: Board Motion, June 12, 1996 Amended: Board Resolution No. 2210, Oct. 14, 2009 Amended: Board Resolution No. _____, February 24, 2021

### **Purpose**

Livermore Area Recreation and Park District (LARPD) receives requests from individuals, organizations, and other groups seeking permission for various types of commemorative or memorial gifts to be placed in/on District facilities or made available for program use. Offering a policy and procedure to allow acceptance of these gifts provides a guide to prospective donors who wish to give memorial or commemorative gifts that can be shared with the community. The LARPD Foundation may also be used to facilitate the donation process.

The purpose of this policy is to provide guidelines for District staff in addressing requests from individuals, organizations, or other groups to donate memorial or commemorative gifts.

### **Policy**

- District staff will work with donors to select a memorial or commemorative item that will satisfy the wishes of the donor and provide a functional improvement to a District facility.
- Location:
  - a. It is recognized that each facility or portion thereof has limitations as to the size and number of memorials that can reasonably be installed. The

District will, at any time, place restrictions on future memorial installations at any site, or discontinue them altogether.

- b. The location of memorial or commemorative items must be compatible with the selected site and any applicable master plans covering that site. Additionally, the memorial item must be compliant with the Standard Specifications and Standard Details adopted by the District.
  - c. Normally, all gift recognition plaques will be displayed in the Robert Livermore Community Center or other appropriate community facilities. These plaques are typically bronze, 3" by 1", engraved and mounted on wooden display boards. Engraved text shall follow a standard template including the name of the individual being memorialized, the location of the memorial item, the month and year of installation, and what the memorial item is. As determined by the General Manager, significant memorials or contributions may be given special consideration for plaques mounted on a donated item or at specific sites.
- Term: Donors participating in this program must agree that the memorial items installed or initiated under this policy do not have infinite longevity. Pricing: Memorial Gift pricing is subject to change.
  - Types of Donations:
    - a. Trees: A tree donation includes the choice of park location if available, an engraved plaque to be located at the Robert Livermore Community Center's donation display board, and a certificate recognizing the donation of the commemorative tree.
    - b. Benches and Picnic Tables: the dedicated commemorative term will be a period of 10 years. Once the initial 10 years is completed, the donor will have the first right of refusal to renew.
  - Maintenance of donated items: Unless otherwise arranged, maintenance of all memorial items shall be the responsibility of the District and shall be consistent with standards established by the District. Voluntary supplemental maintenance by the donor shall be undertaken only with the prior approval of the District.
  - Potential Relocation of donated items: The District retains the authority to relocate memorial items to accommodate future park/building development, changes in programs or changes in maintenance procedures. Should memorial items become unusable, unsafe, and unsightly or, if relocation is required but not feasible for a particular item, the District retains the right to remove and not replace those items. Relocations and/or removals will be the responsibility of the District. Living memorials (trees, for example) which fail to thrive may or may not be replaced at the District's discretion. The District will make reasonable efforts to notify donors of relocation or removal.

- Donations Made Prior to this Policy Update: Any item donated prior to this amendment will be governed by the prior policy regarding the term, pricing, and other considerations that were in place at the time of that donation.

Adopted: Board Resolution No. 1007, March 12, 1986  
Amended: Board Motion, June 12, 1996  
Amended: Board Resolution No. 2210, October 14, 2009

## APPROVAL

\_\_\_\_\_  
Mathew Fuzie  
General Manager

\_\_\_\_\_  
Date



## Using Public Resources for Gifts and Charitable Purposes

[www.ca-ilg.org/PublicResourcesforGifts](http://www.ca-ilg.org/PublicResourcesforGifts)

August 2013

### Related Resources from the Institute

For more information, see the following Everyday Ethics for Local Officials columns at [www.ca-ilg.org/everydayethics](http://www.ca-ilg.org/everydayethics)

Also visit these links to view other documents in this series:

- [Who Gets to Use Agency Seals, Logos, Letterhead and Other Insignia?](#)
- [Use of Public Resources: Special Issues Around Expenses and Expense Reimbursement](#)

### Thank You to ILG's Supporter

The preparation and distribution of this resource is made possible through the generous financial support of the Meyers Nave law firm.

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A Commitment to Public Law

**Question:** *Our agency recently adopted a very austere budget; this resulted in elimination of popular services and programs. Our agency chief executive has been quoted as saying that, in the current economic environment, our agency can fund only essential agency functions.*

*A local blogger has argued that the agency “wastes” resources on nonessential and possibly unlawful activities and this “waste” should be addressed before programs are eliminated. To document this assertion, she has requested records relating to:*

- *Gifts to individuals;*
- *Gifts and/or contributions to nonprofit organizations;*
- *Travel expenses; and*
- *Credit card usage.*

*She also apparently has her eye on other forms of charitable fundraising. Her theory is that, if the staff has time for such activity, they must not have enough “real work” to do. (She already has run a post criticizing firefighters participating in a “Fill the Boot” campaign for a local charity.) She has asked for copies of all emails that refer to charitable fundraising on agency time and/or using agency facilities.*

*As part of her crusade to restore the cut programs, she has promised to involve our district attorney, who recently announced a greater focus on public integrity issues (including the misuse of public resources). Our agency is pretty careful, but there are a few items in the records that could embarrass the agency.*

*What’s done is done, of course. But what spending guidelines*

Another legal requirement to be aware of is the prohibition against using public resources for personal or political purposes.<sup>6</sup> Public resources include public money, of course. Public resources also include anything paid for with public money, including equipment, supplies, staff time and public agency facilities.<sup>7</sup>

## Use of Public Resources in General

A wise public servant makes sure any use of public agency money, supplies, facilities, equipment or staff time occur in accordance with adopted agency policies, including requirements relating to disposition of surplus agency property. Such policies can include findings on the benefits of the allowed uses of public resources (for example, the benefits being a member of certain civic organizations or picking up the tab at meals if that is the best way to get face time with certain individuals to discuss agency business).<sup>8</sup>

## Charitable Donations

The prohibition against gifts of public funds has implications for charitable giving by public agencies.<sup>9</sup> As Scrooge-like as it may seem, a public official should not assume it is appropriate for public agencies to contribute to charitable organizations.

When might public agency support for charitable organizations be appropriate? The following examples illustrate some circumstances:

- When the charity provides a service that complements or enhances one the public agency provides itself;
- When there is an identifiable secondary benefit to the public agency; or
- When the charity provides a service the public agency could provide but chooses not to.

Making findings in the minutes about the benefits to the agency associated with providing resources to the charity is a good practice. See chart below for example analyses.

As always, concluding that expenditure may be legal is just the first step of the analysis — just because something is “legal” does not mean that it is the best use of resources in light of all competing demands on the agency’s treasury.

Such a process can also be more transparent in terms of notice that such support is under consideration, and it provides an opportunity for the community to weigh in on the wisdom of using public resources for such purposes. This type of approach also reduces the possible perception that decisions are made to curry political favor.<sup>11</sup>

Of course, just because something is allowed under legal standards doesn't mean that it is the best use of scarce public resources. This is where the front page test is a good guide — particularly with the understanding that bloggers and members of the media usually put themselves in the role of questioning public agency actions. The key question for any use of public money is whether the use is the best use. This is particularly so when an agency is finding it necessary to discontinue programs and services that the public values that perhaps are more central to the agency's mission.

## Fundraising on Agency Time

As already mentioned, staff time is a public resource. Accordingly, it can be wise for local agencies to have policies governing under what circumstances staff may fundraise for charitable purposes while at work. Such policies can minimize criticism and legal questions relating to whether employees are using public agency time and other resources for personal purposes (in other words, using their time on the job to raise funds for their personal causes).

Such policies can also avoid tensions between employees who fundraise and those who are the objects of those fundraising solicitations. The latter may feel their relations with colleagues will be damaged if they don't open their wallets.<sup>12</sup> Fundraising ethics suggests that no one should ever be pressured to give (for example, supervisors should avoid soliciting those they supervise because of the power differential) and that such efforts should not occur during working hours.

Fundraising solicitations to those *outside* the agency present other issues. Those who do business with the agency (or want to do business with the agency) may feel pressured to contribute to maintain positive relations.

These solicitations also can look like pay to play to the public and media.<sup>13</sup>

Solicitations for fundraisers connected with religious organizations can present separation of church and state issues.<sup>14</sup> Using public resources to support such fundraisers can subject an agency to criticism that it is endorsing a particular religion.<sup>15</sup>

Finally, if such fundraising is allowed under specified circumstances, safeguards and controls must be in place to assure that any funds raised through such efforts go to the cause identified in the solicitation.

### Seek Professional Advice

Although the Institute for Local Government endeavors to help local officials understand laws that apply to public service, its informational materials are not legal advice. In addition, attorneys can and do disagree on the best application of those rules to public meeting practices.

Officials are encouraged to consult an attorney for advice on specific situations.

Let us, then, with courage and confidence pursue our own Federal and Republican principles, our attachment to union and representative government. Kindly separated by nature and a wide ocean from the exterminating havoc of one quarter of the globe; too high-minded to endure the degradations of the others; possessing a chosen country, with room enough for our descendants to the thousandth and thousandth generation; entertaining a due sense of our equal right to the use of our own faculties, to the acquisitions of our own industry, to honor and confidence from our fellow-citizens, resulting not from birth, but from our actions and their sense of them; enlightened by a benign religion, professed, indeed, and practiced in various forms, yet all of them inculcating honesty, truth, temperance, gratitude, and the love of man; acknowledging and adoring an overruling Providence, which by all its dispensations proves that it delights in the happiness of man here and his greater happiness hereafter—with all these blessings, *what more is necessary to make us a happy and a prosperous people? Still one thing more, fellow-citizens—a wise and frugal Government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities.* (emphasis added)

- <sup>3</sup> See Cal. Const. art. XVI, § 6 (“nor shall it [the Legislature] have power to make any gift or authorize the making of any gift, of any public money or thing of value to any individuals, municipal or other corporation whatever;...”). See also *Albright v. City of South San Francisco*, 44 Cal. App. 3d 866, 870, 118 Cal. Rptr. 901, 902 (1975) (making the connection between council member expenses and the prohibitions against a gift of public funds). Although the prohibition is directed to the Legislature, the courts’ theory is that, since general law cities, counties and special districts derive much of their authority from the Legislature, such local agencies also do not have the power to make gifts of public funds.
- <sup>4</sup> *City and County of San Francisco v. Patterson*, 202 Cal. App. 3d 95, 103-04, 248 Cal. Rptr. 290, 295 (1988). See also McQuillin, *Municipal Corporations*, § 39.25 (3d ed.) (all expenditures must be for a public purpose).
- <sup>5</sup> See for example, California State Auditor, “Metropolitan Water District of Southern California: Its Administrative Controls Need to Be Improved to Ensure an Appropriate Level of Checks and Balances Over Public Resources,” (Report #2003-136, June 2004), at 15-18, available at [www.bsa.ca.gov/pdfs/reports/2003-136.pdf](http://www.bsa.ca.gov/pdfs/reports/2003-136.pdf).
- <sup>6</sup> Cal. Gov’t Code § 8314. See Cal. Penal Code § 424.
- <sup>7</sup> Cal. Gov’t Code § 8314(b)(3).
- <sup>8</sup> David Fonseca, West Hollywood Patch, No Charges Filed Against Duran for Meals Expenses, April 15, 2013 available at <http://westhollywood.patch.com/articles/no-charges-filed-against-duran-for-meals-expenses>.
- <sup>9</sup> See generally McQuillin, *Municipal Corporations*, § 39.32 (3d ed.) (“Appropriations to charitable or nonprofit associations, without consideration [something in return], cannot be made.”)
- <sup>10</sup> See 64 Cal. Op. Att’y Gen. 478 (1981) (noting that grants to other agencies must serve the interests or purposes of the residents of the granting agency).
- <sup>11</sup> “Here’s \$50,000 – Spend it Well,” *Sacramento Bee*, November 23, 2003, page B1, B6 (The president of the local taxpayers’ association suggested that when donations are made to groups from individual discretionary accounts there is “a thin line” and observed that it is “almost like they’re buying votes”).
- <sup>12</sup> See for example, What’s the etiquette for sharing kids’ fundraiser appeals at work? Linda Ann Nickerson Oct 6, 2011 12:08 PM EDT <http://shine.yahoo.com/etiquette-sharing-kids-fundraiser-appeals-160800552.html>
- <sup>13</sup> “Mayor Works Around the Rules,” *San Jose Mercury News* Editorial, March 21, 2004.
- <sup>14</sup> City Attorneys’ Dep’t League of California Cities, *The California Municipal Law Handbook* § 1.63 (Ann H. Davis ed., Cal CEB 2012).
- <sup>15</sup> Ed Fletcher, Chili Cook-off Lands City Officials in Hot Water, March 12, available at [www.sacbee.com/2013/03/12/5254712/roseville-chili-cook-off-lands.html](http://www.sacbee.com/2013/03/12/5254712/roseville-chili-cook-off-lands.html) (a national organization took a city to task when an employee sent an email to neighborhood organizations promoting attendance at a fundraiser for a religiously affiliated organization in which city officials were participating, but was not sponsored by the city. A local law professor noted a problem arises when employees are picking which event to endorse or support, noting that it’s advisable to avoid speaking as the government endorsing a religion).

## CALIFORNIA PUBLIC FUNDS DOCTRINE

### 1. OVERVIEW

- a. Set forth in *Cal. Const., art. XVI, § 6*
- b. Prohibits the giving or lending public funds to any person or entity, public or private
  - i. Prohibition includes aid, making of gift, pledging of credit, payment of liabilities
    1. Encompasses the giving of monetary funds and any “thing of value”
  - ii. “Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State, or of any county, city and county, city, township or other political corporation or subdivision of the State now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever”
  - iii. “and it shall not have power to authorize the State, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever”

### 2. EXCEPTIONS

- a. Expenditures/disbursements for public purpose. *County of Alameda v. Janssen* (1940) 16 Cal 2d 276, 281; *Redevelopment Agency of San Pablo v. Shepard* (1977, Cal App 1st Dist) 75 Cal. App 3d 453; *Schettler v. County of Santa Clara* (1977, Cal App 1st Dist) 74 Cal App 3d 990.
  - i. The public purpose exception is liberally construed
    1. “Determination of public purpose is primarily a matter for the Legislature and will not be disturbed as long as it has a reasonable basis.” *County of Alameda v. Janssen* (1940) 16 Cal 2d 276, 281.
      - a. *County of Alameda* was decided when public funds doctrine was under Art IV § 31 but same standard still applied as seen in several of the examples below
    2. Courts may infer the public purpose from other legislation or the manner in which legislation enacted. *Scott v. State Board of Equalization* (1996, Cal App 3d Dist) 50 Cal App 4<sup>th</sup> 1597.
    3. Expenditure valid under public purpose exception even if there is an incidental private benefit *Redevelopment Agency of San Pablo v.*