

CITY ADMINISTRATIVE RULES

TITLE 3

DEPARTMENT OF BUDGET AND FISCAL SERVICES

CHAPTER 63

SPONSORSHIP OF CITY ASSETS OTHER THAN THE HONOLULU ZOO (2025)

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**§3-63-1 Purpose.**

The purpose of this chapter is to comply with and implement, administer, and enforce the requirements of Ordinance 25-21, including prescribing the procedures for the sponsorship of City assets. [Eff 1/1/2026] (Auth: Ord 25-21) (Imp: Ord 25-21)

**§3-63-2 Definitions.**

The following definitions apply unless the context clearly indicates or requires a different meaning:

“Cash sponsorship” Me the type of sponsorship where a sponsor provides cash or cash equivalent to sponsor a City asset.

“City asset” means a City facility, park, program, equipment, or real or personal property.

“Equipment” means any vehicle, construction equipment, machine, device, gear, apparatus, tool, or multiple pieces of equipment with a value in excess of \$25,000 used in the operation of the City but does not include City-operated busses or special transit service vehicles.

“Facility” means any building or portion of any building, including, but not limited to, any stadium, arena, or station, that is owned, managed or operated by the City.

“Financial contribution” means cash, goods, or services, paid or provided to the City at such time or times as set forth in the sponsorship agreement.

“In-kind sponsorship” means a type of sponsorship where a sponsor provides a good or service.

“Person” means the same as defined in ROH Section 1-4.1.

“Program” means any program, activity, festival, contest, event, fair, athletic race, gala or similar event provided by a City department or agency in connection with the operations of a department or agency.

“Sponsor” means a person that enters into a sponsorship agreement with the City.

“Sponsorship” means a mutually beneficial arrangement between the City and a person, wherein the person provides a financial contribution to the City in return for sponsorship recognition on or in connection with one or more City assets, for a specified period of time.

“Sponsorship agreement” means a written agreement executed between the City and a sponsored governing a sponsorship, on terms and conditions acceptable to the City and the sponsor. A sponsorship agreement may include provisions that allow for the recognition of the sponsor. Sponsorship agreements will not be deemed to be private grant agreements, as that term is defined in ROH Section 1-8.1, and are not subject to the requirements related to private grant agreements in Chapter 1, Article 8.

“Sponsorship recognition” means a tangible acknowledgement and expression of gratitude issued and or the granting of naming rights for facilities as part of the sponsorship agreement. [Eff 1/1/2026] (Auth: Ord 25-21) (Imp: Ord 25-21)

**§3-63-3 Exclusions.**

These rules do not apply to:

- (1) Gifts, grants, or unsolicited donations where no sponsorship agreement exists or is required;
- (2) Parades or events sponsored or co-sponsored by the City pursuant to other ordinances or rules;
- (3) Facilities in Kapiolani Regional Park; and
- (4) Facilities Hanauma Bay Nature Preserve. [Eff 1/1/2026] (Auth: Ord 25-21) (Imp: Ord 25-21)

**§3-63-4 Granting of Naming Rights for a Facility as Sponsorship Recognition.**

(a) Notwithstanding ROH §§22-9.3 to 22-9.5 and in accordance with §2-\_\_9, the City and a sponsor may enter into a proposed sponsorship

agreement that grants naming rights for a facility subject to the requirements in §2-.8(b).

- (b) If the city and its sponsor desire to enter into a proposed sponsorship agreement that grants naming rights for a facility and issues a tangible acknowledgement and expression of gratitude, two separate agreements (one for the granting of naming rights for a facility and the other for the issuance of a tangible acknowledgement and expression of gratitude) must be executed and approved in accordance with the procedures in this article. [Eff 1/1/2026] (Auth: Ord 25-21) (Imp: Ord 25-21)

**§3-63-5 Authorization of Sponsorships.**

- (a) City assets are intended and exclusively used for operations of the City in providing governmental services and programs to and for the public, and except as required by law or expressly established by an affirmative action by the City Council, no person will have a right to access or use any City asset for any purpose other than the intended and authorized governmental purpose or service.
- (b) Any placement of sponsorship messages or recognition on a Citi asset, pursuant to a sponsorship agreement, requires written authorization by the director of the relevant city department or agency.
- (c) The City possesses sole and final decision-making authority for determining the appropriateness of a sponsorship and reserves the right to refuse to enter into any proposed sponsorship agreement.
- (d) Approvals of sponsorships shall be made as follows:
  - (1) Sponsorship agreements for a term of less than five (5) years and for a financial contribution of less than \$50,000 may be approved and entered into by the director of the relevant City department or agency; or
  - (2) Sponsorship agreements involving a financial contribution of \$50,000 or more or for a period of five (5) years or more must be approved by resolution adopted by the City Council. [Eff 1/1/2026] (Auth: Ord 25-21) (Imp: Ord 25-21)

**§3-63-6 Funds Received from Sponsorship Agreements.**

- (a) The Director of Budget and Fiscal Services shall determine the appropriate funds in which monetary proceeds received pursuant to sponsorship agreements shall be deposited and ensure that such funds are expended for their designated purpose.
- (b) Generally, the funds received from a sponsorship agreement shall be deposited and used for the benefit of the department or agency that has jurisdiction over or responsibility for the City asset being sponsored. [Eff 1/1/2026] (Auth: Ord 25-21) (Imp: Ord 25-21)

**§3-63-7****Guidelines for Sponsorships Not Granting Naming Rights.**

- (a) The sponsorship consideration given by the sponsor may be cash or in kind.
- (b) A sponsor may receive recognition for its financial contribution as part of the sponsorship agreement. Sponsorship recognition may include the following, or any combination thereof, during the term of the agreement:
  - (1) Recognition of the sponsor for specific City program;
  - (2) Appropriate mention in media releases and promotional materials as a sponsor for the City program;
  - (3) Appropriate sponsorship recognition or display at a city program location;
  - (4) Appropriate recognition on a program website as a sponsor for the program; or
  - (5) Other possible benefits as may be negotiated.
- (c) If the sponsor desires to use the City's name, seal, or logo in materials, communications, or advertisements including, but not limited to, print, video, internet, broadcast, or display items developed to promote or communicate the sponsorship, the express written approval for such use must be stated in the sponsorship agreement.
- (d) If the sponsor desires specific placement, content, appearance and wording of the sponsorship recognition, affiliations, and messages, express written approval must be stated in the sponsorship agreement. In the event of a dispute or disagreement over the sponsorship recognition between the Sponsor and the City, the City retains its rights and discretion to exercise full editorial control over the placement, content, appearance, and wording of sponsorship recognition, affiliation, and messages.
- (e) Sponsorship recognition, publications, and publicity must conform to all applicable laws and rules, including but not limited to HRS chapter 445, Part IV, pertaining to outdoor advertising, including billboards, and ROH Chapter 21, Article 7, pertaining to sign regulations.
- (f) Any physical form of sponsorship recognition must blend in with the surrounding environment.
- (g) The sponsorship shall not cause the City to relinquish any aspect of the City's rights to direct, manage and control the City asset.
- (h) Sponsorships that involve situations where the Corporation Council determines that there may be or are conflicts of interest are prohibited.
- (i) The sponsorship must not confer a personal benefit, directly or indirectly, to any particular city officer or employee.
- (j) Sponsorships from persons that have a pending open application with the City for a discretionary approval that create a conflict of interest for the City, as determined by the Corporation Counsel, are prohibited.

- (k) Sponsorships from persons opposing the City in a pending or ongoing legal proceeding are prohibited.
- (l) Sponsorships shall not be deemed to constitute an endorsement of the sponsor or its services and products, or create any proprietary interest of the sponsor in the City or the City assets
- (m) Sponsorship materials that advocate, contain price information or an indication of associated savings or value, request a response, or contain comparative or qualitative descriptions of products, services, or organizations are prohibited.
- (n) City departments and agencies may enter into multiple sponsorships and enter into agreements with multiple sponsors.
- (o) Sponsors may sponsor multiple City assets and enter into sponsorship agreements with multiple City departments and agencies.
- (p) The sponsorship must not discriminate against any person on the basis of race, color, creed, religion, sex, including gender identity and expression, sexual orientation, age, marital status, ancestry, national origin, or disability.
- (q) Sponsorship recognition, branding, publicity, and advertising in conjunction with the sponsorship agreements must not contain the following:
  - (1) Obscenity;
  - (2) Pornography;
  - (3) Incitement to imminent lawless actions;
  - (4) Speech presenting a grave and imminent threat;
  - (5) Fighting words;
  - (6) Fraudulent material
  - (7) True threats;
  - (8) Defamatory, libelous, or slanderous material;
  - (9) Solicitation to commit, or speech integral to, criminal conduct;
  - (10) The promotion of drugs, alcohol, tobacco, gambling, or adult entertainment;
  - (11) political campaign speech, or speech that supports or opposes or appears to support or oppose a ballot measure or initiative or any legislative proposal that is currently pending before the legislative body in the State, are refers to any person in or campaigning for public office, provided that this paragraph must not be construed to prohibit the display of any speech content that is protected under the First Amendment of the United States and the State Constitutions as determined by the Corporation Council; or
  - (12) Religious speech that advocates or opposes a religion or religious belief. [Eff 1/1/2026] (Auth: Ord 25-21) (Imp: Ord 25-21)

**§3-63-8**

**Guidelines for Sponsorships Granting Naming Rights.**

The following requirements apply to sponsorship agreements that confer naming rights for a facility to the sponsor for purposes of sponsorship recognition:

- (a) The City may not relinquish any aspect of the City's right to direct, manage, and control the facility except with respect to the name of the facility for the duration of the sponsorship agreement;
- (b) Any physical form of the name of the facility on the facility itself, publications for the facility, and publicity for the facility must conform to all applicable laws and rules, including but not limited to, ROH Chapter 21, Article 7, pertaining to sign regulations, an HRS Chapter 445, Part IV, pertaining to outdoor advertising, including billboards;
- (c) The sponsorship may not create a conflict of interest for the city as determined by the Corporation Council;
- (d) Sponsorships by persons opposing the City in a pending or ongoing legal proceeding shall not be accepted;
- (e) Sponsorships may not constitute an endorsement of the sponsor or its services and products or create any proprietary interest of the sponsor in the City or the facility;
- (f) The sponsorship may not discriminate against any person on the basis of race, color, creed, religion, sex, including gender identity and expression, sexual orientation, age, marital status, ancestry, national origin, or disability;
- (g) The name of the facility and any branding, publicity, and advertising for the facility in conjunction with the naming rights conferred by the sponsorship agreement may not contain the following:
  - (1) Obscenity;
  - (2) Pornography;
  - (3) Incitement to imminent lawless actions;
  - (4) Speech presenting a grave and imminent threat;
  - (5) Fighting words;
  - (6) Fraudulent material
  - (7) True threats;
  - (8) Defamatory, libelous, or slanderous material;
  - (9) Solicitation to commit, or speech integral to, criminal conduct;
  - (10) The promotion of drugs, alcohol, tobacco, gambling, or adult entertainment;
  - (11) Political campaign speech, or speech that supports or opposes or appears to support or oppose a ballot measure or initiative or any legislative proposal that is currently pending before the legislative body in the State, are refers to any person in or campaigning for public office, provided that this paragraph must not be construed to prohibit the display of any speech

content that is protected under the First Amendment of the United States and the State Constitutions as determined by the Corporation Council; or

- (12) Religious speech that advocates or opposes a religion or religious belief. [Eff 1/1/2026] (Auth: Ord 25-21) (Imp: Ord 25-21)

**§3-63-9 Department or Agency Initiates Requisition for Sponsorship.**

- (a) City departments and agencies may identify City assets that are available for sponsorship opportunities.
- (b) City departments and agencies that desire sponsorship shall advertise a request for sponsorship notice on their respective websites.
  - (1) The request for sponsorship notice shall be advertised for a period of time as determined by the respective city department or agency, but shall not exceed one (1) year.
  - (2) Additional notices may be issued as determined appropriate by the director of the relevant City department or agency.
- (c) Nothing herein shall prohibit a City department or agency from discussing sponsorship opportunities with potential sponsors prior to receiving a sponsorship application. [Eff 1/1/2026] (Auth: Ord 25-21) (Imp: Ord 25-21)

**§3-63-10 Response to Request for Sponsorship.**

- (a) A potential sponsor of a City asset shall respond to the request for a sponsorship notice by submitting a completed sponsorship application within the time frame specified in the notice. The application shall be submitted electronically to the relevant city department or agency unless otherwise specified.
- (b) The application shall be reviewed and considered by the department or agency with jurisdiction over the City asset to be sponsored.
- (c) The department or agency may contact the potential sponsor to clarify, discuss, or negotiate the terms of the sponsorship. If more than one sponsorship application is received for the same asset, the department or agency shall have the discretion to determine which sponsorship offer is the most beneficial for the City to enter into a sponsorship agreement.
- (d) The application shall be saved and retained by the relevant department or agency.
  - (1) The application shall be retained for a period of one (1) year after the date of submission.
  - (2) If a sponsorship agreement is made within one (1) year. After the date of submission, the application shall be retained for an additional period of six (6) years beyond the termination of the

sponsorship agreement. [Eff 1/1/2026] (Auth: Ord 25-21) (Imp: Ord 25-21)

**§3-63-11 Unsolicited Response to Request for Sponsorship.**

- (a) If a potential sponsor desires to sponsor a City asset that has not been identified as available for sponsorship by a City department or agency, the potential sponsor shall complete and electronically submit a request for sponsorship application for consideration to the department or agency with jurisdiction over the City asset it to be sponsored.
- (b) The request for sponsorship application shall be reviewed and considered by the department or agency with jurisdiction over the City asset to be sponsored.
- (c) The department or agency may contact the potential sponsor to clarify, discuss, or negotiate the terms of the sponsorship.
- (d) The department or agency may advertise a request for additional sponsorship applications or offers to the sponsor the same or similar City asset on their respective website. Upon receipt of additional applications, if any, the department or agency may contact the potential sponsor(s) to clarify, discuss, or negotiate the terms of the sponsorship. The department or agency shall have the discretion to determine which sponsorship offer is the most beneficial for the City to enter into a sponsorship agreement.
- (e) The application shall be saved and retained by the respective department or agency.
  - (1) The application shall be retained for a period of one (1) year after the date of submission.
  - (2) If a sponsorship agreement is made within one (1) year after the date of submission, the application shall be retained for additional period of six (6) years beyond the termination of the sponsorship agreement. [Eff 1/1/2026] (Auth: Ord 25-21) (Imp: Ord 25-21)

**§3-63-12 Sponsorship Agreement.**

- (a) Once a potential sponsor and the department or agency that has jurisdiction over the City asset to be sponsored have come to an agreement regarding the material terms of the sponsorship, the parties shall enter into a written sponsorship agreement, which shall include the following:
  - (1) Identify the City asset to be sponsored;
  - (2) Specify the consideration or support, whether cash or in kind, to be provided or given to the City by the sponsor;
  - (3) Specify the sponsorship recognition being granted to the sponsor in exchange for the sponsorship;

- (A) For the sponsorship of programs, recognition of the sponsor may include:
    - (i) Appropriate mention in media releases and promotional materials of the sponsor for the City program;
    - (ii) Appropriate sponsorship recognition or display at the City program location; and
    - (iii) Appropriate recognition on the program website as a sponsor for the program;
  - (4) Provide that, in the event of a dispute or disagreement over the sponsorship recognition between the sponsor and the City, the City retains its rights and discretion to exercise full editorial control over the placement, content, appearance, and wording of the tangible acknowledgment and expression of gratitude, affiliations, and messages;
  - (5) Provide materials that advocate, contain price information or an indication of associated savings or value, request a response, or contain comparative or qualitative descriptions of products, services, or organizations that are expressly prohibited;
  - (6) Specify the terms of the sponsorship;
  - (7) Specify whether the sponsorship of the City asset is exclusive or non-exclusive;
  - (8) Provide that the sponsor shall defend, indemnify, and hold harmless the City, its officers, agents, and employees against all liability, loss, damage, cost and expense, including attorneys' fees, arising out of or resulting from the acts or omissions of the sponsor, its directors, employees, officers, agents, or contractors, in connection with the sponsorship and sponsorship agreement;
  - (9) Specify the terms under which the sponsorship agreement may be terminated by the parties, including for City termination, when the sponsorship is no longer in the best interest of the City;
  - (10) Be signed by the sponsor, director of the department or agency which jurisdiction over the affected City asset, and the Director of Budget and Fiscal Services.
- (b) The sponsorship agreement shall be retained for a period of six years beyond the termination of the sponsorship agreement. [Eff 1/1/2026]  
(Auth: Ord 25-21) (Imp: Ord 25-21)

**§3-63-13 Sponsorship Termination.**

- (a) A sponsorship agreement may not specify a term longer than five years, unless a longer duration is approved by resolution of the City Council.
- (b) The sponsorship agreement may be terminated in writing at any time during the term of the sponsorship agreement when, in the sole determination of the City, the sponsorship is no longer in the best interest of the City. [Eff 1/1/2026] (Auth: Ord 25-21) (Imp: Ord 25-21)