

**Recognition Revocation Procedures**  
**For Facilities Named After Individuals Or Organizations**

**(2021 City Parks and Facilities Naming Policy)**

In 2021 the City Council adopted a City Parks and Facilities Naming Policy (“Naming Policy”). The Naming Policy provides for certain criteria for naming facilities, including those named for “individuals” and “organizations.” This Procedure outlines the process for revocation of a recognition to name a facility for an individual or an organization after the decision has become final.<sup>1</sup>

The Naming Policy states that once a facility has been named then the name may only be revoked “under extraordinary circumstances that would cause a negative image upon the City.” Any Petitioner seeking revocation would have the burden of proof to establish the existence of “unusual circumstances.” The City Council is the decision-making body, and has discretion to determine whether a Petitioner has established “extraordinary circumstances” that would warrant a naming revocation.

The Naming Policy does not specifically outline the specific process to be used for the revocation process. This Procedure further implements and expounds upon the revocation process to promote both fairness for all parties and transparency for the public.

**I. Process Overview**

The following process applies to requests for revocation of the naming of a facility by a Petitioner.

1. Prepare Petition (Including Argument and Evidence). The Petitioner assembles a Petition packet for submittal to the City. This would include:
  - a) A written Petition that:
    - (i) Identifies the facility name and location in question.
    - (ii) Requests revocation of the name.
    - (iii) Provides a concise summary of the argument or reasons why revocation is warranted.
    - (iv) Requests that the matter be placed on the Council Agenda for consideration.
    - (v) Designates a spokesperson.
    - (vi) Is signed by the Petitioner(s), at least one of whom must be a resident of Yuba City.
  - b) A written argument detailing the alleged extraordinary circumstances warranting revocation, with citation to evidence as appropriate.

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<sup>1</sup> This Procedure is limited to revocation of an approved name - not the renaming of facilities, which is a separate process governed by the Naming Policy.

- c) Evidence showing extraordinary circumstances that would warrant revocation. (See “Evidence,” below.)
  - d) Petitioner may also submit signatures of members of the public residing in Yuba City in support of revocation.
2. Submit Packet to City. Petitioner submits three copies of the Petition packet (including, argument and evidence) to the City Manager with a request to place the matter on the Council Agenda for consideration.<sup>2</sup> Petitioner also submits contact information for the designated spokesperson.
  3. Petition Packet Provided to Respondent. The City Manager then provides the Petition packet to the individual after whom the facility is named, or their representative, or a known family member if the individual is deceased. In the alternative, if the facility is named after an organization, the Petition packet will be provided to the local representative or officers/individuals who originally submitted the application for naming. Such an individual or organization will be the Respondent. If there is no such Respondent available or known, the City Manager may provide the copies to potential real parties in interest, who may assume the role of the Respondent if there is otherwise none.
  4. Respondent Prepares Response. Upon receipt of the Petition packet, the Respondent will then have 60 days to prepare an opposition to the Petition. This will include the following:
    - a) A written Response that does the following:
      - (i) Identifies the facility in question.
      - (ii) Requests denial of the revocation of the name and/or that the current facility name be kept.
      - (iii) Provides a concise summary of the argument or reasons why revocation is not warranted.
      - (iv) Designates a spokesperson.
      - (v) Is signed by at least one Respondent.
    - b) A written argument in opposition of the revocation, with citation to evidence as appropriate. This may include arguments that Petitioner has not shown that extraordinary circumstances have been met.
    - c) Evidence showing that there is no extraordinary circumstances that would warrant revocation, or counter-evidence to that presented in the Petition packet. (See “Evidence,” below.)
    - d) Respondent may also submit a counter-petition signed by members of the public residing in Yuba City in support of keeping the current name.

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<sup>2</sup> Note: Any records submitted to the City may become public records.

5. Respondent Submits Response to City. Respondent submits three copies of the Response packet to the City Manager.<sup>3</sup> Respondent also submits contact information for the designated spokesperson.
6. Response Packet Provided to Petitioner. The City Manager will then provide any Response packet received from the Respondent to the Petitioner not later than at least five days before the Council Agenda is published.
7. Late Documents from Petitioner or Respondent. Any documents received by the City regarding an Agenda item will be lodged with the Clerk. However, to promote a fair process and to avoid the appearance of “sandbagging,” the Council may disregard any late documents or arguments submitted by the Petitioner or Respondent.
8. City Staff Report. Once all documents are received, the City may then prepare a staff report and other documents consistent with standard practice as appropriate.
9. Matter Placed on Agenda. The City Manager may then place the matter on the Agenda.
10. Agenda Packet Released to Public. The City will publish the Agenda, along with a staff report and the Petition and Response submitted by the Petitioner and Respondent.
11. Documents Provided to Petitioner and Respondent. If the City Clerk receives documents from the public prior to the meeting, the City may provide them to the Petitioner or Respondent depending on whether the City has available time and resources to do so. Copies may also be made available to the public depending on the same criteria.
12. Council Proceeding. The City Council proceeding regarding consideration is **not a trial, nor is it a quasi-judicial hearing, nor does it involve vested rights. There will be no swearing in or examination of witnesses by either party. There will be no court reporter, no objections based on evidentiary rules, etc.** Instead the following is the process that will be generally used:
  - a) The Agenda item is called;
  - b) City Councilmembers will disclose any recusals.
  - c) The City Council may confirm procedures for the particular proceeding for the public.
  - d) City staff will make a presentation as appropriate.
  - e) The City Council may ask staff any questions as appropriate, etc.
  - f) Public comment will be opened.
  - g) The Petitioner’s designated spokesperson will be given 20 minutes to make a showing why there are unusual circumstances that would merit revoking the name of the facility.
  - h) The Respondent’s designated spokesperson will be given 20 minutes to make a showing as to why there are no unusual circumstances and/or that the Petitioner has not made such a showing.

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- i) The matter will then be opened to the general public for comment. Each speaker will have 3 minutes. (Note: Members of the public may be asked to select a spokesperson to represent a number of people if they all have the same point of view so as not to repeat things that have already been stated. The remaining persons may come forward to voice their agreement with the spokesperson’s statement. At the discretion of the Council, a cap may also be placed on the total amount of time for public comment.)
- j) Once comments from the general public have concluded, the Petitioner will then have 3 minutes for closing comments.
- k) The Respondent will then have 3 minutes for closing comments.
- l) Public comment will then be closed by the Council.
- m) The City Council can then deliberate and take action as appropriate. The decision of the City Council is final.

## **II. Definitions and Related Items**

- 1. Standard for Revocation: If a facility is named after an individual or organization, revocation is warranted only if there are extraordinary circumstances that would cast a negative image upon the City.
- 2. City Council Authority: The Council is the City’s final decision-making body. The Council has discretion to determine if standard for revocation has been met. Per the adopted Naming Policy, the Council does not have authority to change the name of the park to another name during consideration of the revocation Petition.
- 3. Evidence: Evidence is made up of relevant facts, reasonable assumptions based upon facts and expert opinion based upon facts. It is not the quantity of the evidence but the quality of the evidence that matters. Evidence is not made up of argument, speculation, inaccurate information or unsubstantiated opinion. (Example: “Mr. Brown is a thief” (a potential opinion without more) verses “Mr. Brown was convicted of theft in the case of the *State of California v. Mr. Brown*, and is a thief” (a potential fact assuming it is true).)

Types of evidence can potentially include:

- a) Official documents. These are things like court cases, powers of attorney, birth and marriage certificates, grants of probate, land certificates and contracts.
  - b) Written witness statements. Witness statements from witnesses who can confirm all or a part of what is being asserted.
  - c) Photographs and videos.
  - d) Correspondence and other documents. This can include letters and emails.
  - e) Reports by experts.
  - f) Statements by persons based on personal knowledge of a specific incident, etc.
- 4. Petition: A Petition is a formal request seeking a decision from the City Council and stating the reasons why it is needed. It may be filed by a person, group, or organization, but must be signed by at least one individual currently residing within the City of Yuba City.

5. Petitioner: A Petitioner is a person, group, or organization, that submits the Petition to the City. At least one Petitioner must be an individual currently residing within the City of Yuba City.
6. Response. A Response is a formal response to the Petition that opposes revocation and states reasons why it is not warranted. It may be filed by a person, group, or organization.
7. Respondent. A Respondent is a person, group, or organization, that submits the Response to the City.