



# FAIRFAX COUNTY PARK AUTHORITY



## M E M O R A N D U M

**TO:** Chairman and Members  
Park Authority Board

**VIA:** Kirk W. Kincannon, Executive Director

**FROM:** Sara Baldwin, Deputy Director/COO

**DATE:** June 22, 2017

### *Agenda*

**Administration and Board Management Committee**

**Wednesday, June 28, 2017 – 5:15 p.m.**

**Boardroom – Herrity Building**

**Chairman: Faisal Khan**

**Vice Chair: Maggie Godbold**

**Members: Ronald Kendall, Cynthia Jacobs Carter, Ken Quincy**

1. Park Authority Policy Review (Work Session) – Information\*

\*Enclosures



If accommodations and/or alternative formats are needed, please call (703) 324-8563. TTY (703) 803-3354

**This page intentionally left blank.**

Committee Agenda Item  
June 28, 2017

## **INFORMATION**

### Park Authority Policy Review (Work Session)

The Fairfax County Park Authority Policy Manual is reviewed and updated as necessary every five years to ensure that the policies reflect the changing county need. Policies may be revised, added, or deleted upon action of the Park Authority Board. By practice, the Park Authority adopts new policies and updates existing policies as the need arises over time.

The Commission for the Accreditation of Park and Recreation Agencies (CAPRA) process that the agency is currently undergoing for reaccreditation requires that the Policy Manual for the agency be kept-up-to-date and reviewed systematically, at least every five years. As part of the reaccreditation effort, monthly review sessions are scheduled with the Administration and Board Management (ABM) committee from February 2017 through June 2017. Policies 401, 402, 403, 404, 405, 406, 407 and the new Art Policy are scheduled for review during the June 2017 work session.

### ENCLOSED DOCUMENTS:

Attachment 1: Policies 401, 402, 403, 404, 405, 406, 407, Art Policy

### STAFF:

Kirk W. Kincannon, Executive Director  
Sara Baldwin, Deputy Director/COO  
Aimee Vosper, Deputy Director/CBD  
David Bowden, Director, Planning and Development Division  
Todd Brown, Director, Park Operations Division  
Barbara Nugent, Director, Park Services Division  
Cindy Walsh, Director, Resource Management Division  
Judy Pedersen, Public Information Office



## FAIRFAX COUNTY PARK AUTHORITY POLICY MANUAL

<b>Policy 401</b>	<b>Title:</b> <del>Safety and Property Security</del> <u>Safety and Security</u>
<b>Date Approved:</b> 6/26/2013	<b>Last reviewed:</b> 3/26/2008
<b>Objective:</b> Administer the Park Authority within its funding and procedural capabilities in accordance with the needs of our residents, and ensure a highly trained staff and volunteer workforce.	

**Purpose:** The purpose of this policy is to ensure the Fairfax County Park Authority's mission is achieved without compromising the safety of its employees or the public.

**Policy Statement:** The Park Authority is guided by the Fairfax County Security Program to ensure that its mission is achieved without compromising the safety of its employees or the public. The Park Authority shall protect and preserve its work-force against injury and its assets against loss that could impair the Park Authority's ability to provide services to its customers.

The Park Authority shall institute practical measures to eliminate or minimize injury to employees and customers; create an awareness of hazards in the workplace; foster skills, train staff on matters and knowledge related to safety management; and ~~encourage-require~~ employees to report and correct hazards.

Formatted: Highlight

### References:

1. Fairfax County Security Program  
[Links\2530-CountySecurityProgram.pdf](#)

Field Code Changed

### Supporting Documentation:

1. Fairfax County Park Authority Safety Manual  
[Links\safety-risk-management-manual.pdf](#)

Field Code Changed



## FAIRFAX COUNTY PARK AUTHORITY POLICY MANUAL

<b>Policy 402</b>	<b>Title: Indemnification of Officers and Employees, and Insurance Coverage for Volunteers.</b>
-------------------	---

<b>Date Approved: 6/26/2013</b>	<b>Last reviewed: 3/26/2008</b>
---------------------------------	---------------------------------

**Objective Administration**  
Establish governance policies for the Park Authority that provide direction for the implementation of sustainable management practices in accordance with the community needs.

**Purpose:** To outline and describe indemnification of Officers and Employees and Insurance Coverage for Volunteers.

### **Policy Statement:**

The defense of governmental immunity does not necessarily insulate Park Authority officers, employees, and volunteers from civil judgments rendered against them in their individual capacities.

Park Authority officers, employees, and volunteers may be liable for the payment of civil judgments arising out of actions which they took in furtherance of the Park Authority's interest and in their scope of their official duties.

It is in the interest of the Park Authority to protect its officers, employees, and volunteers from such civil judgments, and to remove the threat of having to pay such judgments from its officers, employees and volunteers.

Certain liability claims and suits filed against the Park Authority, its officers, employees, and volunteers may not fall within the scope of coverage afforded by policies of insurance currently in effect.

The Park Authority desires to provide legal defense for and indemnification of its officers and employees, and insurance coverage for volunteers.

1. For the purpose of this policy the terms "Park Authority officers and employees" shall include Board members, officers, and all employees of the Fairfax County Park Authority. The terms "Park Authority officers and employees" and "officers and employees" shall include Board members. The term "volunteer" includes Park Authority volunteers who are working at the direction of the Park Authority, some of whom are working under volunteer agreements.



## FAIRFAX COUNTY PARK AUTHORITY POLICY MANUAL

2. The Park Authority shall provide legal counsel to represent, without charge, Park Authority officers and employees with respect to any claim or cause of action arising from the conduct of such officers or employee in the discharge of their official duties as officials or employees of the Fairfax County Park Authority. Said conduct is hereby deemed to include administrative and professional malpractice, as well as acts committed or alleged to have been committed that result or are alleged to result in deprivations of rights, privileges, and immunities guaranteed by the United States or Virginia Constitution, or by any statute affording a cause of action for damages or injunctive relief.
3. Park Authority volunteers shall be provided coverage and legal representation pursuant to the terms of the [Risk Management Division, Fairfax County, Virginia, Volunteer Insurance Policy Program. Park Authority volunteers should register in the Volunteer Management System to ensure proper acknowledgement of volunteer status.](#)
4. Pursuant to the Memorandum of Understanding between the Fairfax County Board of Supervisors and Fairfax County Park Authority dated October 17, 1991, the Fairfax County Park Authority shall use the legal services of the County Attorney's Office unless the Park Authority and the County Attorney believes that (a) the service needed is non-routine and time critical which could not be met by the County Attorney's Office or (b) that a conflict of interest may exist.
5. In the event of a real or potential conflict of interest involving the County Attorney's representation of the Park Authority or any of its officers or employees, on any claim, lawsuit or combination of claims or lawsuits; and in the event that any such conflicts of interest or other ethical considerations might impede effective representation and legal defense by the County Attorney, the Park Authority will proceed to select counsel from an approved list submitted by the County Attorney.
6. All officers and employees who become legally obligated to pay any claims, including but not limited to settlements, suits, satisfactions of judgment, costs or awards of attorney's fees, arising from the conduct of said officers or employees in the discharge of their duties, shall only be entitled to indemnification therefore where the claim shall have been determined by the Director of the Park Authority, upon the recommendation of the County Attorney, to have resulted from actions which:
  - A. Were done in good faith; and

**Policy 402 Indemnification of Officers and Employees, and Insurance  
Coverage for Volunteers (continuation)**

- B. Were done in a reasonable belief that such activities were in the best interest of the Park Authority and in the furtherance of the official policies of the Park Authority, and
- C. Were within the scope of authority of the person so acting; and
- D. Were within the course of employment of the person so acting: and
- E. Were not willful, malicious or wanton.

The determination of the Director as to whether the conduct of any such officer or employee satisfies the requirements of subsection A - E shall be final.

- 7. The Director of the ~~Fairfax County~~ Park Authority or his designee is authorized to continue in effect liability insurance policies for Park Authority officers, employees, and volunteers with legal defense of claims thereunder to be provided in accordance with the terms of the policies of insurance. The County Attorney shall represent Park Authority officers, employees and volunteers to the extent deemed necessary by him to supplement legal counsel provided under said liability insurance policies. Nothing contained in this policy shall be construed to abrogate or waive any defense of governmental immunity on behalf of the Fairfax County Park Authority, or of its officers, employees or volunteers.
- 8. In no event shall legal fees paid on behalf of Park Authority officers, employees, or volunteers, or legal counsel be provided by the County Attorney for the defense of acts alleged to have been committed by Park Authority officers, employees, or volunteers in violation of criminal laws, nor shall any fines or penalties imposed by criminal conduct be reimbursed by the Park Authority.
- 9. Claims filed against the Park Authority, its officers or employees shall be handled by the County's Risk Management Division.

Nothing contained in this policy shall be construed to abrogate or waive any defense of governmental immunity on behalf of the Fairfax County Park Authority, or of its officers, employees, or volunteers.

---

**References:**

- 1. [Risk Management Division](http://www.fairfaxcounty.gov/riskmgmt/div/)  
<http://www.fairfaxcounty.gov/riskmgmt/div/>

**Supporting Documentation:**

- 1. [Volunteer Management System](#)

**Policy 402 Indemnification of Officers and Employees, and Insurance  
Coverage for Volunteers (continuation)**

<https://volunteer.fairfaxcounty.gov/custom/1380/>



**Policy 403 ~~External Communications-Communication with Citizens~~  
(continuation)**

<b>Policy 403</b>	<b>Title:</b> External Communications
<b>Date Approved:</b> 6/26/2013	<b>Last reviewed:</b> 3/26/2008
<b>Objective:</b> <a href="#">Administration</a> <a href="#">Establish governance policies for the Park Authority that provide direction for the implementation of sustainable management practices in accordance with the community needs.</a>	

Commented [BSK1]: Changed Title from Community with Citizens

**Purpose:** This policy clarifies the role of Park Authority Board members relative to communication and differentiates communication roles between Board members and Park Authority staff. This policy also commits the Park Authority to open and transparent processes, community engagement, informing and educating local constituencies and the timely utilization of appropriate means and technologies that facilitate effective two-way communication.

**Policy Statement:** The Fairfax County Park Authority shall communicate with [citizens residents, visitors](#) and stakeholders in order to inform and engage the general public regarding issues of interest related to the Fairfax County Park Authority and its operations, facilities, planning and programs. Public engagement shall be encouraged and facilitated. Expression of the public's opinion as well as [advice input](#) from other public agencies shall be encouraged.

Park Authority Board members are empowered to advocate and inform constituents through contact with the public. Conversely, while staff may inform, educate and engage, they may not advocate.

Park Authority staff shall employ a host of communication platforms [including, but not limited to, web-based; social media; print](#) and work closely with the media and other [communication portals/outlets/-venues](#) to ensure an effective outreach program exists and promulgate transparency in all public processes.

A clear distinction shall be made between a public comment meeting that does not require a Park Board quorum and a public hearing that requires a Park Authority Board quorum and is regulated by state code. Notification of public hearings for the disposal of land or facilities, condemnation, or the use of eminent domain shall follow all procedures and rules as defined by the Park Authority and developed in compliance with the Code of Virginia Title Section 15.2-2204 [and outlined in Policy 210 and the FCPA Procedure for the Disposal of Land or Facilities.](#)

The Park Authority Board shall follow all applicable rules and regulations, county, state and federal mandates pertaining to open meetings, public access, the conduct of

**Policy 403 ~~External Communications~~ ~~Communication with Citizens~~  
(~~continuation~~)**

executive sessions, board governance and process and ADA accessibility. All public notices shall comply with the aforementioned laws and regulations.

Similarly, the Park Authority Board shall follow all applicable rules and regulations pertaining to compliance with the Virginia Freedom of Information Act, Section 2.2-3700 et. seq. Code of Virginia regarding provision of documentation.

Commented [BT2]:

**References:**

1. Americans with Disabilities Act  
<http://www.ada.gov/>
2. Virginia Freedom of Information Act  
<http://foiacouncil.dls.virginia.gov/2011Law.pdf>
3. Virginia Open Meetings Law  
<http://foiacouncil.dls.virginia.gov/ref/meetingshandout2011.pdf>

**Supporting Documentation:**

1. Roberts Rules of Order  
<http://www.rulesonline.com/>
2. ~~Fairfax County Park Authority Bylaws~~  
~~<http://www.fairfaxcounty.gov/parks/archives/park-authority-bylaws-121014.pdf>~~



## FAIRFAX COUNTY PARK AUTHORITY POLICY MANUAL

<b>Policy 404</b>	<b>Title:</b> Standards of Conduct
<b>Date Approved:</b> 6/26/2013	<b>Last reviewed:</b> 3/26/2008
<b>Objective 400 Administration</b> <u>Establish governance policies for the Park Authority that provide direction for the implementation of sustainable management practices in accordance with the community needs</u>	

**Purpose:** This policy establishes the standards of conduct for Park Authority Board members and prescribes procedures for determining and addressing violations.

**Policy Statement:** Board members and employees shall adhere to the highest ethical standards and to all laws and regulations in the performance of their duties. Board members and employees shall avoid actual or perceived conflicts of interest in their responsibilities to the public.

Employees and the Park Authority Board are governed by the Code of Ethics, Standards of Conduct, and related administrative procedures detailed in the Fairfax County Merit System Ordinance and Personnel Regulations.

This policy provides standards of conduct for Board members. The provisions herein are not to be construed or applied in a manner contrary to applicable laws of the Commonwealth of Virginia.

The Board shall:

1. Recognize that it has a fiduciary duty with respect to the oversight and use of revenue fund assets, administered by the Authority.
- ~~1-2.~~ Be responsible for the effective operations of the Authority by the establishment of policies and procedures that direct the activities of staff.
- ~~2-3.~~ Hold the Director responsible for his or her conduct and the conduct of the Authority's business.
- ~~3-4.~~ Base decisions upon available factual information and vote with honest conviction, unaffected by any bias.
- ~~4-5.~~ Abide by majority decisions of the Board.
- ~~5-6.~~ Remember that individual Board members have no authority outside the decision of a majority of the Board.

Commented [VAL1]: Modify to include only RF resources

Formatted: Strikethrough



## FAIRFAX COUNTY PARK AUTHORITY POLICY MANUAL

- ~~6-7.~~ Avoid in appearance or in fact the use of their position to benefit themselves or any individual, organization or entity, apart from the total welfare of the Park Authority.
- ~~7-8.~~ Disclose any financial or other private interest in any matter coming before the Board, and excuse themselves from participation in or voting on such matters.
- ~~8-9.~~ Not accept directly or indirectly any gift, favor, loan, retainer, entertainment, compensation or other things of value that may conflict with the performance of official duties. A conflict shall be deemed to exist where a reasonable and prudent person would perceive that the acceptance might influence an official action or judgment.
- ~~9-10.~~ Not reveal the deliberations of the Board in executive session or any other information acquired in the course of official duties when the deliberations or information are not available as a matter of public knowledge or record.
- ~~11.~~ Not interfere either directly or indirectly with the day-to-day management of the Authority, either by issuing operational directives to staff or by using the influence or prestige of Board membership to affect operational matters.
- ~~10-12.~~ Not serve as officers in organizations or friends groups that have agreements with the Authority.

**Violations of the Standards of Conduct.** Violations of the standards of conduct by a Board member shall be immediately forwarded to the Board's Executive Committee. The Executive Committee shall advise the affected Board member that a complaint has been lodged and is being investigated by the Committee, and then meet to consider the alleged violation, interview complainants and review related documents. If additional information is needed, the Committee shall investigate with the assistance of other Board members, staff or other resources as the Committee may deem appropriate. These efforts shall be discussed only in closed sessions pursuant to Virginia Code 2.2-3711 (A)(4): Any behavior/personnel matters must be discussed in closed session.

If, after the collection of all relevant and available information, the Executive Committee finds reasons to believe a violation has occurred, it shall bring the matter to the Board in Executive Session. The affected Board member shall be afforded an opportunity to present any and all information the Board member believes is pertinent to support his or her position.

## Policy 404 Standards of Conduct (continuation)

The Board shall determine whether a violation has occurred and, if so, shall take corrective action. Board action may include a warning to the member, a vote of censure, official sanctions, and/or referral to the Commonwealth Attorney or County Attorney.

---

### **References**

#### **1. Closed Meetings Code**

<http://law.lis.virginia.gov/vacode/title2.2/chapter37/section2.2-3711/>

### **Supporting Documentation:**

1. Memorandum of Understanding with the Board of Supervisors  
[Links\Memorandum of Understanding.doc](#)



## FAIRFAX COUNTY PARK AUTHORITY POLICY MANUAL

<b>Policy 405</b>	<b>Title: Revenue Funds Fiscal Planning</b>
<b>Date Approved:</b> 7/23/2014	<b>Last reviewed:</b> 6/26/2013
<b>Objective:</b> <del>Administer the Park Authority with its funding and procedural capabilities in accordance with the needs of our residents, and ensure a highly trained staff and volunteer workforce.</del> <u>Administration</u> <u>Establish governance policies for the Park Authority that provide direction for the implementation of sustainable management practices in accordance with the community needs.</u>	

**Purpose:** This policy provides the fundamental information and guidance related to the Park Authority Board's fiduciary responsibility for the oversight of the operating Trust Funds to include the Park Authority's Revenue and Operating Fund 80000 and Park Improvement Fund 80300.

**Policy Statement:** The [Park](#) Authority shall ensure that budgeting and financial reporting procedures conform to the procedures used by the County, in accordance with the Memorandum of Understanding between the Board of Supervisors and the Park Authority. The Park Authority Board has fiduciary responsibility under the law to charge fees, appropriate, manage and expend operating revenue funds. These two revenue funds have Bond Indenture requirements and Generally Accepted Accounting Principles (GAAP) obligations that must be sustained. The Financial Management Principles provide the Board the basis for policy decisions affecting these Funds. The Park Authority's financial and business management strategies are outlined in a series of interrelated plans that are reviewed annually and typically utilize a minimum of three years.

---

### References:

1. Memorandum of Understanding with the Board of Supervisors  
[Links\Memorandum of Understanding.doc](#)

### Supporting Documentation:

1. Park Authorities Act (15.2-5710) pages A1 – A12,  
<http://www.fairfaxcounty.gov/parks/parkpolicy/FCPAPolicyManual.pdf>
2. Financial Management Principles – Park Revenue Funds – with the FY 2012-FY2014 Financial Management Plan  
<http://www.fairfaxcounty.gov/parks/archives/091411amb-pkg.pdf>
3. Fairfax County Park Authority Financial Sustainability Plan, Action – 3,

**Policy 406 Revenue Funds Fiscal Planning (continuation)**

<http://www.fairfaxcounty.gov/parks/archives/12-14-11-pkg.pdf>



## FAIRFAX COUNTY PARK AUTHORITY POLICY MANUAL

<b>Policy 406</b>	<b>Title: Fundraising</b>
<b>Date Approved:</b> 6/26/2013	<b>Last reviewed:</b> 03/26/2008
<b>Objective:</b> <u>Administration</u> <u>Establish governance policies for the Park Authority that provide direction for the implementation of sustainable management practices in accordance with the community needs. Administer the Park Authority within its funding and procedural capabilities in accordance with the needs of our residents, and ensure a highly trained staff and volunteer workforce.</u>	

**Purpose:** This policy provides fundraising guidance performed by multiple sources to enhance the Park Authority's resources that shall supplement to enhance the Park the Authority's resources by supplementing the Agency's annual tax base appropriation and revenue fund resources.

**Policy Statement:** The Park Authority shall pursue all available sources of funding to implement its mission and strategic objectives which expand resources and available services to the citizens of the County. Contributions may be received through monetary gifts, grants, appreciated stocks and bonds, bequests and other planned giving vehicles. It may also include but not be limited to in-kind donations of goods or services and/or the dedication of property.

The Fairfax County Park Foundation, a 501(c)(3) not-for-profit corporation, is the primary fundraising entity and recipient of donations for the Park Authority. It is charged to support the Park Authority by raising private funds, obtaining grants and creating partnerships that supplement funding tax dollars to meet our community's needs for park land, facilities and services.

Fundraising outreach of for voluntary contributions may be from individuals, organizations, and federal, state and/or local government entities.

The Park Authority shall actively encourage the establishment of Friends Groups, volunteer teams, trusts non-profit groups and other entities for the purpose of assisting the Authority in accomplishing its fundraising objectives.

---

### Supporting Documentation:

1. Park Foundation bylaws link  
[Links\BylawsFinal10 11 06FairfaxCoParkFound.doc.pdf](#)





## FAIRFAX COUNTY PARK AUTHORITY POLICY MANUAL

<b>Policy: 407</b>	<b>Title:</b> Partnerships
<b>Date Approved/Revised:</b> 6/26/2013	<b>Last reviewed:</b> 3/26/2008
<b>Objective</b> <u>Administration</u> <u>Establish governance policies for the Park Authority that provide direction for the implementation of sustainable management practices in accordance with the community needs.</u>	

**Purpose:** Park Authority shall pursue opportunities to partner with other public and private entities that are mutually beneficial and enhance facilities, programs, services and activities that support the Park Authority's mission and are consistent with the values, vision, strategic priorities and resource limitations of the Authority.

**Policy Statement:** The Park Authority shall:

1. Seek partnering opportunities to enhance service delivery to the community.
2. Seek partnering opportunities to provide new park facilities and enhance or maintain existing park facilities.
3. Seek to extend public investment in parkland acquisition, park development and stewardship through public/private mechanisms and other appropriate means.
4. Comply with the Fairfax County Purchasing Resolution, The Virginia Public-Private Education Facilities and Infrastructure Act of 2002 and other Fairfax County, State, and Federal laws and regulations as applicable.
5. Ensure the financial capabilities of prospective partners are commensurate with the proposed partnership and that the public benefits of the partnership are likely to result in a significant and measurable outcome in relation to potential public costs.
6. Execute written agreements with its partners documenting the responsibilities, terms and conditions of the partnership as appropriate.

---

### References:

1. The Virginia Public-Private Education Facilities and Infrastructure Act of 2002  
<http://www.fairfaxcounty.gov/dpsm/docs/ppea.pdf>
2. Fairfax County Purchasing Resolution

**Policy 408 Partnerships (continuation)**

<http://www.fairfaxcounty.gov/dpsm/purchres.pdf>



## FAIRFAX COUNTY PARK AUTHORITY POLICY MANUAL

<b>Policy xxx</b>	<b>Title:</b> Public Art	
<b>Date Approved:</b> <a href="#">Click here to enter a date.</a>	<b>Last reviewed:</b> <a href="#">Click here to enter a date.</a>	
<b>Objective:</b> <u>Administration</u> <u>Establish governance policies for the Park Authority that provide direction for the implementation of sustainable management practices in accordance with the community needs.</u>		

**Purpose:** To enhance the park user experience through art and contribute to the cultural and economic vibrancy of the community by introducing enlivening elements into otherwise ordinary spaces, reflecting the diversity of the region’s artists and points of view, building a sense of civic pride, and enriching the quality of residents’ and visitors’ lives.

**Policy Statement:** It is the policy of the Fairfax County Park Authority (“Park Authority”) as a form of government speech, to accept, display, document, maintain, and remove public art at Park Authority-owned property. This policy is administered by the Park Authority staff under the guidance of the Park Authority Board (“Park Board”), which retains final approval authority over all decisions regarding acceptance and removal of public art on Park Authority property.

This policy was created to meet the goals outlined in the purpose statement and to ensure that appropriate and uniform consideration is given to the financial obligations, safety concerns, liability, and community interests associated with public art decisions.

### **Scope:**

Public art, as defined by this policy, is visually and physically accessible to the public and includes all forms of visual art as distinguished from performing arts, media arts, literary, or cultural arts. It is also distinct from historical collections and historical art pieces, which are covered under a separate policy (Policy 206). Examples of visual art forms include but are not limited to: sculpture, monuments, murals, banners, paintings, drawings, photography, fountains, benches, and other forms of architectural furniture. The art may be acquired by public funds, donated to the Park Authority, provided on loan from the artist, or provided by a private entity as a community benefit to satisfy a development proffer.

### **Limitations:**

The placement of public art on public property is a form of government speech and as such, is not subject to scrutiny under the Free Speech Clause. Therefore, the Park Authority has broad discretion to make decisions related to public art on public property. Nevertheless, the Park Authority shall honor other local, state and federal laws that may



## FAIRFAX COUNTY PARK AUTHORITY POLICY MANUAL

apply. If installation of the art requires significant ground disturbance or alters the design of a park site, appropriate master plan, 2232, and site plan approvals must be obtained.

The Park Authority shall recognize that artists have certain rights by virtue of the federal Visual Artists Rights Act of 1990 ("VARA," 17 U.S.C. §106A, et al.) including and not limited to prohibited modification, destruction, or deaccession of the artwork. The Park Authority will also recognize that an artist may waive their VARA rights pursuant to a contractual agreement.

### **Art Ownership and Copyright:**

For permanent works of public art accessioned by the Park Authority, ownership of the physical work shall belong to the Park Authority and copyrights shall be retained by the artist, with reproduction rights allowed the Park Authority for appropriate promotional and educational purposes.

### **Accession:**

The Park Authority may acquire artwork through a variety of means, including through competitive or non-competitive purchases or commissions as well as through donation. Allocation of funding for the acquisition of public art to be displayed in Fairfax County parks requires the approval of the Park Board. In most cases, public art should be acquired through donated services, donated funds or donated art itself.

Acquisition Criteria – Artwork should be of exceptional quality and enduring value. Strong preference is given to artwork that is unique or of a limited edition. The following criteria shall be used when considering acquisition of artwork by purchase, commission or donation:

1. **Context:** The artwork should be compatible in scale, material, form, and content with its proposed surroundings. Consideration should be given to the architectural, historical, geographical, natural, and social/cultural context of the site.
2. **Accessibility:** Each artwork should be evaluated to ensure that it complies with applicable building codes and physical accessibility requirements including the Americans with Disabilities Act. Efforts should be made to ensure the broadest and most equitable public access possible.
3. **Ability to Install and Maintain:** The anticipated cost required to install, provide access to, and maintain the artwork should be considered. Any proposed artwork that will require extraordinary operations or maintenance expense is subject to prior review by the Park Board and may not be accepted. Maintenance funds should be identified at the time the art is



## FAIRFAX COUNTY PARK AUTHORITY POLICY MANUAL

acquired. The Park Authority reserves the right to reject acceptance of a work of art if maintenance funding is not available. [\(See Fairfax County Comprehensive Plan, Policy Plan, Visual and Performing Arts Policy, Objective 1, Policy I.\)](#)

4. Insurance/Liability: Whether replacement/repair costs are covered by county insurance or additional insurance must be purchased should be considered. Any proposed artwork that will require excess insurance expense is subject to prior review by the Park Board and may not be accepted.
5. Public Safety: Each artwork should be evaluated by the Park Authority's Risk Manager to ensure it does not present a hazard to public safety.
6. Diversity: The collection shall include artwork from artists of diverse racial, gender and cultural identities, and shall be diverse in style, scale, and media.
7. Community Support: The level of current or anticipated community support, acceptance or opposition of the proposed artwork should be considered.

### **Placement:**

Artworks should be sited on Park Authority owned and managed property in a manner that ensures full and equitable public access to such works but does not restrict access to other park facilities and resources. Access may be physical or visual or both. Portable works may be relocated to other Park Authority or County-owned sites on a rotating basis.

### **Deaccessioning**

The Park Authority, through the director with guidance from the Park Board may deaccession a work from its public art collection for any number of reasons. An agreement with the Artist shall be obtained prior to the accession of the artwork. Artists whose works are being considered for deaccessioning will be notified of the process being used for such consideration and the Park Authority will obtain their input on the matter, prior to any deaccessioning.

### **Disposal of Art:**

Any contractual agreements between the artist and the Park Authority regarding resale will be honored. To the extent removal is not addressed by a contract, the Park Authority may choose to use any of a number of methods to dispose of public art that has been deaccessioned.



## FAIRFAX COUNTY PARK AUTHORITY POLICY MANUAL

---

### References

1. Fairfax County Park Authority Policy Manual, Policy 206, Museum and Archaeological Collections
2. Federal Visual Artists Rights Act of 1990 ("VARA," 17 U.S.C. §106A, et al.)
3. Fairfax County Comprehensive Plan, Policy Plan, Visual and Performing Arts Policy <http://www.fairfaxcounty.gov/dpz/comprehensiveplan/policyplan/visualperformingarts.pdf>

# FCPA Policy Public Art And Review of 401-407

Administration & Board Management Committee

June 28, 2017



## Public Art Policy - NEW

- ▶ Recognizes that public art enhances park user experience
- ▶ Allows public art as a form of Government Speech in parks
- ▶ Defines & limits scope of art to be considered (visual arts)
- ▶ Recognizes rights of artists under Federal law
- ▶ Addresses the following concerns:
  - ▶ Ownership/copyright
  - ▶ Accession
  - ▶ Placement
  - ▶ Deaccessioning
  - ▶ Disposal



# 401 Policy Changes - Safety and Property Security

- ▶ Changed Policy title to “Safety and Security”
- ▶ Inserted stronger/active words related to training staff and their responsibility for reporting and correcting hazards.

## 402 Policy Changes - Indemnification of Officers and Employees, Insurance Coverage for Volunteers

- ▶ Added Objective title
- ▶ Defined statement to read: "Risk Management Department, Fairfax, Virginia, Volunteer Insurance Program".
- ▶ Added statement that "Park Authority volunteers should register in the Volunteer Management System to ensure proper acknowledgement of volunteer status."

## 403 Policy Changes - Communication with Citizens

- ▶ Changed references to 'citizen' to 'resident' throughout document
- ▶ Added detail on communication platforms
- ▶ Added reference to policy on public meetings for disposal of land or facilities
- ▶ Added FOIA language
- ▶ Minor language corrections
- ▶ Updated link to Park Authority Bylaws

# 404 Policy Changes - Standards of Conduct

- ▶ Added "...for the Park Authority Board" to the Policy Title
- ▶ Added Objective title
- ▶ Inserted language covering fiduciary duty
- ▶ Inserted language stating that board members shall "not serve as officers in organizations or friends groups that have agreements with the Authority"
- ▶ Inserted language to note requirements for a closed session regarding behavioral and personnel matters
- ▶ Insert language regarding the County's Standards of Conduct & Behavior and Code of Ethics?

# 405 Policy Changes - Revenue Funds and Fiscal Planning

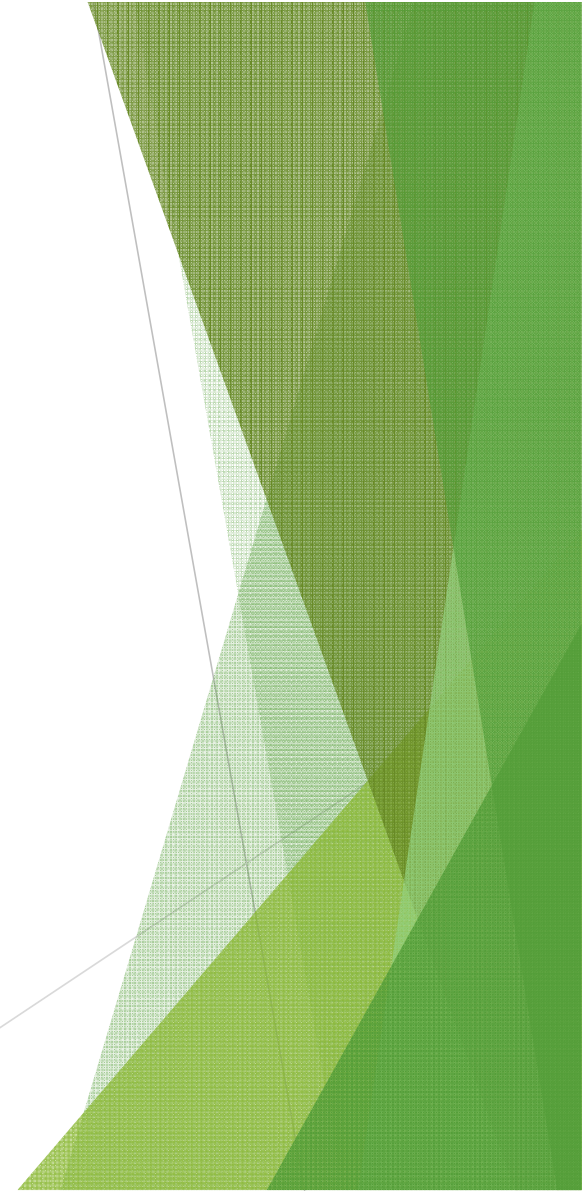
- ▶ No changes except for the update to the Objective statement to align with other policies in this series. Amended out of schedule 7/23/2014.

## 406 Policy Changes - Fundraising

- ▶ Change this part of the Purpose: "... fundraising guidance performed by multiple sources to enhance the Park Authority's resources that shall supplement the Agency's..." to: "... fundraising guidance to enhance the Park Authority's resources by supplementing the Agency's ..."
- ▶ Change: "Fundraising outreach of voluntary contributions ..." to: "Fundraising outreach for voluntary contributions ..."
- ▶ Change: "...a 501(c)3 is the primary fundraising entity for..." to: "a 501(c)(3) not-for-profit corporation, is the primary fundraising entity and recipient of donations for..."

# 407 Policy Changes - Partnerships

- ▶ Added Objective title
- ▶ Added PPEA Supporting Document link



# Policy Review Next Steps

- ▶ Policy is reviewed by the Administration and Board Management Committee (**complete**)
- ▶ Policy Manual reviewed by Committee of the Whole (**July 12, 2017**)
- ▶ Policy Manual is reviewed by the County Attorney (**July - August**)
- ▶ Policy Manual is approved by the Park Authority Board (**September 2017**)

