



FAIRFAX COUNTY PARK AUTHORITY



M E M O R A N D U M

TO: Chairman and Members
Park Authority Board

VIA: Jai Cole, Executive Director

FROM: Sara Baldwin, Deputy Director/COO

DATE: May 5, 2022

Agenda

**Administration and Board Management Committee
(Committee of the Whole)**

Wednesday, May 11, 2022 – 5:45 pm

Virtual

Chairman: Faisal Khan

Vice Chair: Maggie Godbold

1. Park Authority Policy Review (with presentation) – Information*

*Enclosures



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

Committee Agenda Item
May 11, 2022

INFORMATION

Park Authority Policy Review

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, Management and Budget committee from April through November 2022. Policies 107, 108, 109 and 110 are scheduled for review during the May 11, 2022 meeting.

ENCLOSED DOCUMENTS:

Attachment 1: Proposed revisions to Policies 107, 108, 109 and 110

STAFF:

Jai Cole, Director

Sara Baldwin, Deputy Director

Aimee Vosper, Deputy Director

Michael Peter, Director, Business Administration Division

Kurt Louis, Director, Park Operations Division

Cindy Walsh, Director, Park Services Division

Laura Grape, Director, Resource Management Division

Jesse Coffman, Director, Golf Enterprises

Judy Pedersen, Public Information Office

Allison Rankin, Management Analyst



FAIRFAX COUNTY PARK AUTHORITY POLICY MANUAL

Policy: 107	Title: Partnerships
Date Approved: 1/24/2018	Last reviewed: 06/26/2013
Objective: <u>Administration</u>	
Establish policies for the Park Authority that provide direction for the implementation of sustainable management practices in accordance with community needs.	

Formatted: Strikethrough

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 recognizes that partnerships are an important and valuable opportunity to provide facilities, programs and services to the community that might not otherwise be available. All partnerships must comply with the Park Authority's mission, vision, Master Plan, Strategic Plan, and park master plans as appropriate. The Park Authority's commitment to the One Fairfax ethos must also be a priority as partnerships are developed. The One Fairfax policy supports consideration of racial and social equity to align with the Park Authority's focus on providing opportunities for recreation to underserved and underrepresented populations or those in areas of opportunity. As stated in the One Fairfax Policy, the Park Authority's goal is: "A parks and recreation system that is equitable and inclusive by providing quality facilities, programs, and services to all communities; balancing the distribution of parks, programs and facilities; and providing accessible and affordable facilities and programs." Services and projects resulting from partnerships must be reasonably accessible (both geographic and programmatic access) for all residents of Fairfax County.

Partnerships will leverage the assets of all partners while increasing the quality or level of service over that which the Park Authority's resources alone would provide, such as construction, maintenance or operations of park facilities, providing access to private investment and innovative funding to augment public resources. Partnerships will leverage public investment in parkland acquisition, park development and stewardship through public/private mechanisms and other appropriate means.

Partnership agreements will ensure a balance of services and projects so that county residents with greater economic needs are served in relation to those residents who are more able to raise private funds for partnerships. Access to underserved and underrepresented populations will be considered when potential partnerships are evaluated. The Park Authority can only commit to partnerships within the limits of its



FAIRFAX COUNTY PARK AUTHORITY POLICY MANUAL

legal authority. All partnership projects and activities must adhere to the environmental guidelines established by the Park Authority.

The Park Authority will establish clear priorities for all partnerships under consideration. Park Authority will prioritize communication with all stakeholders, including, but not limited to residents, the public, relevant interest groups, and staff. The value of the partnership must be clearly demonstrated and the process for evaluating partnerships must be open, fair and transparent.

The Park Authority will 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. The Park Authority will 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. Written agreements will be executed with all partners documenting the responsibilities, terms and conditions of the partnership as appropriate.

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.

Formatted: Strikethrough

References:



FAIRFAX COUNTY PARK AUTHORITY POLICY MANUAL

1. The Virginia Public-Private Education Facilities and Infrastructure Act of 2002
<https://law.lis.virginia.gov/vacodepopularnames/the-public-private-education-facilities-and-infrastructure-act-of-2002/>
2. Public-Private Education Facilities and Infrastructure Act of 2002, as Amended – County of Fairfax Guidelines and Procedures
<https://www.fairfaxcounty.gov/procurement/sites/procurement/files/assets/documents/ppea.pdf>
- 2-3. Fairfax County Purchasing Resolution
https://www.fairfaxcounty.gov/procurement/sites/procurement/files/assets/documents/purchasingresolution_1.pdf
[https://www.fairfaxcounty.gov/procurement/sites/procurement/files/assets/documents/fairfax%20county%20purchasing%20resolution%20\(2021\)%20-%20final.pdf](https://www.fairfaxcounty.gov/procurement/sites/procurement/files/assets/documents/fairfax%20county%20purchasing%20resolution%20(2021)%20-%20final.pdf)
4. One Fairfax Policy
<https://www.fairfaxcounty.gov/topics/sites/topics/files/assets/documents/pdf/one-fairfax-policy.pdf>

Formatted: Indent: Left: 0.5", No bullets or numbering

Field Code Changed

Formatted: List Paragraph, Indent: Left: 0"

Field Code Changed

Formatted: Font: Not Bold, Underline, Font color: Hyperlink



FAIRFAX COUNTY PARK AUTHORITY POLICY MANUAL

Policy 108	Title: Sustainable Management	
Date Approved: 1/24/2018	Last reviewed: 6/26/2013	
Objective: <u>Administration</u> Establish policies for the Park Authority that provide direction for the implementation of sustainable management practices in accordance with community needs.		

Purpose: This policy shall ensure the perpetual sustainable management of Park Authority resources.

Policy Statement: The Park Authority shall be a role model in preserving resources, and promoting a culture of sustainable management enabling the efficient delivery and continuation of services to residents and visitors. Long-lasting park investments supported by sustainable and effective park management and stewardship practices provide a wide range of public benefits that will endure for future generations. The Park Authority shall ensure perpetual sustainable management of park resources using the following guidance:

- Create short and long term financial stability through responsible public investments by managing park assets as effective stewards and through implementation of sound fiscal policies and procedures.
- Design and develop park facilities and amenities to maximize their life expectancy, enhance efficiency, and minimize environmental impacts.
- Continually review facility and natural resources lifecycles and standards for maintenance and service levels that guide sustainable operations. Establish maintenance schedules or practices that maintain and enhance the sustainability of the facility or natural resource.
- Enhance and implement sustainable best management practices in all areas of the Park Authority including but not limited to planning, operation, maintenance, management, and overall service delivery.
- Protect park assets from developmental impacts, encroachments, and vandalism and seek mitigation for such impacts when possible.
- Protect and preserve archaeological artifacts, community history, wildlife, vegetation, soil, and air and water resources in parks.
- Preserve resources and minimize environmental impacts through efficient responsible use of water and energy resources. ******
- Align with the County’s strategic energy, environmental, and sustainability goals and objectives.
- Develop and value our employees and volunteers.
- Provide opportunities for the community to experience the benefits of the park system today and into the future.



FAIRFAX COUNTY PARK AUTHORITY POLICY MANUAL

- Lands and facilities under the control of Fairfax County Park Authority are held as a public trust for the stewardship, enjoyment, and recreation of present and future generations. The FCPA is pledged to protect these holdings from encroachment that would threaten their use as parkland but recognizes that under rare circumstances non-park uses may be required on park property in order to serve the greater public interest. For projects that will impact parkland, the policy is that non-parkland alternatives be pursued first– unless environmental, economic, social and engineering impacts to move the project off parkland are proven to be prohibitive.
- In cases where the Park Authority Board has deemed that non-park use of parkland is unavoidable and/or serves the greater public interest, FCPA shall ensure that impacts for the project are minimized to the greatest extent practicable, and that impacts are mitigated at equal or greater natural, cultural and/or recreational value. The extent of the impact to parkland and the mitigation is to be approved by the Park Authority Board.

Reference Documents:

Fairfax County Park Authority Natural Resources Management Plan (2019)

Policy 109 User Fees (continuation)

Policy 109	Title: User Fees
Date Approved: 1/24/2018	Last reviewed: 3/15/2022
Objective: Administration Establish policies for the Park Authority that provide direction for the implementation of sustainable management practices in accordance with community needs.	

Purpose: To define a policy for establishing, reviewing, and approving fees for the use of Park Authority facilities programs and services.

Policy Statement: The Park Authority shall offer a broad range of facilities and services for the residents of Fairfax County. To support these facilities and services, the Park Authority generates funding for its operations by charging fees that supplement the appropriation from the County of Fairfax General Fund.

Basic facilities and services (such as open space, playgrounds, and trails) appeal to a broad spectrum of the community and, therefore, are ~~supported by~~ intended to be supported by General Fund tax dollars with no additional fees charged by the Park Authority. In instances where fees are charged for General Fund services (such as with the summer Rec-PAC program), the Park Authority administers these fees on behalf of the Fairfax County Board of Supervisors. These fees are approved as a part of the county's annual budget process, and revenue from these fees is posted directly to the County General Fund and incorporated in the Park Authority's General Fund budget.

Services and facilities supported entirely, or in part, by the Park Authority's Park Revenue and Operating Fund may have fees designated and charged, as authorized under the Park Authorities Act, offering a mechanism to increase the availability of programs and services that the General Fund does not provide. In general, the benefits of these services are derived primarily by individual participants rather than the community as a whole.

The Park Authority administers two broad categories of fees in the Park Revenue and Operating Fund. Fees that appear in the Park Authority Fee Schedule (such as RECenter admissions, passes, and rental fees, and golf greens fees), are approved by the Park Authority Board annually with input from ~~the County~~ residents. Other fees that are programmatic or administrative in nature (such as user/admission/rental fees) are approved by the director. All revenue received from Park Revenue and Operating Fund fees is posted directly to the Park Revenue and Operating Fund.

User fees for facilities and services ~~may be funded entirely, or in part, by the~~ by a combination of the Park Revenue and Operating Fund and/or the General Fund based on mutual agreement between the Park Authority Board and the County Board of supervisors as long as those fees are established and maintained at levels which:

Policy 305 User Fees (continuation)

1. Can reasonably be expected to collectively produce revenue sufficient to recover ~~all associated costs of the Park Revenue and Operating Fund~~ and all other financial obligations as set forth in the ~~financial management principles of the Park Authority's Financial Management Plan~~ Park Authority's strategic plan and annual business plans;
2. Are competitive with comparable facilities and services in the area;
3. Reflect relevant market, economic and financial considerations;
4. Attempt to balance the availability of facilities and services with their affordability;
5. Reflect the principle that, where feasible, comparatively small and regular fee increases are preferred over less frequent, larger increases; ▲
- ~~6.~~ 7-6. Are developed with a focus on equity to try to ensure that all County residents can participate in these fee-based programs; and
- ~~8-7.~~ 7-7. Allow the Park Authority, where feasible, to build reserves to fund capitalized repair and maintenance of ~~Park Revenue and Operating Fund~~ both revenue and non revenue-generating facilities.

Formatted: Font: Italic

Formatted: Indent: Left: 0.5", No bullets or numbering

References:

1. Park Authorities Act (§ 15.2-5709. Rates and charges).
<https://law.lis.virginia.gov/vacode/title15.2/chapter57/section15.2-5709/>
2. Park Authority Fee Schedule
<https://www.fairfaxcounty.gov/parks/sites/parks/files/assets/documents/administrative/fee-schedule.pdf>

Policy 110 Public Art (continued)

Policy 110	Title: Public Art <u>Public Art</u>
Date Approved: 1/24/2018 <u>1/24/2018</u>	Last reviewed: NA <u>2/18/2022</u> <u>2/18/2022</u>
Objective: Administration Establish policies for the Park Authority that provide direction for the implementation of sustainable management practices in accordance with community needs.	

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 public~~ spaces, ~~celebrating~~reflecting the diversity of the region's artists and ~~points of view~~perspectives, 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. The policy is in accordance with the Fairfax County Comprehensive Plan, Policy Plan, Visual and Performing Arts Policy, Objective 1, Policy A,B,C,E,I,J,K, and L. Additionally, we will consider the Fairfax County Master Arts Plan which reflects the community's diversity and is being completed in cooperation with ArtsFairfax.

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.

Policy 110 Public Art (continued)

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 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 [as required](#).

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.~~

Formatted: Strikethrough

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 [design of the artwork should be responsive to a location's distinctive atmosphere including 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

Policy 110 Public Art (continued)

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 be accepted or rejected.~~ Maintenance funds should be identified and secured at the time the art is acquired. Inadequate maintenance funding may be reason for rejection of a work of art.
3. ~~The Park Authority reserves the right to reject acceptance of a work of art if maintenance funding is not available.~~
4. Insurance/Liability: Insurance and liability for artwork replacement or repair should be considered. Additional insurance should be considered for artwork that is not insured under the Fairfax County insurance policy. ~~Whether replacement/repair costs are covered by county insurance or additional insurance must be purchased.~~
5. Public Safety: Artwork should be evaluated by the Park Authority's Risk Manager to ensure it does not present a hazard to public safety.
6. Diversity & Equity: The collection shall include artwork artwork shall be fairly considered from artists of diverse age, race, color, sex, sexual orientation, gender identity, religion, national origin, marital status, disability, socio-economic status or neighborhood of residence or other characteristics as defined in the One Fairfax Policy. Diverse artwork styles and compositions that are reflective of the diverse population of Fairfax County is encouraged 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.

Formatted: Strikethrough

Formatted: Strikethrough

Formatted: Strikethrough

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

Policy 110 Public Art (continued)

The Park Authority, through the director with guidance from the Park Board, may deaccession a work of art ~~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.

Formatted: Strikethrough

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.

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.)
<https://www.copyright.gov/title17/92chap1.html#106a>
3. Fairfax County Comprehensive Plan, Policy Plan, Visual and Performing Arts Policy
<https://www.fairfaxcounty.gov/planning-zoning/sites/planning-zoning/files/assets/compplan/policy/visualperformingarts.pdf>
4. Fairfax County Master Arts Plan
<https://artsfairfax.org/master-arts-plan/>
5. One Fairfax Policy
<https://www.fairfaxcounty.gov/topics/sites/topics/files/assets/documents/pdf/one-fairfax-policy.pdf>

Formatted: Default Paragraph Font

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0" + Indent at: 0.25"

FCPA Policy 100s Review

ADMINISTRATION & BOARD MANAGEMENT COMMITTEE

MAY 11, 2022





Policy Review Process

Policy assigned to lead staff reviewer (complete)

The lead staff reviewer coordinates meetings with appropriate staff to review and recommend changes to the policy (on-going)

The revised Policy is reviewed by FCPA Senior Management Team (on-going)

Policy is reviewed by the Administration and Board Management Committee

Policy Manual is reviewed by the County Attorney

Policy Manual is approved by the Park Authority Board

Agenda

Review Policies:

- 107 – Partnerships
- 108 – Sustainable Management
- 109 – User Fees
- 110 – Public Art

Policy 107: Partnerships



Added emphasis on One Fairfax Policy and support of ensuring partnerships are equitable in both geographic and programmatic access



Strengthened wording related to transparency, public processes, and communications



Added Fairfax County Purchasing Resolution and One Fairfax Policy as References

Policy 108: Sustainable Management



Emphasize the need for mitigating impacts from development, encroachment, and vandalism.



Include soil in list of resources to protect and preserve.



Change “efficient” use of resources to “responsible.”

Policy 109: User Fees



Reinforced the intention of the General Fund support focused on basic facilities and services



Clarified programmatic and administrative fees to be user/admission/rental fees



Removed references to the Financial Management Plan



Reinforced focus on equity to ensure that fees are not a barrier to participation

Policy 110: Public Art



Added language to consider the Fairfax County Master Arts Plan. Strengthened maintenance and insurance criteria.



Added language to ensure that public art reflects the surrounding community



References: Added links to Fairfax County's One Fairfax Policy and Master Arts Plan

Next Meeting

Administration and Board Management Policy Review – June 8, 2022

- Objective 200
- 201 – Natural Resources
- 202 – Wildlife Conflict Resolution
- 203 – Cultural Resources
- 204 – Countywide Archaeology
- 205 – Historic Preservation

