



FAIRFAX COUNTY PARK AUTHORITY

M E M O R A N D U M



TO: Chairman and Members
Park Authority Board

VIA: John W. Dargle, Jr., Director

A handwritten signature in black ink, appearing to be "JWD", written over the name John W. Dargle, Jr.

FROM: Nick Duray
Park Services Division

DATE: December 5, 2008

Agenda

**Park Services Committee
Wednesday, December 10, 2008 – 5 p.m.
Board Room – Herrity Building
Chairman: Edward S. Batten Sr.
Vice Chair: Frank Vajda**

1. Fee Waiver – Discussion*

*Enclosures



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FEE WAIVER REQUEST SUMMARY
Park Services Committee
December 10, 2008

Fee Waiver Request – Resident 100% Disabled Veteran Lifetime Pass

BACKGROUND:

On August 4, 2008, the Park Authority received a request from Mr. Michael Ohaneson to establish a no-fee Fairfax County Park Authority Resident 100% Disabled Veteran Lifetime Pass. The pass would allow free use of all “public facilities and services managed by Fairfax County Park Authority” for 100% disabled veterans and accompanying family members. A response was sent to Mr. Michael Ohaneson from the Chairman indicating that current policies and practices do not allow for such a benefit, and any recommendation in this regard would need to be addressed by the Park Authority Board (Attachment 1).

STAFF RECOMMENDATION:

Staff recommends that this request be denied for the following reasons:

1. The Park Authority Board periodically gets requests from individuals and groups for fee waivers. Historically, the Board has denied all fee waiver requests out of a desire to treat all groups fairly and not favor the waivers of some groups and not others.
2. Staff believes providing a waiver based solely on disability would run counter to the spirit and intent of the Americans with Disabilities Act (ADA), which is to ensure persons with disabilities have equal opportunity to access the workplace, state and local government services, places of public accommodation and commercial facilities, and telecommunications. The ADA does not include provisions for persons with disabilities for financial assistance. This position has been supported by the County’s Disability Services Board in input it provided to the Park Authority Board during the 2005 fee deliberations on the senior discount and is consistent with a 2003 Park Authority response to a Board of Supervisors request to extend the RECenter senior discount to disabled residents (Attachment 2).
3. Establishing a no-fee pass for 100% disabled veterans would set a precedent which could prompt similar requests from veterans with disabilities less than 100%. Estimates from the Virginia Department of Veterans Services on the number of Fairfax County veterans with varying degrees of disability are as follows:

<u>Degree of Disability</u>	<u>Estimated Number of Veterans in Fairfax County</u>
100%	742
90%	254

80%	495
70%	723
60%	934
50%	840
40%	1,427
30%	1,778
20%	2,058
10%	3,189

- Instituting fee waivers for a particular group of disabled residents (i.e., disabled veterans) would establish a precedent and could likely prompt pursuit of fee reductions and/or waivers from other disabled groups as well, including residents with physical, sensory, and/or intellectual disabilities. U.S. Census Bureau estimates the number of Fairfax County residents with these types of disability are as follows:

<u>Type of Disability</u>	<u>Estimated Number of Fairfax County Residents</u>
Sensory	22,315
Intellectual	32,133
Physical	44,978

- No other local parks and recreation agency surveyed (including the Department of Recreation and Community Services, Prince William, Loudoun, Alexandria, Arlington and City of Fairfax) provides a fee waiver for 100% Disabled Veterans.
- Allowing this waiver could obligate the Park Revenue Fund to providing a significant revenue subsidy to large numbers of Fairfax County residents, which would run counter to the agency's recent strategy to minimize subsidies to manageable levels in an effort to improve financial performance. In 2005 the Park Authority Board implemented a five-year program to phase-in adjustments to its senior discounts in order to manage a subsidy which had grown to \$1.75 million annually. Currently, staff has identified the need to evaluate the agency scholarship program for class registrations attributed to the Revenue Fund. The Fund 170 scholarship subsidy for class registrations in FY 2008 was \$329,071, up 20% over the subsidy level for FY 2007.

While it is not possible to determine fiscal impact directly, it can be inferred from the number of County residents that would be eligible for no-fee passes. An estimated 742 100% disabled veterans and their families would be eligible under the current request. However, the waiver would set a precedent that could expose the Park Authority to similar requests from an additional estimated 11,698 veterans with lesser disabilities, as well as from 22,315 to 44,978 Fairfax County residents with some form of intellectual, sensory or physical disability.



FAIRFAX COUNTY PARK AUTHORITY

12055 Government Center Parkway, Suite 927
Fairfax, VA 22035-1118



August 25, 2008

Mr. Michael Ohaneson
6615 Cottonwood Drive
Alexandria, VA 22310

Dear Mr. Ohaneson:

Thank you for your correspondence of August 4 to the Park Authority Board regarding your request for the establishment of a no-fee Fairfax County Park Authority Resident Disabled Veteran Lifetime Pass.

I have asked staff to review and bring to the Park Authority Board their recommendations for a Park Authority 100% disabled veteran no-fee Fairfax County Resident Disabled Veteran Lifetime Pass. Please note that our current policies and practices do not allow for such a benefit, and so any recommendation in this regard would need to be addressed by the Park Authority Board. I assure you that the Board will give this issue due consideration.

Thank you again for sharing your concerns with the Park Authority Board. If you have any additional questions, please contact the Park Authority Director, John W. Dargle, Jr., at 703-324-8578.

Sincerely,

A handwritten signature in cursive script that reads "Harold L. Strickland".

Harold L. Strickland
Chairman

Copy: Park Authority Board
John W. Dargle, Jr., Director
Cindy Messinger, Deputy Director/COO
Charles Bittenbring, Director, Park Services Division

Jorski, Barbara J.

FW: OFF Ohaneson Disabled Veteran Lifetime Pass

Subject:

-----Original Message-----

From: Pedersen, Judith
Sent: Tuesday, August 05, 2008 9:19 AM
To: 'mrohaneson@cox.net'
Cc: Dargle, Jr, John W.; Messinger, Cindy
Subject: OFF Ohaneson Disabled Veteran Lifetime Pass

Dear Mr. Ohaneson,

Thank you for this correspondence and the suggestion on behalf of veterans. I am forwarding this e-mail appropriately for response and consideration.

Warmest regards,

Judy Pedersen
Public Information Officer

-----Original Message-----

From: mrohaneson@cox.net [mailto:mrohaneson@cox.net]
~~Sent: Monday, August 04, 2008 2:26 PM~~
To: Parkmail
Subject: Feedback to: All Board Members

Submitted at Mon Aug 4 2008 14:26:06 from 199.129.80.9

Comment: FCPA Board Members:

I am a Fairfax County resident and a 100 percent disabled veteran. I am contacting all FCPA Board Members today in an attempt to garner support with the establishment of a no-fee FCPA Resident Disabled Veteran Lifetime Pass. The pass would admit the pass holder and accompanying family members to public facilities and services managed by Fairfax County Park Authority. The pass would be used in lieu of a general public admission pass (e.g. FCP Golf Course Pass, Miniature Golf Course Pass, Mount Vernon Ice Skating Pass, RECenter Pass, Wakefield Skate Park Pass, etc.). Eligible recipients of the pass would be required to submit proof of 100 percent disability rating from the Department of Veterans Affairs or a military service department.

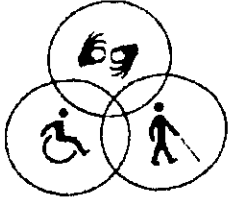
Virginia and Fairfax County have limited ways of acknowledging the sacrifices of 100 percent disabled veterans and their families. The establishment of this pass would be a positive message sent to the community with minimal associated costs.

I am requesting full consideration of my request by the FCPA Board Members. I look forward to your response.

Respectfully,

Michael Ohaneson
mrohaneson@cox.net

Yourname: Michael Ohaneson
Address: 6615 Cottonwood Drive
City: Alexandria
State: VA
Zip: 22310
Phone: 2404818163
Email: mrohaneson@cox.net



Fairfax Area Disability Services Board

12011 Government Center Parkway, Suite 708
Fairfax, Virginia 22035-1104
703-324-5421, TTY 703-449-1186, Fax 703-449-8689
disabilityservices@fairfaxcounty.gov, www.fairfaxcounty.gov/service/dsb

February 24, 2005
Via electronic mail

Dear Chairman Connolly and Board of Supervisors:

At its recent meeting, the Fairfax Area Disability Services Board ("FA-DSB") discussed the Fairfax County Park Authority's ("FCPA") proposed fee adjustments to its programs and facilities.

As you will see in the attached memorandum from the FCPA regarding Reduced Rates for Citizens with Disabilities at RECenters, a related-issue was raised back in December 2003. In summary, the memo addressed whether the FCPA should offer the same reduced rate to residents with disabilities that were already available for seniors. The recommendation was that while laudable, among other things, it would be counter to the philosophy of the Americans with Disabilities Act and a financial burden to the FCPA.

The FA-DSB supports and endorses a comprehensive look at readjusting fees to make them more equitable for all users. However, it is our opinion that any adjustment should be based on limited financial resources, not solely age or disability. Many seniors and people with disabilities are on fixed incomes, but age and disability are not synonymous with low incomes. It is true, however, that many people with disabilities have incomes less than people, including seniors, without disabilities. Having the discount based on financial resources would allow eligible seniors to continue to use Park Authority facilities and extend the discount to younger adults with disabilities who can benefit from being physically active. We also believe that the county should promote to the greatest extent possible the Therapeutic Recreation Services program, and keep fees for this program as affordable as possible for people with disabilities.

While the FA-DSB does not have a specific recommendation or position on the type of formula to be used to determine a needs-based system, perhaps the FCPA could study the feasibility of using current eligibility requirements for programs in the county that provide discounts or reductions to eligible residents with disabilities or other county programs that are based on income levels or other qualifying factors.

We urge that this issue be carefully considered, and we would welcome the opportunity to provide consultation and input regarding the fee adjustments. Thank you for your attention to this matter and we look forward to your response. If you have any questions, please do not hesitate to contact me or Mike Hatfield of the FA-DSB staff at 703-324-5219.

Sincerely,



Tom Choman, Chair

cc: Michael A. Kane, Director, Fairfax County Park Authority
Elly Doyle, Chair, Commission on Aging
Anthony H. Griffin, County Executive

The Fairfax Area Disability Services Board is established under the Code of Virginia, Chapter 10 and serves people with physical and sensory disabilities in Fairfax County and the Cities of Fairfax and Falls Church.



FAIRFAX COUNTY PARK AUTHORITY
M E M O R A N D U M



TO: Anthony H. Griffin, County Executive
FROM: Michael A. Kane, Director *MAK*
DATE: December 3, 2003
SUBJECT: Reduced Rates for Citizens with Disabilities at RECenters

At the Board of Supervisors' meeting on July 7, 2003, Supervisor Frey noted that the County offers reduced rates to senior citizens using Park Authority RECenters. He had been contacted by a constituent who inquired about the possibility of offering the same reduced rate to citizens with disabilities. Staff was directed to determine any issues regarding the feasibility of offering a reduced rate to citizens with disabilities at Park Authority RECenters.

The current 50% discount for senior use of RECenters should not be extended to county residents with disabilities based solely on their disability. While laudable, to do so would be inconsistent with ADA philosophy and would place an added financial burden on the Park Authority Revenue Fund that would be unmanageable based upon the following rationale:

- *The Park Authority currently offers a 50% discount to seniors for tuition classes and facility use at RECenters and golf courses based on a countywide policy that was enacted in 1984. The policy stated "that all public agencies charge one-half price for all tuition classes and pay-as-you-go events (such as swimming and golf) for senior adults over age 60." The policy also exempted "out-of-County entertainment tours organized by the Recreation Department and financed completely by participant fees."*
- *Although the senior discount policy impacts a number of County service providers, the Park Authority is unique in that it must absorb the full impact of the discount policy in its Revenue Fund. When enacted the policy was not considered financially onerous, since the County's senior population was comparatively small. The Board item ratifying the policy did anticipate the need to revisit the policy in the future, when the senior proportion of the population became larger.*
- *The impact of the senior discount policy has caused a structural problem within the Park Authority Revenue Fund. Due to the expected growth in the senior population, the financial impact of the senior fee policy on the Park Authority Revenue Fund has become significant. The issue has been a topic of conversation between the Park Authority Board and the Board of Supervisors for several years, most recently at the Joint PAB/BOS meeting in March 2002. In FY2003, the impact of the senior discount policy on the Park Revenue Fund reached \$1.57 million. The financial burden has become significant at a time when the Park Authority is finding it extremely difficult to meet Park Authority Board targets for set aside reserves that can*

be used for facility maintenance and renovations. In FY2003 no reserve funds were transferred from the Revenue Fund (Fund 170) to Fund 371 for a set aside, since the year-end net revenue for Fund 170 was only \$13,361. The Park Authority's Financial Management Plan also projects that the Park Revenue Fund will not be able to meet aside targets in either FY 2004 or FY 2005.

- *In an effort to address the existing structural problem in the Park Revenue Fund caused by the 50% senior discount, staff has proposed a multi-year, phased reduction of the senior discount percentage to the Park Authority Board. The Park Authority Board has endorsed the concept in principal, although has yet to act pending a sign of support from the Board of Supervisors.*
- *Population analysis indicates that extending the 50% discount to those residents with disabilities would place an additional burden on the Park Revenue Fund that could not be absorbed by that Fund alone. Approximately, 11.5% of the Fairfax County population is eligible for the current age-based discount, based on Census figures. The Census also indicates that 12.3% of the population age 5 and older has a disability. Roughly, a quarter of the population with disabilities is already eligible for the 50% discount by virtue of their age. That means an additional 9% of the population would be eligible for the 50% discount if people with disabilities were included, with the potential to add an additional \$1.23 million impact to the Park Revenue Fund.*
- *Debt service restrictions in the Park Revenue Fund prohibit the ability of the fund to absorb another subsidy. Revenue bond financing of the Laurel Hill Golf Course has also reduced the flexibility of the Park Revenue Fund to absorb additional subsidies. Annual debt service payments are currently slightly above \$1.0 million per year and will grow to about \$1.9 million annually by FY 2012. An associated bond indenture covenant requires maintaining a debt service ratio of at least 125%.*
- *Park Authority Inclusion & ADA staff does not support extending the 50% discount to residents with disabilities simply on the basis of their disability. The opinion of agency Inclusion & ADA Support staff is that this would constitute special treatment and, therefore, would be contrary to the ADA philosophy which seeks to provide equal opportunity on the basis of disability not income. Just because an individual is disabled does not mean they do not have the ability to pay use fees. It is true that a greater proportion of the disabled population of Fairfax County has 'ability to pay' issues than the portion of the population that does not have disabilities, but low income and disabled are certainly not synonymous. A Census comparison of poverty status and disability status for Fairfax County shows that 7.8% of the disabled population age 5 and above has household incomes below poverty status compared with 4% of those who do not have disabilities.*
- *The Park Authority sought the opinion of the Disability Services Board (DSB) in formulating this response. The DSB endorses and supports an approach based on financial need rather than entitlement by virtue of age, disability or any other criteria. They did raise the issue, however, that if the senior discount was not replaced by a needs-based system that they would be supportive of extending a similar entitlement to residents with disabilities.*

Anthony H. Griffin
November 25, 2003
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It is my intention to again recommend to the Park Authority Board to address the senior fee issue with the Board of Supervisors, possibly at their annual joint meeting. If you have any questions, please give me a call.

cc: Timothy K. White, Deputy Director