

**Memorandum of Understanding
Between the Board of Supervisors and the Park Authority**

FAIRFAX COUNTY BOARD OF SUPERVISORS
and
FAIRFAX COUNTY PARK AUTHORITY

MEMORANDUM OF UNDERSTANDING

BE IT AGREED by and between the Board of Supervisors of Fairfax County and the Fairfax County Park Authority as follows:

1. The Fairfax County Park Authority Board, subject to approval by the Fairfax County Board of Supervisors, will appoint a Director of the Fairfax County Park Authority. The Director will serve at the pleasure of the Fairfax County Park Authority Board and will have the following responsibilities to the Board.
 - A. To appoint the officers, agents, and employees of the Park Authority permanent or temporary as may be required, and to determine their qualifications, duties and compensation.
 - B. To enter into contracts pursuant to the provisions of the Virginia Code 15.1-1232 (1981) as amended.
 - C. To interpret, implement and administer all policy decisions of the Authority as conveyed to the Director by the Fairfax County Park Authority Board.
 - D. To carry out all the activities of the Authority to include those set forth in Article II - Administration, Director, Section I of the Bylaws governing the Fairfax County Park Authority of Fairfax County, Virginia as revised and adopted May 19, 1981, or as may be amended during the term of this agreement.
2. Annually the Fairfax County Park Authority Board will provide the Board of Supervisors with a performance evaluation on the appointed Director of the Park Authority. The evaluation will include a Park Board recommendation for any salary changes for the Director. The actual salary level will be established by the Board of Supervisors in accordance with the County's Merit System. The Fairfax County Park Authority Board shall develop written procedures and guidelines to delineate the Director's responsibilities as set forth in paragraph number one above, and to clarify performance standards for evaluation in accordance with this agreement.
3. The Fairfax County Executive, during the period of this agreement, will perform the duties as the Board of Supervisor's administrative liaison to the Fairfax County Park Authority. In this capacity the County Executive will represent the Board of Supervisors on matters affecting budget planning, organizational administration, and the design/construction phases of

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development that the FCPA may undertake as a participant in County processes and procedures.

4. The Fairfax County Park Authority will use the legal services of the County Attorney's Office unless the 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. Upon recognition of the need for outside counsel, the Authority will proceed to select counsel from an approved list submitted by the County Attorney.
5. Upon mutual agreement of the Board of Supervisors and the Park Authority, the County Executive may direct the transfer of any Park Authority program, activity, or function to one or more general County agencies or departments, or may direct the transfer of any general County function to the Park Authority.
6. The Park Authority's General Fund Operating Budget is to be prepared in accordance with procedures and formats established by the Board of Supervisors and used by other County agencies. This is subject to appropriation by the Board of Supervisors.
7. Contributions to the Park Authority operations made by the Board of Supervisors will be in the form of goods and services with title vesting in the Park Authority.
8. Board of Supervisors contributions to the Park Authority Capital Program will be budgeted as projects and in accordance with County budget procedures. Project detail sheets with total project estimates and complete funding source will be provided to the Board of Supervisors consistent with the County's customary capital construction budget process. The anticipated staff level and operating costs involved with each project also will be submitted to the Board of Supervisors for their review and comments. The capital budget submission will include project details identifying the specific fiscal year that the facility will begin operating and the specific Park funding source for operating the new facility. The Park Authority will submit its Capital Program by priority as established by the Park Authority. The Capital budget will identify all sources of funds including Park Capital Trust Funds. The Board of Supervisors will appropriate only to those expenditures supported by non-trust fund monies (primarily general obligation bond monies).
9. Funds (including revenue from park operations, grants, and gifts) received by the Park Authority should be considered as trust funds of the Authority to be appropriated and expended solely by the Authority in accordance with its Trust Fund Budget. The Park Authority has the fiduciary responsibility under the law to appropriate, manage and expend operating Trust Funds. To provide the Board of Supervisors with the information necessary for an overview of the total Fairfax County park program, the Park Authority agrees to adopt such budgeting and reporting procedures for the Operating Trust Fund as are in use by the General County Government.

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10. As permitted by the Park Authorities Act, 15.1-1235,¹⁰ the Director of Finance of Fairfax County is appointed fiscal agent and trustee for Park Authority Funds. The Director of Finance will employ accounting principles and techniques satisfactory to the State Auditor of Public Accounts and the County's auditor (who shall also be the Authority's auditor), and in such detail as may be compatible with the above and as may be required by the Park Authority.
11. The Director of Finance shall maintain a fund structure for Park Authority Funds consistent with County policy and procedures. The structure of Park Authority Trust Funds shall be compatible with the established accounting system but may otherwise be as desired by the Park Authority.
12. The County Director of Finance may, except where provided otherwise by revenue bond resolution, invest Park Authority funds with the County 'pooled cash' investments. All funds shall be accounted for in a manner that will provide an audit trail identifying the equity of the Fairfax County Park Authority in the cash pool. Trust funds so invested and interest earned on the trust fund money are subject to appropriations only by the Fairfax County Park Authority.
13. The Authority has requested, and the Board of Supervisors has agreed, that the Authority's employees shall be administered under the provisions governing the County's personnel system both as in effect now and as may be subsequently modified by the Board of Supervisors. Park Authority positions currently designated as being in competitive service and those currently designated as being exempt service shall continue to be treated as such unless changed by the Authority. It is also agreed that employees of the Authority shall have the same rights to file grievances under the County's grievance procedure as County employees.
14. All Park Authority purchasing and bidding will be in accordance with purchasing policies and procedures established in the County's Purchasing and Supply Management Agency. Procurement practices will be handled through the County Purchasing Agent. As is done with all General County capital projects that the Park Authority will submit all contracts to the Board of Supervisors prior to award to be included in the Board package for review and comment as necessary by the Board of Supervisors.
15. The responsibilities of the Park Authority and of County agencies in the park planning cycle will be as identified below:

Action

Responsible
Organization

¹⁰ Title 15.1 of the Virginia Code, including the Park Authorities Act, was recodified and renumbered effective December 1, 1997.

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<u>Action</u>	<u>Responsible Organization</u>
A. Establishment of integrated program for County-funded Leisure time activities.	Leisure Time Task Force and Recreation and Community Services
B. Establishment of parks Program to meet Objectives of A, above.	Park Authority
C. Development of long-range land and facilities needs plan. - Number and type needed - General locational criteria - Timing and priority	Joint (Park Authority) Office of Comprehensive Planning and Recreation and Community Services
D. Preparation of comprehensive land-use plans (to include inputs from the Park Authority).	Office of Comprehensive Planning
E. Preparation of County Capital Improvements Plan (to include Park Authority inputs).	Office of Comprehensive Planning
F. Preparation of Community Improvement Program (including bond sale schedule).	Office of Comprehensive Planning
G. Preparation of park site design and construction plans.	Park Authority
H. Review of park site design and construction plans.	Recreation & Community Service Police and Fire and other agencies as required
I. Preparation of annual operating budgets (utilizing County codes, forms and procedures) for all funds.	Park Authority
J. Review and analysis for all funds.	Office of Management Budget
16. Land Acquisition: There would be involvement of County agencies as specified below. The responsibilities of the Park Authority and County agencies in the process of land acquisition are as follows:	

Action

Responsible Organization

**Memorandum of Understanding
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<u>Action</u>	<u>Responsible Organization</u>
A. Establishment of land acquisition priorities and schedules as to specific sites; and estimates of costs.	Park Authority
B. Research into ownerships, establishment of actual boundaries (through real estate records).	Park Authority
C. County staff review and recommendation of specific sites to Park Authority	County Facilities Site Selection Committee including Park Authority
D. Inclusion of site on Public Facilities Plan upon application by Park Authority--with recommendation of County Facilities Site Section Committee.	Planning Commission (subject to review by Board of Supervisors)
E. Obtaining of appraisals surveys, and setting price limits.	Park Authority
F. Negotiation of sale and obtaining engineering studies where deemed necessary. (This is the general case, though there could be exceptions in the case of small acquisitions).	Park Authority
G. Authorization of condemnation action.	Park Authority with assistance by County Attorney as requested by Park Authority.
H. Institution of condemnation action.	Park Authority.
17. Contract Management: The Park Authority will manage all capital contracts in conformance with adopted County Purchasing Resolutions and appropriate financial management procedures used by all the County Agencies.	
18. The Board of Supervisors shall include the members of the Authority's Board among those boards and commissions covered by its Resolution on the Indemnification and Defense of Officers and Employees (copy attached as <u>Exhibit 1</u>).	
19. While the Park Authority agrees to follow and comply with County procedures where possible as provided above, none of the foregoing provisions is to be construed as limiting the Park Authority's statutory responsibility for the control of its trust funds and the discharge of its non-delegable duties.	

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20. The foregoing provisions are not to be construed or applied in a manner contrary to applicable laws of the Commonwealth of Virginia.

This Memorandum of Agreement shall remain in full force and effect until terminated either by written agreement of both parties, or after 360 days written notification by either party to the other. The Memorandum of Agreement shall be formally reviewed by both parties after five years from the date of this Memorandum of Agreement.¹¹ The Memorandum of Agreement may be amended only by the mutual agreement of the Park Authority Board and the Board of Supervisors. During the period that this Memorandum of Agreement is in force, neither the Authority nor the Board shall take any unilateral action or establish any policy contrary to or in derogation of any of the matters agreed to in the Memorandum of Agreement.

10/16/91 /s/ Audrey Moore
Date Chairman, Fairfax County Board of Supervisors

10/17/91 /s/ Thomas B. White, Jr.

A Copy Teste:

/s/ Nancy Vehrs
Clerk to the Board

¹¹ This memorandum was reviewed in the Fall of 1996. At a meeting between the Chairman of the Fairfax County Board of Supervisors and the Chairman of the Fairfax County Park Authority on November 4, 1996, it was agreed to continue it without change.

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FAIRFAX COUNTY, VIRGINIA
MEMORANDUM

TO: William Beckner, Director
Fairfax County Park Authority

FROM: Anthony H. Griffin /s/
Deputy County Executive for
Planning and Development

SUBJECT: Public Hearing on the Continuation of the Fairfax County Park Authority
For a Period of 30 Years Until October 28, 2021

DATE: October 28, 1991

At its meeting on October 28, 1991, the Board of Supervisors concurred in the recommendation of staff and adopted the attached ordinance amendment which continues the Fairfax County Park Authority in existence for a period of 30 years, until October 28, 2021.

AHG:mlh
Attachment

Memorandum of Understanding
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AMENDMENT TO AMEND AND REENACT SECTION III
OF THE ORDINANCE WHICH CREATED THE
FAIRFAX COUNTY PARK AUTHORITY ON
DECEMBER 6, 1950, AS AMENDED

An Ordinance to amend and reenact Section III of the Ordinance which created the Fairfax County Park Authority on December 6, 1950, as amended.

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY,
VIRGINIA:

1. Section III of the Fairfax County Ordinance which created the Fairfax County Park Authority on December 6, 1950, as amended, is hereby amended and reenacted as follows:

SECTION III.

The Authority shall enjoy all the powers authorized under the Park Authorities Act and shall continue in existence until October 28, 2021, unless the Board of Supervisors of Fairfax County provides for an earlier termination provided that the existence of the said Authority may not be terminated after any obligation has been incurred by the Authority and while any such obligation remains binding unless the Board of Supervisors of Fairfax County, Virginia, agrees to assume and pay said obligation.

October 28, 1991, 7:30 P.M.