

# STAFF REPORT



**Meeting Date:** April 20<sup>th</sup>, 2022  
**To:** Board of Directors  
**From:** Michael J. Aho, District Administrator  
**Subject:** Memorial Policy Update  
**Prepared By:** Sean Ventura, Park & Facilities Manager

## **I. Recommendation**

It is the recommendation of the staff to adopt the updated Fair Oaks Recreation & Park District Memorial Policy.

## **II. Background**

It is standard procedure for the District to revisit its policies every few years. The Memorial Policy was last reviewed in 2008. To that end, staff is presenting an updated Memorial Policy in order to ensure that the District's policies are correct for the times and meeting the needs of Fair Oaks residents. The existing Memorial Policy limits the type of memorial that can be placed within District boundaries to trees only; however, the District recognizes that there is a desire from the general public to see other types of memorial objects placed within our park. At the same time, the District is interested in managing the aesthetics of our park spaces and would like to avoid an oversaturation of memorial objects throughout our properties. This updated Memorial Policy maintains the standards of the former policy while updating it to add further options for memorial objects. Further clarifications were also added to the policy to better outline the process of installing memorials, the rights and responsibilities both of the District and of memorial donors, and establishes restrictions on allowable memorial locations and durations. On March 28, 2002 the Policy Review Committee met and recommended that the Board approve this Policy.

## **III. Problem /Situation/ Request**

Staff's request is to adopt the updated Memorial Policy so that further memorial object requests can begin to be processed and the public's needs be met.

**IV. Financial Analysis**

The adoption of this policy will have no immediate financial impact to the District. The costs of new memorial installations will be borne by those seeking to install a new memorial in the parks.

Respectfully Submitted,

Michael J. Aho  
District Administrator

Attachment A: Draft Memorial Policy

# **Fair Oaks Recreation & Park District Memorial Policy**

## **Introduction**

Fair Oaks Recreation & Park District (District) will be responsible for the consideration of applications for installation of memorial trees and memorial plaques on benches and chairs throughout the District. The District supports the needs and principles of allowing memorials in parks but the District is also mindful that the parks and facilities have many uses, and are enjoyed by a wide range of people. Therefore, the District will ensure that the issue is managed and regulated for the mutual benefit of all and prevent memorials from being placed in such a manner that will interfere with regular park operations and the public enjoyment of open spaces.

This policy will establish guidelines for memorial placement and set a sunset period after which memorials will be removed by District staff so as to allow future generations to be provided with access to the same services as described herein.

It is the intention that the policy only covers broad common issues and is not meant to be exhaustive. It is the intention that the content of this policy will be revised as necessary to meet changing circumstances, fashion and trends. The policy will be reviewed at least every three (3) years and proposed amendments shall be submitted to Board Members for approval.

## **Objective of the Policy**

The District is seeking to ensure it is adopting a clear, measurable and sympathetic approach to the management of its parks and facilities, which will take into account the sometimes contrasting needs of a variety of park and facility users. The policy will establish responsibility for maintenance, repair and replacement.

## **Definitions**

- Bench – a two-to-three person bench of design chosen by District staff.
- Chair – A single-person chair of design chosen by District staff.
- District – Fair Oaks Recreation & Park District
- District Property – Any property, real or personal, owned by the District.
- Donor – A member of the community of Fair Oaks, or a friend or relative of a deceased member of the community of Fair Oaks, who wishes to establish a memorial.
- Establishment of Memorial – A written application, supplied by District staff, and completed by Donor, to request the installation of a memorial on District property.
- Funding – Legal United States tender in the amount established, at time of Establishment of Memorial request, to meet manufacturing, shipping and installation requirements of a memorial.
- Staff – Personnel employed by the District for the purpose of performing regular duties in one of the Administrative, Recreation, or Parks divisions.
- Memorial – An object established to remind people of a person or event. For purposes of this policy, a memorial is one of two items: a plaque placed on a bench or chair or a tree.
- Installation Period – The period during which a Memorial is installed on District Property. The baseline Installation Period shall be 10 years.

## **Memorial Policy**

Limitations:

- Memorials may only be installed by Staff.
- Memorials may only be established on District Property for residents of Fair Oaks or for individuals who at one point resided within Fair Oaks
- Memorials may be established for a maximum Installation Period of 10 years at which point the Memorials will be removed and returned to the Donor.
  - Memorial trees are not limited by this sunset period and will remain where they are planted for the duration of the tree's natural life.
- If, at the end of a Memorial's 10-year duration, there are no pending requests for Memorials within District Property for current Memorial's location, then Donors will be offered the opportunity to renew the Memorial's Installation Period for a nominal fee.
- Memorials stolen or damaged during their Installation Period will not be replaced by the District but may be replaced at the expense of the Donor.
  - The District will make reasonable attempts to repair Memorials damaged during their Installation Period.
- Memorial objects that are to be returned are limited to custom bench or seat plaques. Memorial objects branded solely with District iconography, trees and benches/seats will remain the property of the District.
- Memorial plaques placed on benches or chairs will be limited to a size appropriate for the bench or chair. The decision as to the size of the plaque is the sole discretion of the District.
- Upon donation and for the duration of the Installment Period, Memorials become the sole property of the District.
  - Memorial trees become the sole property of the District upon donation and for the lifespan of the tree.
- Memorials may not have a commercial appearance or corporate label.
- All messaging on memorial plaques must receive approval from Staff prior to ordering the plaque.
  - Examples of messaging which will not receive approval include without limitation "fighting words," defamatory statements, obscenity or messages that constitute a "clear and present danger."

#### District Rights & Responsibilities:

- During the Installment Period, it is the responsibility of the District to maintain any objects on which a Memorial object is anchored.
- During the Installment Period, it is the responsibility of the District to maintain any Memorial objects that are branded only with Fair Oaks Recreation & Park District iconography.
  - It is the responsibility of the District to perform all maintenance of tree Memorials.
- It is the responsibility of the District to inform Donors or secondary contacts of the removal of a Memorial.
- The District has the right to make all final determinations in Memorial placement location.
- The District has the right to final approvals regarding language and messaging of custom plaques.
- The District is not responsible for the replacement of old or diseased trees.
- The District has the right to make final determinations on tree species.
- The District has the right to exercise its own discretion in the early removal of a Memorial.
  - It is the responsibility of the District to take all reasonable measures to avoid removing a Memorial prior to the end of an Installment Period without cause.

- The District has the right to remove any tree Memorials that have been damaged and are deemed beyond repair.
- The District has the right to exercise its own discretion in moving any Memorial.
  - It is the responsibility of the District to take all reasonable measures to avoid moving a Memorial without cause.
- It is the responsibility of the District to notify Donors, at Donor's last known address, in cases of early removal or movement of Memorials.
- The District Board of Directors has the right to approve, and have installed, Memorials that do not adhere to this policy.
- The District has the right to perform its own maintenance of Memorial objects that are branded with custom iconography. Original Donor may be charged a service fee if Staff are required to perform regular maintenance of custom iconography.
- The District is not responsible for loss or damage from causes beyond its reasonable control, and especially from damage caused by the elements, an act of God, common enemy, thieves, vandals, strikers, malicious mischief makers, explosions, unavoidable accidents, invasions, insurrections, riots, or order of any military or civil authority, whether the damage be direct or collateral.
  - The District is not responsible for damage caused to tree Memorials from routine maintenance such as turf or irrigation maintenance.

#### Donor Rights & Responsibilities:

- During the Installment Period, it is the responsibility of the Donor to maintain any custom Memorial objects such as plaques bearing non-District iconography.
  - Donor does not have the right to perform maintenance of tree Memorials including, but not limited to, pruning, trimming or cutting in any form, fertilization or watering of the tree, treating for pests or disease, or moving or removal of the tree.
- It is the responsibility of the Donor to retrieve removed Memorials within one (1) month of notification of removal.
- It is the responsibility of the Donor to provide full Funding for any Memorial project that they request.
- It is the responsibility of the Donor to update their contact information with the District.
- The Donor has the right to request early removal of a Memorial that they have donated.

#### Form:

- The form which memorials may take is completely under the discretion of Staff. The current options for memorials are as follows:
  - Memorial Tree – Species and placement will be chosen at the discretion of the District.
  - Bench with memorial plaque – a 2-3 person bench, the design of which will be chosen by Staff and in keeping with the overall District Master Plan. A memorial plaque may be placed on the rise of the bench facing forwards.
    - Memorial benches are allowed with the option of a Fair Oaks Recreation & Park District emblem or with a custom memorial plaque in place of or in addition to the District emblem.
  - Chair with memorial plaque – a single person chair, the design of which will be chosen by Staff and in keeping with the overall District Master Plan. A memorial plaque may be placed on the rise of the chair facing forward.

- Memorial chairs are allowed with the option of a Fair Oaks Recreation & Park District emblem or with a custom memorial plaque in place of or in addition to the District emblem.
- Memorial plaques which are anchored into the ground as markers for other objects are not allowed.
- Memorial plaques may not be anchored onto any other surfaces including, but not limited to, existing buildings, site amenities (such as basketball hoops or drinking fountains), fences, or into roadways.

Process:

#### Applying for and Installing Memorials

**Due to issues outside the ability of Staff to control, this process may take longer than one month. No guarantees are made as to the expediency with which a Memorial may be installed.**

- Donor must first complete an Establishment of Memorial form, and must turn the form in to Staff for review prior to the purchasing or installation of a Memorial on District Property.
  - Original Donor may, at any time, establish a secondary contact to receive communications regarding the Memorial by notifying the District in writing or by filling in the appropriate fields on the Establishment of Memorial.
- As part of the Establishment of Memorial, available locations for Memorials will be outlined by Staff from which the Donor may choose.
- Establishment of Memorials must first be approved by Staff.
  - If changes are required, Staff will work with Donor to correct the application prior to resubmittal.
- After Staff approval, Establishment of Memorials must receive final approval from the Fair Oaks Recreation & Park District Board of Directors at a regular meeting of the Board of Directors.
- Upon approval by the Board of Directors and receiving funding, Staff will order, acquire and install Memorial.

#### Installment Period

- Each Memorial will have an installment period of ten (10) years before they are removed.

#### Removal of Memorials

- At the end of Memorial's Installment Period, Staff will remove Memorials and make them available to original Donor for retrieval.
- Upon removal, Staff will notify original Donor or secondary contact of the removal and keep the Memorial at the Fair Oaks Recreation & Park District Maintenance Offices. Donor, or secondary contact, will have one month from date of notification to retrieve the Memorial before Staff dispose of the Memorial in a manner deemed appropriate by Staff.
- If, at the time of removal, contact cannot be made with original Donor or secondary contact, the Memorial will be removed by Staff and disposed of in a manner deemed suitable by current Staff.
- Staff will make every reasonable effort to remove the Memorial without causing damage to the Memorial.
- Staff has sole discretion to remove Memorials at any time, even if the installment period has not reached its sunset period, if the Memorial is damaged in such a way that it detracts from the

aesthetics of the overall park site or if the damage is deemed to represent clear and imminent harm to members of the public.

- The District may, at its sole discretion, choose to move a Memorial for any reason.

Funding:

- Full Funding is the sole responsibility of the Donor.
- Funding for materials must be paid to the District prior to the ordering of any Memorial objects.
- Funding for labor required to acquire and install a Memorial must be paid to the District upon completion of work.
- District will charge no more than cost of materials and labor, plus 20%.
- The District will not offer refunds for any piece or aspect of the Memorial Bench Policy.

Exceptions:

- By the discretion of the Fair Oaks Recreation & Park District's full Board of Directors, other memorials may be erected or installed that do not conform to the current District policies in order to serve large donations, notable occurrences or community members.