

City of Arkansas City

Beautification and Tree Advisory Board

Public Land Adoption Policy

The City of Arkansas City is blessed with an abundance of beautiful parks and recreation areas for its citizens' enjoyment. Due to the rising costs of doing business, however, the City also faces financial challenges that present difficulties in altering, modifying or improving property to any significant degree.

In the interest of addressing these challenges and finding creative solutions to financing improvements, reducing the labor burden on the City's Parks and Facilities Division (and thus decreasing or reallocating the use of tax dollars), and responding to community concerns about the direction and maintenance of its public lands, the City Commission of Arkansas City, acting upon a recommendation of and in concert with the City Beautification and Tree Advisory Board, has adopted the following policy to govern the "adoption" of City property by interested entities, which may take the form of labor, funding or both.

Proposed Activities

Persons or organizations interested in adopting a property will be asked to complete an application form, available in the City Clerk's Office, and submit it with a written proposal for consideration by the Board. No application fee is required to submit such a form, but some basic information is requested.

The proposal should explain in detail the sorts of activities the applicant proposes to pursue in helping to beautify, maintain and improve the property. The Parks and Facilities Division provides a variety of services in each of the City's parks that could be supplemented or replaced by "sweat equity" from volunteers and concerned citizens. While this is not an exhaustive list and each property's needs are somewhat unique, applicants should propose to take on some combination of the following activities:

- Erecting equipment/structures
- Mowing grass & trimming trees
- Picking up/disposing of litter
- Painting benches, signs, etc.
- Picking up tree limbs & debris
- Planting flowers/shrubs/trees
- Purchasing **and maintaining** new equipment
- Watching/patrolling property to prevent vandalism

Time, energy and labor always are needed. The City will provide paint, trash bags and rakes, and gloves. However, City equipment such as lawn mowers, trucks, weed eaters, etc., will not be available for usage.

Proposed Funding Stream

The application and proposal also should specify what sort of annual monetary contributions the applicant proposes to provide toward the upkeep, maintenance, and improvement of the property.

Factors to consider and present in this part of the application include, but are not limited to:

1. What are the annual commitment of funds and the duration of the commitment? Will a larger initial investment be made, with decreasing contributions to maintenance in later years?
2. What banking method is proposed for the funds? Will a maintenance and operations reserve fund be established? What will be its minimum and maximum levels (if any)?

3. If equipment is to be purchased and donated, will funds be set aside to pay for its replacement in the event of damage, destruction or natural disaster? How will these funds be managed?
4. Will the applicant submit an annual budget for consideration by the Board and City Commission?
5. Will donations to the applicant be tax-deductible? Is the applicant a charity or religious group?
6. Will the applicant take advantage of any grants or matching funds? Are they local, state or federal?
7. Will any portion of the annual funding commitment come in the form of labor, “sweat equity,” or in-kind contributions or donations?
8. What will be the renewal provisions for this funding arrangement?

Authorization and Oversight

The City of Arkansas City is the final arbiter and decision-maker regarding any changes to its property. No signs or memorials shall be introduced, removed, or changed without the consent of the City Commission.

The final decision on placement, size and type of new playground equipment or structures shall rest with the City Manager, in accordance with national standards, state laws and local ordinances. All changes or improvements to any City property must be made in accordance with the Americans with Disabilities Act.

Whenever possible and practical, local neighborhoods shall be consulted regarding the direction of changes and/or improvements to their parks. The Board strongly urges applicants to consider forming a governing committee to oversee and approve all changes before they come before the City, in order to provide an outlet for passionate residents to make their wishes known and ensure that all facets of the community are represented fairly. The means and methods of forming and operating such a committee shall be weighed in the decision of whether to award an adoption contract to the applicant.

Indemnities and Liabilities

Insurance for any adopted City property will be maintained by the City of Arkansas City.

While adoption arrangements are considered binding contractual arrangements, the City may at any time terminate the adoption agreement if the applicant does not meet its commitment. Such a decision to terminate will be made by a voice vote of the City Commission.

The City is not responsible for any unauthorized improvements or impairments made by any adopting party without the City’s explicit approval.

Requests for Proposals

If an applicant expresses interest in adopting a property, the Board may elect, at its discretion, to open up that property for a competitive Request for Proposal (RFP) process. Any RFP shall be advertised on the City’s website and social media outlets, in the official City newspaper, and through other local media and means as opportunities become available. The period to submit a proposal shall be no less than 30 days.

Once the RFP period ends, the Board shall, at its next regular meeting, consider all applications and proposals, and weigh their relative merits. In accordance with the guidelines of the City purchasing policy, the RFP process is not solely a competitive bid process in which the “best” offer is awarded.

Instead, selection and award of an adoption contract shall be made on the basis of demonstrated competence and qualifications, in support of a fair and reasonable financial commitment. Upon making its selection, the Board shall vote to make a formal adoption recommendation to the City Commission.

The City Commission shall consider the recommendation at its next regular meeting. A resolution of the Commission, approved by a majority voice vote, shall be considered sufficient to initiate an adoption contract with the applicant for a term of two years, unless otherwise specified.

Renewal of adoption contracts shall be via the same application form as before, but the original proposal may be submitted each time as long as there are no substantive changes to the applicant's plans. If there are changes, the Board may require applicants to submit a brand-new proposal taking them into account.

Preference shall be given to recognizable entities, such as civic groups, churches or other nonprofit organizations, with a track record of good financial management and civic engagement. For-profit entities also shall be judged on similar merits, with additional consideration being given to suitability.

Renaming Rights and Sponsorship

A substantial annual financial commitment shall be required from any applicant seeking consideration for renaming rights for any given property. The appropriate amount and duration of such a commitment shall be determined by a vote of both Board and the City Commission.

Such a commitment does not guarantee renaming will be granted, however. Renaming will be done only with approval of the City Commission, acting on a recommendation of appropriateness from the Board.

Both nonprofit and for-profit entities also may include in their application and proposal a request for sponsorship rights, which may include, but are not limited to, opportunities to display the applicant's logo on official signage or other high-visibility locations. Again, such requests will be weighed by the Board and City Commission, with no guarantees of their being granted regardless of contribution level.

Helpful Resources

- Arbor Day Foundation — <https://www.arborday.org>
- National Program for Playground Safety — <http://www.playgroundsafety.org>
- National Recreation and Park Association — <http://www.nrpa.org/Tools-Resources>
- Project for Public Spaces — <http://www.pps.org/reference/reference-categories/parks-articles>
- Public Playground Safety Handbook — <http://www.cpsc.gov/PageFiles/122149/325.pdf>
- Tree Board University — <http://www.treeboardu.org>
- Tree City USA — <https://www.arborday.org/programs/treecityUSA>