



July 24, 2020

From June 2 to July 26 the members of Fredericksburg's Special Events Task Force provided extraordinary service to our City, managing an unprecedented twenty-four permitted and numerous nightly unpermitted expressive activity events. During that time the team performed their official duties with dedication and professionalism, protecting the public safety and Freedom of Speech, and making the Bill of Rights of the United States Constitution work for Fredericksburg residents daily. It was an evolving situation that has demanded the very best that City staff has to offer.

On July 6, 2020, under the third amendment to Emergency Order #3, the City restored normal special event permitting procedures for special events in the City of Fredericksburg, as provided in City Code §66-47 and following. However, at that time, on advice from the City Attorney, the City continued to waive special event fees for expressive event activities. During this period, City leaders – from the government, business, faith, and civil rights communities -- strengthened communications and relations with demonstration organizers; these strengthened communications and relations are the basis for a resilient community – a community that is ready to begin the work of increasing racial equity in all forms throughout the City.

It is now time to fully restore all aspects of the special events permitting process, including the charging of nominal fees for park rentals and City services that are required for all special events. The charging of these fees is consistent with right of Freedom of Speech protected by the First Amendment to the United States Constitution. The City's fees – park rental fees, charges for electrical connections, and hourly rates for law enforcement officer derived from the Police Department's matrix for special events – is constitutionally permissible because the fees are reasonably related to the expenses incident to the administration of the City's special events ordinance and to the maintenance of our public spaces, public safety and order. The City has partnered with Virginia Risk Sharing Association to offer event insurance through VRSA's "TULIP" (Tenant User Liability Insurance Program), which offers low-cost, temporary insurance for those using public facilities.

As other community stakeholders are increasingly desiring our limited resources (staff time and public spaces), in fairness again I now ask you to restore the normal special events fee structure for all special event applications. These would include applications for spontaneous events and expressive activities, received on or after July 24, 2020 (existing pending applications will be grandfathered.) Please calculate event fees as per normal procedures. As examples, the standard rental fee for Hurkamp Park (without electrical service) is \$50. Electrical service may be provided for a charge of \$5 per hour. Old Mill Park rental fees range from \$30 for a soccer field to \$100 for a picnic shelter. Thank you for providing more information about fees on the "[Special Event FAQs](#)" page of the City website.

Additionally, for an event that occurs in the streets the City charges \$50 per hour for every public safety official required, with a two hour minimum per officer. Even a small march lasting under two hours or

less would need a minimum of two officers (a lead and follow car) totaling \$200.00. More officers would be required for larger events. For example, the Marine Corps Half Marathon requires seventy officers.

However, if the requirements for insurance, indemnification, and fees create a real hardship for the organization and that the right to engage in expressive activity would be unreasonably curtailed by these requirements, there is a process, working with the Department of Parks, Recreation and Events that the requirements can be reduced. Because the City's fees are nominal, I would expect most event organizers to be able to pay applicable fees, even if it requires some modification of event plans consistent with the right to engage in expressive activities.

Again, I want to acknowledge the extraordinary service that the Special Events Task Force has rendered to the public. I am especially pleased that the task force reviewed the City's special event procedures carefully in light of the Governor's Task Force on Public Safety Preparedness & Response to Civil Unrest in 2017, after the "Unite the Right" rally in August of that year. That review laid the groundwork for the special events permitting processes that we are using today. Thank you all.

Tim Baroody, City Manager

City of Fredericksburg