



REPORT/RECOMMENDATION

To: EDINA PARK BOARD	Agenda Item <u>Item No. VIII. B.</u>
From: John Keprios, Director Park and Recreation Department	<input checked="" type="checkbox"/> Action <input type="checkbox"/> Discussion <input type="checkbox"/> Information
Date: May 1, 2012	
Subject: PRIORITY USE OF THE EDINA AQUATIC CENTER FACILITY POLICY AND RELATIONSHIP DOCUMENT	

ACTION REQUESTED:

Staff recommends that the City Council adopt the proposed Priority Use of the Edina Aquatic Center Facility Policy and Relationship Document.

INFORMATION/BACKGROUND:

On December 20, 2011, the City Council discussed the Park Board's recommendation to adopt a priority use policy for the Edina Aquatic Center facility. Taken directly from the minutes of that meeting:

Member Sprague made a motion, seconded by Member Swenson, reaffirming the Edina Swim Club as the youth sports organization having primary access to City-owned swimming facilities and directing staff to draft an edited relational document and priority Aquatic Center Facilities Policy with a 75% residency requirement. The Council discussed the motion and asked questions of Mr. Keprios who explained the first priority was given to City programs, the second priority was designated sports organization and remaining pool time was offered to other users. Historically, the Edina Swim Club had not used evening hours, so that time had been offered to the Aquajets Swim Club.
Ayes: Bennett, Brindle, Sprague, Swenson, Hovland
Motion carried.

In follow-up to that directive, attached is a revised draft of a priority access to the Aquatic Center policy that reflects a 75% residency requirement for the Edina Swim

Club. Staff was directed to make the revised access to the Aquatic Center policy to be more consistent with the other existing access to athletic fields and gymnasiums policies.

As directed by Council, attached is an edited version of the Relationship Document that was originally created by the Edina Youth Sports Task Force in 2006 but now reflects the new 75% residency requirement for the Edina Swim Club. The Relationship Document is shown on page 4 under Appendix I.

If approved by Council, these revised documents will be placed on the City of Edina's website.

ATTACHMENTS:

- Priority Use of the Edina Aquatic Center Facility Policy (Revised 4/11/2012)

PRIORITY USE OF THE EDINA AQUATIC CENTER FACILITY POLICY

(Revised as of 4/11/2012)

PURPOSE AND INTENT

The main purpose of this document is to prioritize scheduled access use of the Edina Aquatic Center facility's available rental times and sections. This document outlines both mandatory and suggested guidelines for youth athletic associations to ensure that program offerings are mindful of the public's health, safety and welfare and are fair and equitable to all residents. This document also includes the "Youth Sports Core Values and Community Strategy" proposed by the Edina Youth Sports Taskforce and Edina Park Board and was approved by the City Council on August 1, 2006.

It is the City of Edina's view that the public is best served when there is only one independently incorporated youth athletic association per sport. The City of Edina reserves the right to charge differing facility use fees with intent to discourage formation of new youth athletic associations that compete with existing youth athletic associations and creates a duplication of services, which the City of Edina views as not in the public's best interest. Further, the City of Edina will not provide any administrative or professional recreation staff liaison staff assistance to competing youth athletic associations that are determined to be duplication of service and not in the public's best interest.

The City of Edina encourages youth athletic associations to provide programs in a manner that is in keeping with the Edina Park Board's philosophy.

RECOGNIZED INDEPENDENTLY INCORPORATED COMPETITIVE YOUTH SWIMMING ASSOCIATION

The City of Edina recognizes Edina Swim Club as the independently incorporated youth athletic association for the sport of competitive swimming in Edina.

PRIORITY ACCESS

Edina Swim Club will be granted first priority access to rent those times and sections of the Edina Aquatic Center that are determined to be available to rent by the City of Edina.

After Edina Swim Club has received the right of first refusal to rent available Edina Aquatic Center times and sections of the pool facility, the remaining hours available for private rental will be sold in a manner consistent with best business management practices to maximize revenues.

MANDATED GUIDELINES

To maintain priority access status, Edina Swim Club must follow these guidelines:

1. 75% Edina residents. Edina youth residents are defined as individuals 18 years old and under who live in Edina or who go to school in Edina.
2. Edina Swim Club must maintain its status as a nonprofit corporation in accordance with Minnesota law.
3. Edina Swim Club must file a financial statement with the City each year that will be made public upon request. This statement must indicate revenue, expenditures and fund balances.
4. Edina Swim Club must be open to all Edina residents and may not discriminate based on race, ethnic background, or religion, or ability; however, Edina Swim Club may make team assignments based on ability, and may condition team eligibility on each youth swimmer's demonstrated ability to swim 25 yards in both the freestyle and backstroke.
5. All board meetings are open to the public (with the exception of personnel issues and litigation).
6. Edina Swim Club must have an open process for parents to discuss concerns or recommend changes to the organization.
7. Edina Swim Club must abide by the City of Edina "Relationship Document" (Appendix I.) and "The Youth Sports Core Values and Community Strategy" document (Appendix II.)

FACILITY USER FEE

The City of Edina reserves the right to charge a rental rate for Edina Swim Club's privatized use of the Edina Aquatic Center. The rate shall be established by the City Council prior to January 1 of the upcoming year. The rate is subject to change each year at the discretion of the Edina City Council.

ADMINISTRATIVE PROCEDURES

1. Edina Swim Club must submit a completed Park Permit facility use request prior to February 1 of the same year to secure desired rental hours and sections of the Edina Aquatic Center.

2. As of February 1 of the same year, the City of Edina will begin accepting Park Permit facility use requests for all remaining rental times and sections of the Edina Aquatic Center.
3. Fees for use of scheduled outdoor athletic facilities will be subject to change each year at the discretion of the Edina City Council.
4. If Edina Swim Club fails to comply with the guidelines set forth above, or provides false information on a permit application, Edina Swim Club is subject to revocation of its permit at the discretion of the Director of the Edina Park and Recreation Department.
5. Edina Swim Club will not be allowed to sublease its reserved times and sections without prior City approval.

EDINA PARK BOARD STATEMENT OF PHILOSOPHY AND RECOMMENDATIONS REGARDING USE OF ETHNIC, RELIGIOUS, OR RACIAL NAMES OR SYMBOLS:

The Edina Park Board recognizes and celebrates the diversity of our community. In doing so, the Edina Park Board encourages all youth athletic associations to respect our community's ethnic, religious and racial diversity by honoring the following guideline:

“That no program, event or activity offered by an Edina youth athletic association will use any ethnic, religious or racial names or symbols which may, in the opinion of those groups, create or perpetuate stereotypes which distort or degrade such groups. Programs whose express purpose is to explore and celebrate the positive special contribution of such groups should be considered acceptable and honorable.”

EDINA PARK BOARD STATEMENT OF PHILOSOPHY AND RECOMMENDATIONS REGARDING DRUGS, ALCOHOL AND TOBACCO

It is the belief of the Edina Park Board that the role modeling of parents, guardians, teachers and coaches has a significant influence on youth attitudes toward the use of alcohol, tobacco and drugs. It is the Edina Park Board's philosophy to encourage parents and coaches to do their best to always display positive and healthy role modeling behaviors while interacting with youth.

Therefore, the Edina Park Board strongly encourages each Edina youth athletic association to take the following actions:

1. Establish a drug, tobacco and alcohol policy that reflects a zero tolerance approach to illicit drugs, tobacco and alcohol use by its youth participants.

2. Require that parents (and coaches) sign a statement that acknowledges that they have read and understand the association's current drug, tobacco and alcohol policy.
3. Include in the association drug, tobacco and alcohol policy the following statement that:
 - Coaches and parents are strongly encouraged to not consume alcohol or tobacco while interacting with youth while on traveling team trips (examples include while traveling together on a bus, socializing in a hospitality room, etc.)
 - For those adults who insist on bringing alcohol and/or tobacco on team trips, it is strongly encouraged to make every attempt to keep the alcohol and/or tobacco out of reach and out of sight of the youth at all times.

Action number three (#3) is not to be considered as an enforceable policy, but rather, a strongly encouraged positive role model behavior. The Edina Park Board strongly encourages each youth athletic association to take this very seriously and do their part to help develop positive and healthy attitudes in our youth with regards to drugs, tobacco and alcohol.

Your youth athletic programs provide important assets in youth's lives, which result in reductions in at-risk behaviors. The Edina Park Board applauds and appreciates your efforts to build these positive assets that develop healthy kids and a healthy community.

APPENDIX I.

YOUTH ATHLETIC ASSOCIATIONS' RELATIONSHIP WITH THE EDINA PARK BOARD AND THE PARK AND RECREATION STAFF

RELATIONSHIP DOCUMENT

Revised 4/11/2012

(All revisions to this RELATIONSHIP DOCUMENT are highlighted and in red color font)

The mission of the Edina Park and Recreation Department is to do our part in further developing, preserving, and maintaining the City of Edina's parks, recreation programs, and resources as a premier and comprehensive park and recreation department in the Twin Cities area.

This relationship document between the Edina Parks and Recreation Department, Park Board and with each association establishes a common set of guidelines that are to be adopted by all athletic associations. The intent of these guidelines is to ensure that

associations are mindful of the public's desire for positive and healthy athletic experiences for children and families in our community.

The "Youth Sports Core Values and Community Strategy," established by the Edina Park Board in cooperation with the Edina Park and Recreation Department, is to be adopted by all associations. This document formally defines the City's core values and philosophy in the delivery of the community's youth sports programs.

1. Edina Park and Recreation Department will provide facilities and fields for boys and girls at each age group within the association.
2. It is the City of Edina's view that the public is best served when there is only one independently incorporated youth athletic association per sport. The City of Edina also understands and supports that in some cases the public and volunteers are best served by having the traveling component of a particular sport administered by its own independent youth athletic association.
3. The Edina Park and Recreation Department in cooperation with the Park Board will help each association plan, and provide safe and well maintained public athletic facilities to meet the youth sports programs, and give professional staff liaison services regarding the operation of their association, and offer appropriate clerical and administrative support services.
4. The Edina Park and Recreation Department shall act as a liaison between the associations and the Edina Park Board to assist associations in providing a well-rounded and equitable program for all participants.

The Edina Park Board expects that all associations follow these minimal guidelines in the operation of their association:

1. All boys and girls have a fun, positive, safe, age-appropriate, educational experience that is open to all residents of all abilities, and receive equal opportunity to participate at whatever ability level they may play.
2. Boys and girls build good sportsmanship and character; learn to be a team member; learn to accept discipline; incorporate psychological and physical health.
3. Boys and girls, at each level of play, will receive basic fundamental and skill training in the sport in which they participate.

4. Associations manage team schedules and provide equitable playing time for each level of competition within the age group.
5. Associations shall have a common code of conduct for players, coaches and parents.
6. Qualified citizen volunteers should serve in positions as Board of Directors. Board of Directors must have knowledge of the program/sport. Associations are encouraged to have open member elections to elect Board of Directors.
7. Edina Park and Recreation Department personnel shall attend at least semi-annually association board meetings. Department personnel shall be available and provide resource help to associations in training of coaches, operations, and other functions with which the association needs assistance.
8. The Park and Recreation Department mandates background checks on all individuals 18 & older who serve as a coach, referee, or on the Board of Directors in any association. It is our intent to protect our children, families and the associations. It is strongly recommended that Edina youth athletic associations work jointly to contract with one private organization to conduct the background checks and manage the data. The Park and Recreation Department mandates that each Edina youth athletic association use the following standard for any coach, referee or Board of Director applicant who has been found guilty, pled guilty, or entered a plea of nolo contendere (no contest), regardless of the adjudication for any of the disqualifying offenses:

All Sex Offenses – regardless of the amount of time since the offense (Examples: child molestation, rape, sexual assault, sexual battery, sodomy, indecent exposure, etc.)

All Felony Violence – regardless of the amount time since the offense (Examples: murder, manslaughter, aggravated assault, kidnapping, robbery, etc.)

All Felony Offenses – other than violence or sex within the past 10 years (Examples: drug offenses, theft, embezzlement, fraud, child endangerment, etc.)

All Misdemeanor Violence Offenses – within the past 7 years (Examples: simple assault, battery, domestic violence, hit & run, etc.)

All Misdemeanor Drug & Alcohol Offenses – within the past 5 years or multiple offenses in the past 10 years (Examples: driving under the influence, simple drug possession, drunk & disorderly, possession of drug paraphernalia, etc.)

9. **Any other Misdemeanor Offenses** – within the past 5 years that would be considered a potential danger to children or is directly related to the functions of that volunteer (Examples: contributing to a minor, theft – if person is handling monies, etc.)
10. To ensure that the public has an open, fair and just process to handle grievances that are not resolved at the association board or staff level, the City of Edina will facilitate a grievance process. (See below) This grievance process is not intended to deal with team assignment, coach assignment or tryout process grievances.
11. The City of Edina requires that each and every athletic association have a minimum \$1,000,000 general liability insurance coverage policy that lists the City of Edina as an additional insured. In addition, each and every athletic association must also carry workers compensation insurance for any paid employees of their association. Up to date proof of insurance must be provided to the Edina Park and Recreation Department for each and every association that uses Edina's public athletic facilities. This insurance shall provide for the general liability protection of volunteers, associations, and the City of Edina.
12. The Edina Park Board and Park and Recreation Department shall provide and review annually guidelines to be followed by all associations and users of facilities and gymnasiums in our community as to the priority use of the Edina School District's gymnasiums and facilities, and the Edina community practice and game facilities. This is to assure a fair allocation of gymnasiums and facilities use for all participants, at all levels.

It is imperative that all associations, coaches, board members, volunteers and parents understand and appreciate the positive experience that is desired for all participants in Edina youth sports. Therefore, it is the expectation of the Edina Park and Recreation Department and Park Board that youth athletic associations do their best to encourage all new parents, volunteers, coaches, board members, etc., who participate in associations to read and understand the relationship agreement and Youth Sports Core

Values and Community Strategy. The Relationship Document and Core Values and Community Strategy Document must be provided to all new parents as part of their registration materials.

GRIEVANCE PROCESS

The City of Edina demands that each youth athletic association must have in place a well-documented and publicized grievance process by which residents are assured of an appropriate venue and process to hear their grievances in a manner that is open, fair, and just. If the youth athletic association board grievance process does not resolve the issue, then the matter will be referred to Park and Recreation Department staff. If staff is unable to resolve the issue, the matter should then be referred to the Ad-Hoc Grievance Committee.

The Ad-Hoc Grievance Committee will be made up of three association presidents who are not president of the association in question, plus two Park Board members. Those five individuals will hear the complaint and make recommendations to solve the grievance matter. If the Ad-Hoc Grievance Committee's recommendations do not satisfy the parties involved then the grievance will be referred to the Park Board for a final decision.

The Ad-Hoc Grievance Committee will be formed only on an as needed basis to deal with issues on a case by case basis.

The following escalation shall be followed:

Step #1:

Follow the written grievance procedure as established and publicized for each youth athletic association.

Step #2:

If, in the complainant's view, the issue was not resolved in Step #1, then the complainant should contact Park and Recreation Department staff, who will do the following:

- Evaluate the complaint.
- Determine and judge whether or not the issue can or should be resolved through diplomacy. If so, staff will facilitate a problem-solving process at the staff level with the appropriate community members and volunteers involved.

Step #3:

If the issue is unresolved at the staff level, then staff will assemble the Ad-Hoc Grievance Committee to hear the complaint. With staff assistance and input from the

parties involved, the Ad-Hoc Grievance Committee will hear the complaint and make recommendations. It will be the Ad-Hoc Grievance Committee's duty to determine whether or not the association has acted in a manner that is contrary to the City's philosophy and core values; and if so, make recommendations to correct the situation. It will not be the Ad-Hoc Grievance Committee's duty to micro-manages program decisions of Edina's youth athletic associations.

Step #4:

If the parties involved are still not satisfied with the Ad-Hoc Grievance Committee's recommendations, the final step is to refer the matter to the Park Board for a final decision. Both parties must abide by the Park Board's decision or they could face sanctions.

Appendix 1.2

DEFINITION OF EDINA YOUTH ATHLETIC ASSOCIATIONS:

To qualify and be identified as an Edina youth athletic association, the organization must meet the following requirements:

1. 90% Edina residents for all youth athletic associations, except Edina Swim Club which must have a minimum 75% Edina resident ratio. Edina youth residents are defined as individuals 18 years old and under who live in Edina or who go to school in Edina.
2. Association or Club is a non-profit organization as defined by State statute. The Association or Club must maintain its status as a nonprofit corporation in accordance with Minnesota law.
3. The Association or Club must file a financial statement with the City each year that will be made public upon request. This statement must indicate revenue, expenditures and fund balances.
4. Association and Club are is open to all Edina residents and may not discriminate based on race, ethnic background, or religion, or ability; however, may make team assignments based on ability; however, Edina

Swim Club may condition team eligibility on each youth swimmer's demonstrated ability to swim 25 yards in both the freestyle and backstroke.

5. All board meetings are open to the public (with the exception of personnel issues and litigation).
6. The organization must have an open and written process for parents to discuss concerns or recommend changes to the organization.
7. Teams are playing during the designated "primary season".
8. The organization must adopt the City of Edina relationship agreement and core values statement.

Youth athletic teams (18 and under) that are currently recognized by the City of Edina as an official Edina youth athletic association:

- Edina Baseball Association
- Edina Basketball Association
- Edina Girls Athletic Association (flag football, basketball and volleyball)
- ~~Edina Girls Basketball Association~~
- Edina Hockey Association
- Edina Soccer Association
- Edina Soccer Club
- Edina Football Association
- Edina Youth Softball Association
- Edina Girls Fastpitch Softball Association
- Edina LaCrosse Association
- Edina Swim Club
- Edina Volleyball Association

APPENDIX II.

Resolution of Youth Sports Core Values and Community Strategy

WHEREAS, the City of Edina believes in the benefits and attraction of youth sports as a means to teach the children of this community values and skills that will be of benefit to them throughout life; and

WHEREAS, we believe that Edina's youth athletic associations develop fundamental internal and external assets for children by providing opportunities to develop positive character traits and life values where children can learn a multitude of important lessons and valuable fundamentals, such as ethics, abiding by the rules, winning and losing with grace, coping with success and failure, always trying to do your best, respecting authority figures, learning about team work, developing fundamental motor skills and sports specific knowledge; and

WHEREAS, we believe that the most important underlying mission for every youth athletic association is to develop emotionally, psychologically, mentally, intellectually, socially, and physically healthy children; and

WHEREAS, we believe that youth sports programs conducted under the right conditions are enormously beneficial for children; and

WHEREAS, we recognize the need to ensure that Edina's youth athletic association programs provide athletic programs that are safe, positive, fun, physically and psychologically age-appropriate, educational, teaches values and ethics, strengthens the community, promotes competition without conflict, open to all residents of all abilities, offer a reasonable number of events, and are administered by qualified volunteers; and

WHEREAS, we believe that youth sports association league organizers and administrators must be educated on how to provide a safe, positive, and fun youth sports environment before being granted access to public facilities; and

WHEREAS, we believe volunteer coaches and parents must receive orientation and education as to the individual roles and responsibilities in our community's effort to raise the standards of youth sports programs and that volunteer coaches and parents be held accountable for their behaviors; and

WHEREAS, we believe it is necessary and desirable to establish guidelines, requirements and standards for youth sports associations utilizing public facilities; and

WHEREAS, we recognize the need to ensure that Edina's youth athletic associations form and advertise a formal grievance process by which residents are assured of an appropriate venue and process to hear their grievances in a manner that is open, fair, and just; and

WHEREAS, we believe that a Youth Sports Advisory Committee should be formed to advise staff and the Park Board and serve as a sounding board for grievances.

NOW, THEREFORE BE IT RESOLVED by the City of Edina in a meeting duly assembled and by the authority thereof, recognize and encourage official implementation of this Community Strategy to improve the culture of youth sports for all participants.

PASSED AND APPROVED THIS _____ day of _____ 2006.

Signed: _____

Mayor of Edina