

City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

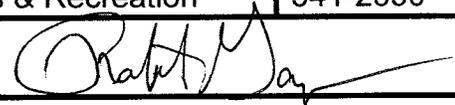
Item # 11 Ordinance/Resolution# 12-072

For Meeting of _____
(Ordinance First Reading Date)

For Meeting of October 17, 2011
(Adoption Date)

TITLE: A RESOLUTION REPEALING RESOLUTION 10-271, GUIDELINES FOR THE DISTRIBUTION OF CITY FUNDS/STIPENDS, AND APPROVING THE NEW PARKS AND RECREATION ADVISORY BOARD AUTHORITY OVER LEAGUES/ORGANIZATIONS THAT UTILIZE CITY FIELDS AND/OR FACILITIES POLICY.

PURPOSE(S) OF ACTION: To repeal Resolution 10-271, Stipend Policy, and approve a policy that gives the Parks and Recreation Advisory Board authority over leagues and organizations that utilize City facilities.

COUNCIL DISTRICT: All		
Drafter/Staff Contact: Mark Johnston 	Department/Section: Parks & Recreation	Phone: 541-2550
City Manager Signature:		

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

Over the past several years the City has experienced a significant increase in the number of complaints and/or inquiries concerning league/organizations financials, fees, equipment, disciplinary action and operations. The general public assumes the City of Las Cruces operates many of the leagues and requests intervention for a wide variety of issues. The policy gives the Parks and Recreation Advisory Board (Board) direct authority over leagues and organizations and may require changes as to how leagues and organizations operate.

City Council approved Resolution 10-271 on May 3, 2010. The Resolution approved the criteria for the distribution of City funds (stipends) to local youth leagues. This new policy incorporates the language in the Stipend Policy and introduces new language giving the Board authority to dictate policy, review league procedures, recommend the disbursement of stipends and act as an appellate body for disciplinary issues. At their regular meeting held on September 15, 2011 the Board approved the new policy and sent forward a recommendation for City Council action. The creation and implementation of this policy is identified as a goal to be accomplished in the City's Strategic Plan.

SUPPORT INFORMATION:

1. Resolution.
2. Exhibit "A". Parks and Recreation Advisory Board Authority Over Leagues/Organizations That Utilize City Fields And/Or Facilities Policy.

3. Exhibit "B". Approved meeting minutes from the Parks and Recreation Advisory Board meeting held August 18, 2011.
4. Exhibit "C". Resolution 10-271 (repeal).
5. Exhibit "D". Leagues and Organizations Criteria and Guidelines for the distribution of City Funds/Stipends. (repeal).

SOURCE OF FUNDING:

Is this action already budgeted? N/A	Yes	<input type="checkbox"/>	See fund summary below
	No	<input type="checkbox"/>	If No, then check one below:
	<i>Budget Adjustment Attached</i>	<input type="checkbox"/>	Expense reallocated from: _____
	<input type="checkbox"/>	Proposed funding is from a new revenue source (i.e. grant; see details below)	
	<input type="checkbox"/>	Proposed funding is from fund balance in the Fund.	
Does this action create any revenue?	Yes	<input type="checkbox"/>	Funds will be deposited into this fund: in the amount of \$ _____ for FY _____.
	No	<input checked="" type="checkbox"/>	There is no new revenue generated by this action.

BUDGET NARRATIVE

N/A

FUND EXPENDITURE SUMMARY:

Fund Name(s)	Account Number(s)	Expenditure Proposed	Available Budgeted Funds in Current FY	Remaining Funds	Purpose for Remaining Funds
N/A	N/A	N/A	N/A	N/A	N/A

OPTIONS / ALTERNATIVES:

1. Vote "Yes"; this will repeal Resolution 10-271 and approve the Parks and Recreation Advisory Board Authority Over League/Organizations That Utilize City Fields And/Or Facilities Policy.
2. Vote "No"; this will not repeal Resolution 10-271 and not approve the new policy.
3. Vote to "Amend"; and suggest changes to the policy.
4. Vote to "Table"; and provide staff with further direction.

REFERENCE INFORMATION:

N/A

RESOLUTION NO. 12-072

A RESOLUTION REPEALING RESOLUTION 10-271, GUIDELINES FOR THE DISTRIBUTION OF CITY FUNDS/STIPENDS, AND APPROVING THE NEW PARKS AND RECREATION ADVISORY BOARD AUTHORITY OVER LEAGUES/ORGANIZATIONS THAT UTILIZE CITY FIELDS AND/OR FACILITIES POLICY.

The City Council is informed that:

WHEREAS, over the past several years City has experienced a significant increase in the number of complaints and inquiries concerning independently run leagues and organizations; and

WHEREAS, the general public assumes that the City of Las Cruces operates many of the leagues/organizations and requests intervention; and

WHEREAS, the policy give the Parks and Recreation Advisory Board authority to review stipend requests and direct authority over leagues and organizations that utilize City facilities or facilities managed by the City.

NOW, THEREFORE, Be it resolved by the governing body of the City of Las Cruces:

(I)

THAT Resolution 10-271 is repealed.

(II)

THAT the Parks and Recreation Advisory Board Authority Over Leagues/Organizations That Utilize City Fields And/Or Facilities Policy is approved.

(III)

That City staff is hereby authorized to do all deeds necessary in the accomplishment of the herein above.

DONE AND APPROVED this _____ day of _____, 2011.

ATTEST:

APPROVED:

City Clerk

Mayor

(SEAL)

VOTE:

Mayor Miyagishima: _____

Councillor Silva: _____

Councillor Connor: _____

Councillor Pedroza: _____

Councillor Small: _____

Councillor Sorg _____

Councillor Thomas _____

Moved by: _____

Seconded by: _____

APPROVED AS TO FORM:

City Attorney



CITY OF LAS CRUCES PARKS AND RECREATION SECTION POLICY
SUBJECT: PARKS AND RECREATION ADVISORY BOARD AUTHORITY OVER LEAGUES/ORGANIZATIONS THAT UTILIZE CITY FIELDS AND/OR FACILITIES

PURPOSE:

To provide local leagues and organizations utilizing City facilities or ball fields with an independent non-biased committee that has the authority to review and dictate policy over all facets of league/organization operations. The Parks and Recreation Advisory Board (Board) will serve in this capacity. The Board has the authority to dictate policy, review league procedures, act as an appellate body for player/coach/parent/spectator suspensions, review financial records and require changes to league/organization operations.

OBJECTIVE:

To provide guidance to local recreational youth leagues or organizations and provide recommendations to City Council for the disbursement of funds (stipends). The funding is intended to be used to lower the cost of participation for local youth participants.

JUSTIFICATION:

Over the past several years the City has experienced a significant increase in the number of complaints and/or inquiries concerning league/organizations financials, fees, equipment, disciplinary action and operations. The general public assumes that the City of Las Cruces operates many of the leagues and requests intervention for a wide variety of issues. The policy gives the Parks and Recreation Advisory Board direct authority over leagues and organizations and may require changes as to how leagues and organizations operate.

PROCEDURE:

All leagues or organizations that request fields, facility use or funding (stipends) must provide the following information to the Parks and Recreation Administrative offices prior to staff approval of any requests.

League or Organization Responsibilities:

In order to qualify for City funding, leagues and associations must meet the following:

Requesting Leagues or Organizations will:

- a. Provide program administration with emphasis on local recreational youth participation.
- b. Provide a process to ensure all coaches/volunteers receive coaching training/certification and background check to ensure the safety of youth participants. Each league or organization will have the option of providing funds for background checks or requiring volunteers to cover the costs or a combination of both.
- c. Provide a detailed financial statement on an annual basis, within 30 days after conclusion of league activities and/or special event(s), tournaments or fund raising activities that utilize public space/facilities. The financial statement(s) will detail all funds received and expended for all league operations to include local, state, regional, or national tournaments for the previous years program. The City of Las Cruces may also require an audit of the organization's expenses and revenues in cases where the City of Las Cruces provides funding, direct support or use of City facilities.
- d. Provide proof of insurance listing the City of Las Cruces as additionally insured, on an annual basis, or 30 days prior to the start of league play or special event. If for any reason the insurance expires prior to the conclusion of the calendar year, the league will provide proof of up-to-date information. League/tournament play or activities will not be authorized without proof of insurance listing the City of Las Cruces as additionally insured.
- e. Provide proof of non-profit corporation status with the State of New Mexico Public Regulation Commission on an annual basis, stating the league is in good standing. If for any reason, status expires prior to conclusion of the calendar year, the association will provide proof of up-to-date information or return all City provided funding.
- f. Provide a prior-year copy of Form 990 or equivalent Tax Exempt Report, filed with the Internal Revenue Service, within 30 days of taxable year end date.
- g. Provide the City of Las Cruces with a letter of request for operating expenses stating the amount of the funding request; and outline how the funds will be utilized.

- h. Provide to the City the number of participants, teams, games, tournament games, coaches, volunteers, and any paid positions with the funding request.
- i. Procure and maintain a policy of Worker's Compensation Insurance for its employees, and a policy of general liability insurance, with limits of coverage as specified in the New Mexico Tort Claims Act with the City named as an additional insured on such liability policy. The League will not undertake any activities until the City is provided proof of such insurance.
- j. Not discriminate against any person regarding access to, or participation in any program, or any facility used in connection therewith, on the basis of race, color, sex, national origin, age or disability.
- k. Ensure that all programs, services, and activities are accessible to and usable by persons with disabilities in accordance with the Americans with Disabilities Act including but not limited to, equal opportunity to participate and benefit, equally effective communication for persons with speech, hearing and other impairments, integrated seating, and the provision of reasonable modifications and/or accommodations adhering to the City of Las Cruces Communication Policy. If portable toilets are going to be provided, accessible units must also be provided at each bank of standard units.
- l. Provide an established written appeals procedure for players, parents, coaches, managers, and board members.
- m. Provide a written established corrective action policy to be followed by league officials dealing with the consumption of alcohol by coaches, managers, or participants prior to, during, or after practices or games and corrective action taken by league officials on reports of mistreatment of players.
- n. Provide a written, established refund policy.
- o. Have designated officials attend financial training provided by the City of Las Cruces Finance Department.
- p. Conduct a minimum of one Public Meeting open to the public on an annual basis. The meeting shall include the election of the board of directors for the league and shall be held prior to the start of the season(s). Additionally, the meeting shall be held to discuss and formally approve any changes in rules or regulations and/or formal action to be considered by the league. The league shall notify the City of the meeting place, date and time; and shall also advertise the same a

minimum of one week in advance through a newspaper of general circulation. The minutes of this meeting shall be recorded, transcribed, and forwarded to the City Parks and Recreation Section along with a copy of the public notice. Failure to conform to this section may be grounds to deny any award of City funds to the league.

- q. Provide program registration at a non-City facility(s) and provide location information, contact name, and number, to the Parks and Recreation Section Administrative Office at least two weeks prior to registration date.
- r. Provide all league schedules, including tournament schedules to the Parks and Recreation Section Administrative Office a minimum of two weeks prior to start of season.

SPORTS AND ACTIVITIES CODE OF CONDUCT

Applicability:

The Code of Conduct applies to all activities organized by independent leagues, organizations or by the City of Las Cruces Parks & Recreation Section. The Code of Conduct must be adhered to on City-owned property, or on any other property that the City has arranged to use.

Definitions:

City: The City of Las Cruces.

Coach: The person designated as a team's spokesman. May either be a player or non-player.

Field of play: The part of a court, field, ring or other sports venue that is considered within the boundaries for regulation play of a particular sport.

League Director: A board member of an independent league, organization, a volunteer, or a City employee in charge of the operation and staff of a scheduled sports game, match, event or tournament.

Manager: The City's Recreation Manager or such other person as the Administrator of Parks & Recreation may specify.

Official: A person who an independent league, organization or the City has arranged to be present at a sports venue for the purpose of administering the rules of the game, match or event, as well as this Code of Conduct.

Parent: The legal guardian or other family member responsible for a child who is under the age of 18 and is participating in an independent league, organization, or a sport sponsored by the Parks & Recreation.

Participant: Any coach, player, parent, spectator, official or any other person involved in any way with any sport or event held by an independent league, organization, or sponsored by the Parks & Recreation Section.

Participation: Any involvement in an independent league, organization, or Parks & Recreation sport, including as a spectator, officiating, playing, coaching, or attending a sporting event.

Player: A person who physically participates in a sport or is on the roster of the team or group participating in the sport.

Probation: A period of time during which a person who has previously violated the Sports and Activities Code of Conduct may have no further violations.

Parks & Recreation Section: The City of Las Cruces Parks & Recreation.

Sport: Any activity organized by an independent league, organization, or Parks and Recreation Section.

Spectator: A person who watches a sport or activity for entertainment with no physical involvement.

Sportsmanship: Conduct, such as fairness, respect for one's opponent and for officials, and graciousness in winning or losing, that are appropriate to one participating in a sport.

Sports Venue: An area improved with fencing, buildings, bleachers, goals, turf or other landscaping, lines or other markings or any other facilities intended for use by players, officials, spectators or anyone else participating in a sport. Examples of sports venues include fields, courts, tracks, gymnasiums or field houses, arenas, pools, or any other area designated as a venue.

Suspension: Loss of the privilege to participate in any manner in an independent league, organization, or Parks and Recreation sport or activity.

Unsportsmanlike: Exhibiting poor behavior through negative, disruptive or inappropriate actions.

Sponsored League/Organization: All leagues, organizations, events or activities that take place on City of Las Cruces property or on property managed by the City will be considered sponsored.

Prohibited Acts:

No participant/parent/coach or spectator shall:

1. Physically attack any other participant, official or any City staff person. This includes but is not limited to striking, shoving, kicking or otherwise touching or subjecting another person to physical contact in a threatening or alarming manner.
2. Refuse to abide by an official's decision and/or contest such decision in an unsportsmanlike manner.
3. Use obscene language or gestures, harassing, insulting, taunting or challenging language, racial, ethnic or sexual slurs, or unsportsmanlike demonstrations of dissent concerning an official's decision.
4. Use unnecessary roughness in the play of a game against an opposing player.
5. Throw or cause to be deposited any object onto the field of play.
6. Violate the City of Las Cruces open container ordinance, or other state or local alcohol or drug laws, while at a sports venue, in the parking area or enter the field of play while under the influence of drugs or alcohol.
7. Smoke in any indoor sports venue, or while coming off or going on the field of play, or while on the field of play, whether indoors or outdoors.

8. Display other unsportsmanlike conduct before or after games or events, or while at a sports venue during a scheduled activity, game, match or event.

Enforcement:

To ensure the safety and create a positive environment for all spectators, players and officials, league and/or organization representatives will ensure that the following enforcement sliding scale is enforced for all activities that take place on City of Las Cruces property or property managed by the City. The City's Parks and Recreation Advisory Board will have over-riding authority for all operations.

1. **Minimum Penalties.** Ejection from the current sports activity or event and suspension from the next scheduled game, activity, or event. Any participant/parent/coach or spectator who is ejected must leave the sports venue immediately. This means going far enough away that he or she cannot be seen or heard by any participant within the sports venue. Minimum penalties may be imposed onsite by an official, league representative or field supervisor.
2. **Secondary Penalties.** Suspension for up to the remainder of the scheduled season or up to one year, and one or more years on probation. After review of the alleged violation by the Parks and Recreation Advisory Board, secondary penalties may be imposed if 1) another infraction has occurred by the individual resulting in a penalty within the past calendar year; 2) the individual violated more than one section of this Code during the current incident; and/or 3) in the judgment of staff or league representative, the severity of the infraction justifies penalty beyond the minimum but not to the maximum level. Secondary penalties may be imposed in addition to minimum penalties. Secondary penalties can be assessed league representatives or the Parks and Recreation Director with appeals to be brought before the Parks and Recreation Advisory Board.
3. **Maximum Penalties.** Suspension for one to five years. Maximum penalties may be imposed if, after review of the alleged violation by the Parks and Recreation Advisory Board, it is determined that the severity of the violation justifies the maximum penalty, based on negative impact to the program, other participants; spectators, and/or staff. Maximum penalties may be imposed by the Board in addition to minimum and/or medium penalties.
 1. Any behavior that is also a violation of law may result in criminal charges.
 2. Any participant who engages in three or more of the prohibited acts described above during any twelve-month period may be suspended for up to five years, followed by two years of probation.
 3. Any participant who engages in a prohibited act while on probation may be suspended for one to five years.

DISCIPLINARY ACTION

1. **Suspension Process**

- a. After a violation "Minimum Penalty" verbal discussion by the program representative/staff that puts the patron on notice that their behavior is unacceptable and will not be tolerated in the future. Incident report and documentation of discussion to be filed with the league or organization representative with a copy sent to the Parks and Recreation Administrative Office.
- b. Immediate suspension by program staff, league official or organization representative, not to exceed two normal workdays. Saturday and Sunday for purposes of this policy are not considered normal workdays.
- c. Suspension of 30 to 60 days "Secondary Penalty" will be enforced by the Parks and Recreation Section based on recommendations from the league or organization official. Written notice will be sent to the patron via certified mail.
- d. Recommended suspension(s) longer than 60 days will be reviewed and acted upon by the Parks and Recreation Advisory Board. Written notice will be sent to the patron via certified mail.

2. Appeal Process

If an individual believes that a Disciplinary Action imposed by an independent league, organization, or the City is not warranted, the decision may be appealed.

- a. All incidents will be documented on an incident report. The next higher level of authority shall review the incident and the action taken.
- b. Immediate suspension can be appealed to the Parks and Recreation Administrator.
- c. Suspension(s) upheld by Parks and Recreation Administrator can be appealed to the Parks and Recreation Advisory Board.
- d. Suspension by the Parks and Recreation Advisory Board is final and binding.

All appeals beyond the Department Administrator will require a notice of appeal in writing requesting to appeal and stating the reason and facts as to why an appeal is being requested. The notice of appeal in writing must be submitted no less than fifteen (15) working days prior to the next Parks and Recreation Advisory Board meeting. (Third Thursday each month)

PROCEDURE TO REQUEST STIPENDS:

Local youth leagues and/or associations may request monetary assistance for the operation of (non-select) recreational youth programs through the Parks and Recreation Section. All requests must directly benefit local youth participants (18 years old and younger), requests must be made in writing and received no later than July 1, of each calendar year. The funding request(s) will be based on the City's fiscal year (July 1 – June 30). Requesting leagues or associations will be invited to speak before the Parks and Recreation Advisory Board at their August/September meeting. The Board will develop funding recommendation(s) based on the criteria and forward a recommendation for City Council action at the October/November meeting. City Council has final approval of the amount of funding and will determine which leagues and associations receive funding.

FUNDING REQUESTS WILL BE PRIORITIZED BASED ON THE FOLLOWING CRITERIA:

- a. All funds will be utilized for local youth 18 and under.
- b. New or start up leagues versus well established leagues.
- c. Leagues/associations that have developed a plan to lower the cost of participation.
- d. Leagues/associations do not have paid positions on the Board or running operations.
- e. Number of youth benefiting from the stipend/funding.
- f. Stipend request equates to what percentage of league resources?
- g. League willing to run a tournament with profit going to City of Las Cruces.
- h. League utilizes other fundraising efforts to reduce costs to participate.

The Parks and Recreation Advisory Board will recommend funding levels to the City Council for final action.

FUND DISBURSEMENT:

Local youth leagues and or associations that met the criteria and receive City Council approval for funding may submit requests for payment to the Parks and Recreation Section Administrative Office.

PARKS AND RECREATION ADVISORY BOARD MEETING
August 18, 2011

1 The Parks and Recreation Advisory Board Meeting was held on August 18, 2011, at
 2 City Hall, 700 Main Street, Las Cruces, New Mexico.

3
 4 **PARKS & RECREATION ADVISORY BOARD MEMBERS PRESENT:**

5 Mr. Isaac Chavez, Board Chair, Mr. Ron Camunez Board
 6 Vice-Chair, Mr. Eli Guzman, Mr. Mark O'Neill, Ms. Alice
 7 Ward, Mr. Wayne Hancock, Ms. Dawn Rue

8
 9 **ABSENT:** NONE

10
 11 **OTHERS PRESENT:** Mr. Mark Johnston, Parks and Recreation Director, Ms.
 12 Carol Connors-Lyons, Executive Administrative Assistant
 13 and Advisory Board Recording Secretary, Mr. Robbie
 14 Tafoya, Southwest Youth Sports (BMX), Mr. Billy Avalos,
 15 Nerf Football League of Las Cruces, Mr Jeffrey D. Mann,
 16 Parametrix, Mr. Tim Hall, LCBWSA (Bantam Weight
 17 Football), Ms. Rozilynn Mitchell and Mr. Jason Frederich,
 18 LCRDA (Minor Threat Jr. Roller Derby), and Ms. Alice Cox,
 19 Las Cruces Youth Softball.

20
 21 Meeting was called to order at 6:00 p.m. by Mr. Chavez

22
 23 **I. Introductions**

24 Board Members introduced themselves and stated the district they represent.
 25 Ms. Dawn Rue introduced herself as the newest member of the Board and
 26 explained her background, interests and reasons for being on the Parks and
 27 Recreation Advisory Board.

28
 29 **II. Conflict of Interest**

30 None

31
 32 **III. Approval of Minutes**

33
 34 The Parks and Recreation Advisory Board Meeting Notes from July 21, 2011 were
 35 approved with no corrections, additions or deletions. Mr. Camunez moved to accept
 36 the minutes as presented, and Ms. Ward seconded the motion. Motion passed 7-0.

37
 38 Mr. Mark O'Neill voted YES Mr. Ron Camunez voted YES
 39 Mr. Isaac Chavez voted YES Mr. Eli Guzman voted YES
 40 Ms. Alice Ward voted YES Ms. Dawn Rue voted YES
 41 Mr. Wayne Hancock voted YES

1 **IV. Public Comment**

2 None

3

4 **V. New Business**

5

6

*C. Parks and Recreation Advisory Board Authority Over Leagues/Organizations
That Utilize City Fields and/or Facilities-----ACTION*

8

9 Mr. Johnston explained that for some that now City Council has had the discussion
10 regarding the Parks and Recreation Advisory Board having more authority over the
11 leagues. The City Council has received numerous questions regarding what to do with
12 the leagues, the misnomer that we're still charging fees. They requested that we put a
13 policy together that gives this Board authority over operations and literally authority
14 over operations of the different leagues. This will also have an appellate piece; in other
15 words upholding suspensions. All leagues will be required to submit their by-laws and
16 financial information. This Board will take a look at how they operate and will be
17 making recommendations. This Board determine if background checks or coaching
18 certifications are required. If the general public has an issue, they will not be coming
19 to my office, they will be coming to this Board. We received numerous emails over the
20 operations and safety of a couple of our leagues. What you are seeing is a policy that
21 is a combination of the old stipend policy with the new authoritative policy. Rather than
22 having two different policies that govern our operation, it's combined much as we did
23 with the Facilities Fees and Charges when we joined Parks and Recreation into one
24 section.

25

26 Mr. Chavez advised that more than two years ago, the City Council had a work session
27 where they decided that they want to have some type of oversight body with regard to
28 the sports leagues that used City facilities. Initially, their idea was to have a whole new
29 board or committee that would do that. Mr. Camunez and he interjected at that time
30 and asked 'why bother doing that when we already have our Board'—it's hard enough
31 as it is to find volunteers to spend their time on boards---and why duplicate efforts. The
32 City Council seemed to agree with the concept, and we didn't hear anything else about
33 it until recently. And, it has finally come back. It seems that the City Council is pretty
34 agreeable to this, and if the Board agrees to do this, it will go to City Council for final
35 approval. He said that the thing that he likes the best about it is that spells out the
36 Code of Conduct. Recently, there have been cases where there has been misconduct
37 with some of the people involved with the leagues. Yes, this could potentially create a
38 little bit more time needed for the Board. There could be a time when we'd have to
39 hear some appeals. He advised to keep in mind that the Board only has oversight on
40 those leagues that use City facilities.

41

42 Ms. Ward said that we have been requiring financial statements, and now if we are
43 going to require background checks, will that be included with their reports to the
44 Council?

45

1 Mr. Johnston advised that approval by Council would be required and would be a part
2 of our checklist. If the Board desires to move forward with this, the next stage would
3 be getting approval from the City Council. Then we would introduce the policy to all of
4 our user groups in November when we have our year end meeting or possibly by the
5 end of October Mr. Johnston advised that the leagues are not aware; however, there
6 has been conversation regarding this type policy for the past three years.

7
8 Mr. Chavez asked Mr. Johnston for some background on why the City Council brought
9 this up a few years ago, what led to talk about City overseeing this?

10
11 Mr. Johnston advised that in the packet for this Board meeting there are several
12 communications that were sent to staff and council from parents who have children in
13 the programs, and the parents are not getting answers. They are coming to City staff
14 and Councilors and asking these questions. He advised that his response up to this
15 point is that the City doesn't have any oversight on these leagues. The only oversight
16 that we have is during the stipend process. During the stipend process, we look at
17 their financials, we look at their bylaws, and then we award or don't award money.
18 These types of inquiries have increased steadily over the last two (2) years. He would
19 venture to guess that it is not just a dozen but many dozens of inquiries.

20
21 Mr. O'Niell asked how many of these leagues or organizations require background
22 checks now? Do they require them for volunteers?

23
24 Mr. Johnston advised that his guess was a little over half of the leagues/organizations
25 require background checks. However, in his opinion, a recommendation from a staff
26 member, would be that anyone who is working with youth should go through a
27 background check.

28
29 Mr. O'Niell advised that the more we get involved with this, we should also get involved
30 with the issues of the safety on the fields. People have approached him regarding new
31 parks; however, there are repairs that need to be addressed first. He doesn't want to
32 see us take charge and make decisions for the leagues and not address the field
33 conditions.

34
35 Mr. Camunez advised that he tended to agree somewhat with Mr. O'Neill; however,
36 there is a big difference between something in writing and the physical level and
37 maintenance of something where funding is involved, and that is the issue we have
38 been confronted with for years is that the funding is just not there to do all that needs to
39 be done to address concerns on maintenance. He added that we must start
40 somewhere and compliance is important and so is safety. Most leagues and athletic
41 events where there are adults working with children require background checks, and if
42 we are not doing that, then we are really lacking, and it must be handled and done as
43 soon as possible especially if we are going to be the overseer, then there will be some
44 liability issues placed upon this Board.

45

1 Mr. Hancock advised that this document will make us a quasi judicial body, and there is
2 an amount of liability that will go along with that. He questioned if the Board members
3 are individually responsible?
4

5 Mr. Johnston advised that he could not answer that question; however, the Board is an
6 agent of the City. That question would need to be run by the City's legal department.
7

8 Mr. Hancock stated Item D regarding proof of insurance--it does not give an amount.
9 Is there a set amount for everybody, or does it depend on the group?
10

11 Mr. Johnston advised that it is a set amount of one million dollars per occurrence
12 general liability insurance listing the City of Las Cruces as additional insured—
13 generally a policy like this, an amount is not cited, because the policy will remain in
14 force; however, where we will cite it will be in the Fees and Charges Policy that is
15 introduced on a yearly basis.
16

17 Mr. Chavez asked if anyone in the audience would like to address this issue.
18

19 Ms. Alice Cox asked if the Board was going to be overseeing all the leagues, does that
20 eliminate the need for the different leagues from having to provide the City with the
21 million dollars worth of liability insurance?
22

23 Mr. Johnston advised 'no', the leagues will still have to provide the million dollars of
24 liability insurance.
25

26 Ms. Cox asked if the City is going to go to a background check which her association
27 already does, that the Board needs to state what kind of background check needs to
28 be done and that a reputable company needs to do these background checks.
29

30 Mr. Robbie Tafoya, Southwest Youth Sports, asked if the City requires the background
31 checks which he thinks is a good idea, who is going to pick up that cost?
32

33 Mr. Johnston advised that is one of the logistical pieces that would be discussed during
34 the stipend process. This board has about \$23,000 in the Parks and Recreation
35 budget. Should a 'set aside' of some of that be done so that background checks don't
36 pose a big demand on the local leagues, or should we not be funding all of the
37 background checks out of the stipend money and put the burden on the individual
38 leagues?
39

40 Mr. Camunez advised that most places if they hire you, the individual pays, and it
41 would not be out of line to expect people who want to volunteer to work with kids that
42 they pay their own fee to get a background check. That would be a recommendation
43 that I would strongly make.
44

45 Ms. Cox advised that theirs is \$7, because their organization (ASA) contracts for them.
46

1 Mr. Tim Hall, Bantam Weight Sports, asked if it would be feasible for the City to go out
2 and find a company that does this, and every league would go through them, and that
3 would bring the cost down?
4

5 Mr. Chavez advised that was a logistical possibility, and that the background check
6 needs to be standard so it would need to be one company that all leagues would use.
7

8 Mr. Camunez asked Mr. Johnston if the City does background checks on all new
9 employees?
10

11 Mr. Johnston advised that the City does background checks on all new employees.
12

13 Mr. Camunez stated that since the City already has a process in place, the background
14 checks could be achieved through the City.
15

16 Ms. Ward stated that it could be confusing as to who is required to get the background
17 checks---is it the coaches, is it anyone who is on the field with the students
18

19 Mr. Johnston stated that the direct contacts---the coach, assistant coach, assistant-
20 assistant coach---anyone who is signing up and has direct contact with the youth would
21 need a background check. He can envision them going through an application process
22 which becomes the informational sheet from which the background check is done--very
23 similar as to what is currently done with the basketball, tikes and spikes or tee ball
24 programs.
25

26 Mr. O'Neill questioned if League Board Members should be checked, because they
27 handle money for the league? They could have stolen money from a league in another
28 part of the country. Treasurers with the leagues are not bonded.
29

30 Mr. Johnston stated that, in his opinion, board members would be in direct contact with
31 the youth. Therefore, they would need a background check.
32

33 Mr. Camunez advised that in reading some of the documents, it even said mothers,
34 team dads---anyone who is there with a child, who is involved with the team needs to
35 have a background check.
36

37 Mr. Johnston stated that was one of the reasons he included New Mexico Young
38 American Football. This organization has the most restrictions of any league you will
39 find. He advised we would need to do a reasonable approach in that anyone who has
40 direct contact with kids/youth would need to have a background check.
41

42 Ms. Cox further stated that the Las Cruces Softball Association is affiliated with the
43 Amateur Softball Association, and for the last five (5) years, if you want to have a team
44 registered through ASA, it is mandatory that every coach, scorekeeper, anyone who is
45 going to be in the dugout or working with the children must go through a background
46 check done by the FBI. She stated that she would hate to see them have to pay twice-

1 for two (2) background checks. So, she would like to see it written in that if an
2 organization has a national organization affiliation and has been through the
3 background check, they would not have to pay twice. The coaches complain now that
4 they have to go through it once.

5
6 Mr. Hancock advised that what Ms. Cox is bringing up is a question that he had when
7 reading this document. It just says that a background check is performed. It doesn't
8 indicate to him what that means.

9
10 Mr. Johnston stated that the definition and criteria is something that we can bring
11 forward. When background checks are done, what is being looked for is child abuse,
12 any threat of bodily harm and that type of thing; however, there will be an actual
13 checklist that we can define.

14
15 Mr. Guzman asked the Board if they were ready for retaliation towards them due to a
16 decision they make regarding an issue. He added here is always the chance of
17 retribution, because we could suspend somebody, then you're on someone's target list,
18 and you need to be ready for that type of things. He stated if you are on board, that's
19 great, and I don't have a problem with it, but you need to think about it before you say
20 'ok, I want to do this'.

21
22 Mr. Chavez stated we are back to Item C which is the Parks and Recreation Advisory
23 Board Authority Over Leagues/Organizations That Utilize City Fields and /or Facilities.
24 We were getting towards the end, and I think that the way that this is set up that we are
25 an appellate body. We are not the actual disciplinary body, or are we? Explain that to
26 us, because I understood that the department does certain things. Then if there is an
27 appeal, then the major request for a suspension, then it would come to us, but not
28 every violation is going to come to us?

29
30 Mr. Johnston stated that Mr. Chavez is correct. Each one of the leagues and
31 organizations along with the City's programming has rules for conduct. At the league
32 levels, they would handle their business as usual. Where the Board would get involved
33 is when 'business as usual' doesn't work. If there is a board member who is on one of
34 our local leagues who is not doing business correctly, and the league board does not
35 want to take care of that, they have this Board to come to as the appellate part of it. If
36 there is a group of parents who are not getting answers from one of our local
37 organizations, they can come and voice their concerns here. This Board can call
38 league/organization board members to this meeting, and it can be taken care of here.

39
40 Mr. Camunez questioned who appoints those board members, what are their
41 qualifications to serve on the board, because if they going to adjudicate problems, they
42 need to be well versed in the rules, policies and procedures to make those kinds of
43 decisions to eliminate them coming before this Board---that's a part that I see as being
44 an improvement in that the leagues make sure they don't appoint cronies to these
45 boards, and there are commissioners – who are these commissioners? All of those
46 things need to be defined to us so we understand how that works. Who selects the

1 coaches, the umps? All of this stuff is going to come to us, because more and more
2 violence is taking place in sports, and we know this. We are no different than
3 anywhere else, and Mr. Guzman had a good point in my opinion. Where does this
4 leave us liability wise? I've had my tires shot at, because I've been involved in the
5 political end of stuff. This is no different; so, I think we need to address the problem at
6 the grass root level of these organizations and make it very clear that this board--the
7 City is not going to tolerate unsportsmanlike behavior for lack of a better term.

8
9 Mr. Chavez stated that the answer to the first questions is that each individual league
10 has its own bylaws. They make their own rules on how their board members are
11 appointed, and the City does not run those leagues. The ones that the City operates
12 do not have bylaws.

13
14 Mr. Johnston stated that the City Parks and Recreation Department has a Code of
15 Conduct.

16
17 Mr. Chavez stated that yes, they choose who their board members are, and in a
18 perfect world, all of the board members should know what they are doing.

19
20 Mr. Camunez asked shouldn't there be some continuity at that level that all of them are
21 operating on the same page with the same rules where there is continuity?

22
23 Mr. Chavez stated that they will be operating under this code of conduct policy, but
24 bylaws are all different—how can the softball have the same bylaws as soccer or BMX.

25
26 Ms. Cox advised that usually in these organizations, the coaches elect the officers;
27 however, what happens is that coaches don't show up, parents don't show up,
28 because they do not want to have to serve and give up their time. Therefore, it is a
29 small number who run the organization.

30
31 Mr. Camunez questioned if you could have general board of two (2) people from
32 soccer and two (2) people from tee-ball that serves as one general board?

33
34 Ms. Cox stated that they tried that, but it takes too long; however, they also tried what
35 this Board is purposing here, and maybe now is the time to bring it back. It previously
36 was that every problem in this City came before the Parks and Recreation Board. It
37 didn't go to the league, and the Parks and Recreation Board spent many nights hearing
38 all the problems from the parents. And, the Parks and Recreation Board got tired of
39 having to hear and put up with all the little small stuff, and ultimately told the leagues
40 that they would have to be in charge of it. I'm sure that a lot of the leagues will be glad
41 to give it back to you.

42
43 Mr. Hall stated that Parks and Recreation was the appellate, and if a parent was
44 unhappy with the decision that the league made on whatever the situation, they were
45 allowed to come to the Parks and Recreation Board who would hear it and the league
46 would be there as well. We went before the Parks and Recreation Board on a

1 complaint regarding football, and the complaint was that the parent felt that his son's
2 coach was not watching enough film with the kids. The children were 6th graders;
3 however, where he came from, they broke down film everyday. We tried to appease
4 him, but he was not happy with the coach and wanted the coach gone. He took us to
5 the Parks and Recreation Board, and they heard it and dismissed it for what it was.
6 Those are the kind of things that came up, and that's why that appellate process went
7 to the side. I don't know if those are the things that you want to be faced with, or is it
8 the process that takes place for funding? Just making sure that this is what needs to
9 be in place and what you have to follow as individual leads or do you want to hear
10 every little thing that comes up? A parent is not going to be happy with what we tell
11 them if they have a higher place to appeal.

12
13 Mr. Hancock stated if I understand the document, the Board would not be involved in
14 anything but appeals?

15
16 Mr. Johnston stated the Board would be involved in appeals, oversight. When the
17 different organizations turn in all their paperwork, staff will review it, and if there is
18 something out of the ordinary that doesn't look quite right, staff will bring it to the Board,
19 and the Board will address it with the organization or league, but not the everyday
20 operations. The everyday operations will continue with the individual leagues, boards
21 and associations.

22
23 Mr. Hancock said that he did not see where it states that the Board takes action on
24 those kinds of things. He only sees where they uphold suspensions, and if they uphold
25 suspensions, then the Advisory Board's decision is final. Please direct me to the spot.

26
27 Mr. Johnston advised Page 2. Any requesting leagues or organization that comes to
28 the City needs to provide a thorough application. Staff will review, and that information
29 is shared with this Board. A prime example is that we know we have one (1) league
30 and association here in town that is a non-profit organization that utilizes our fields with
31 over \$100,000 in the bank. Their fees went up again this year. If this Board reviews
32 the financials and determines, this is not right. Then, we can take action. There are
33 other organizations that are operating on a shoe string. This will give the Board the
34 ability which has happened in the past with stipends to say this looks like a good, new
35 organization that is coming forward. We have a couple of thousand dollars that we can
36 give to support the youth who are in your sport or program. It goes beyond the
37 appellate. He sees this Board as the oversight. They will be looking at it from the
38 satellite down, and staff will be reviewing all the information. What we've required from
39 leagues and organizations prior to this to qualify for stipends, we are now requiring
40 from anyone who utilizes City space.

41
42 Mr. Chavez stated that he thinks that is a good way to put it, because the Board has
43 been in charge of the stipends all of this time, and this covers anyone who uses the
44 fields/facilities. Let's look at the title of this. The entire document is for the Board. So,
45 it is not going to say Parks and Recreation Board throughout the document, but the
46 whole document applies to the Board. Those of us who have been on the Board for a

1 while have gone through the process of approving stipends over and over, and for
2 many years, it was kind of a rubber stamp

3
4 Mr. O'Neill asked who is going to make the decision as to what items come to the
5 Board?

6
7 Mr. Johnston advised that his office will be the buffer.

8
9 Mr. O'Neill asked the audience how many years ago was it that the Board was involved
10 in that way?

11
12 Ms. Cox advised approximately ten (10) years ago.

13
14 Mr. Frederich, Minor Threat Junior Roller Derby, asked if this applies to adult leagues
15 using the City facilities?

16
17 Mr. Chavez advised that 'yes', it would apply to anyone using City facilities, seniors as
18 well.

19
20 Ms. Cox stated that she wanted to add something now that Mark has broken it down.
21 This is something that you do really do need to oversee—not just the little petty fights
22 of the parents---but a situation that is really getting out of hand. She provided one
23 example---the organization that has \$100,000 can run a tournament, but you cannot
24 run one for the cure for cancer and donate that money, because it is against City policy
25 to run a tournament for charity, but to run a tournament and pocket the money, there is
26 no rule against that. Those are things that this Board can then be looking into to see if
27 tournaments are being run legitimately.

28
29 Mr. Johnston advised that there have been tournaments that have been suggested that
30 would fees would be waived, tournament come in, proceeds from the tournament be
31 donated. In essence, it is a gifting of public funds. That is the reason that fees are in
32 place. We have some associations that run wonderful tournaments, and I know that all
33 that money goes right back into keeping the price of the leagues low. We have other
34 associations that run a tournament, and individuals take the profit. This is due to the
35 anti-donation clause.

36 Mr. Chavez asked if there was any other discussion on this, because he would like to
37 call for a motion.

38
39 Mr. Hall stated it came up earlier in our discussion before the conference call that the
40 City would require background checks. During that discussion, it was mentioned
41 something that was said made me wonder if potential volunteers with the league need
42 to apply to the City and this Board to be able to volunteer, or would it just be a
43 background check requirement in addition to what we already require?

44
45 Mr. Chavez advised that is a logistical thing that will be worked out later on in the
46 process, but it is definitely something that is considered.

1
2 Mr. Camunez stated that the questions that he brought to the mind---are the
3 background checks strictly for people who are working with children, or are we going to
4 do it for adult sports? That is something that has to be defined. Children, absolutely,
5 but seniors in their own leagues---that is something that has not been discussed.

6
7 Mr. Chavez advised that it is not something that needs to be in this document. That's
8 something that can be worked out later on.

9
10 Mr. Camunez stated just so we are aware that is part of it.

11
12 Mr. Camunez moved that the Parks and Recreation Advisory Board approve this draft
13 proposal to the City of Las Cruces City Council for approval and to make the necessary
14 changes as we have discussed here this evening. Mr. Guzman seconded the motion.

15
16 Mr. O'Neill questioned Mr. Johnston as to the policy regarding enforcement, penalties
17 and so forth---has this been redone or is the same one? Remember we had the one
18 when we talked about what we shouldn't do/should do, and I was just wondering if this
19 was revised?

20
21 Mr. Johnston advised that this was revised but it is duplication. This policy is running
22 the same way that our other policies are run, and that way we have consistency and
23 that's the other recommendation as to why the stipend policy is now not just only the
24 stipend policy but it's the authoritative policy which blends the stipend.

25
26 Mr. O'Neill asked 'but there's no changes in specifics as far as prohibitive acts?

27
28 Mr. Johnston advised that legalities remain consistent through all of our programs.

29
30 Mr. Hancock asked if Item A that we will cover after this, will it fall under this procedure,
31 or will it be only after City Council approves the procedure?

32
33 Mr. Johnston advised that currently we are running under the old stipend policy which
34 gives the Board authority to award stipends based on the check sheet that you see---
35 that is the information that we've collected---we are operating under the old stipend
36 policy, but it remains consistent in the new one.

37
38 Mr. Chavez added that he thinks this is the gradual evolution that the Board has been
39 going through over the last four (4) or five (5) years anyway, and things go in cycles---
40 we did this in the past, and now we are going back to it, and if it doesn't work out, then
41 we might go back to that. The Board has evolved in its process, and the City has
42 grown so much that we have taken a lot of ownership that prior boards have not. I
43 would consider our Board to be---not activists---but very aware and very involved. This
44 is not a Board of sleepers. I'm all for it. He called for a vote. Motion passed 7-0.

45
46 Mr. Mark O'Neill voted YES

Mr. Ron Camunez voted YES

1 Mr. Isaac Chavez voted YES Mr. Eli Guzman voted YES
2 Ms. Alice Ward voted YES Ms. Dawn Rue voted YES
3 Mr. Wayne Hancock voted YES
4

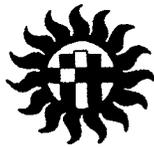
5 **ADJOURNMENT**

6
7 With no further business meeting was adjourned at 8:19 p.m.
8

9
10

 Carol Conners-Lyons, Recording Secretary

 Isaac Chavez, Chair P&R Board



City of Las Cruces®

PEOPLE HELPING PEOPLE

Council Action and Executive Summary

Item # 8

Ordinance/Resolution # 10-271

Council District: ALL

For Meeting of May 3, 2010
(Adoption Date)

TITLE:

A RESOLUTION APPROVING THE STIPEND POLICY FOR THE DISBURSEMENT OF STIPENDS TO LOCAL YOUTH LEAGUES AND ORGANIZATIONS FOR REIMBURSEMENT OF A PORTION OF THE OPERATIONAL EXPENSES FOR THE 2010 SEASON AND FUTURE SEASONS.

PURPOSE(S) OF ACTION:

To approve the Stipend Policy and Criteria for disbursement of future league and organization stipends utilized to reimburse a portion of the operational costs to providers of recreational youth sports and activities. The stipends are an integral part of the operational budgets for each of the leagues and organizations.

Name of Drafter: Mark Johnston, <i>MJ</i> Parks & Rec. Administrator		Department: Facilities / Parks & Recreation		Phone: 541-2550/541-2553	
Department	Signature	Phone	Department	Signature	Phone
Facilities	<i>[Signature]</i>	541-2651	Budget	<i>[Signature]</i>	2300
			Assistant City Manager	<i>[Signature]</i>	2271
Legal	<i>[Signature]</i>	541-2126	City Manager	<i>[Signature]</i>	2271

BACKGROUND / KEY ISSUES / CONTRIBUTING FACTORS:

For years the City has subsidized a portion of the operational expenses associated with the provision of programs by local youth athletic leagues and organizations through the disbursement of stipends. On a yearly basis, staff brings forward funding requests to the Parks and Recreation Advisory Board who then develops a recommendation for City Council action.

At the meeting of April 5, 2010, City Council approved the disbursement of 2009 season stipends and directed staff to work with the Board, general public, and league and organization representatives, to create a policy and develop criteria to govern the issuance and funding levels requested by the local organizations for the 2010 season and future allocations.

Leagues and organizations were invited to provide input on the new draft Stipend Policy at the Parks and Recreation Advisory Board Meeting held on March 18, 2010. Staff compiled comments, suggestions, and amended the draft Policy. At their regular meeting of April 15, 2010, the Parks and Recreation Advisory Board approved the draft Policy and sent the recommendation forward for City Council action. Staff and the Board are seeking approval of the Policy to provide partial funding (stipends) to local City of Las Cruces and Dona Ana County recreational youth leagues and organizations to assist with operational costs. Leagues and organizations will provide proof of financial need and community benefit to youth to determine eligibility for stipends. Well established, financially sound youth leagues and organizations, adult leagues, tournament teams, and non-local residents will not qualify for stipends.

Staff and the Board are bringing forward this Resolution and Stipend Policy and Criteria, attached as Exhibit "A", to City Council to establish guidelines and criteria for distribution of City funds/stipends to leagues and organizations that are in need of reimbursement for operational expenses in order to lower costs of participation for local youth.

It was further recommended by the Board that PAL boxing be removed from the Policy and governed by a separate agreement administered through the Police Department.

SUPPORT INFORMATION:

Fund Name / Account Number	Amount of Expenditure	Budget Amount
N/A	N/A	N/A

1. Resolution
2. Exhibit "A" Stipend Policy and Criteria
3. Exhibit "B" Excerpts from the draft Parks and Recreation Advisory Board meetings of March 18, and April 15, 2010

OPTIONS / ALTERNATIVES:

1. Vote "YES" and approve the Resolution approving the Stipend Policy and Criteria(s).
2. Vote "NO" and not approve the Resolution. Denial of the Resolution may delay the distribution of stipend requests for 2010 operations.
3. Modify the Resolution and provide staff with further direction.

**CITY OF LAS CRUCES PARKS AND RECREATION SECTION POLICY****SUBJECT: LEAGUES AND ORGANIZATIONS CRITERIA AND GUIDELINES FOR THE DISTRIBUTION OF CITY FUNDS/STIPENDS****PURPOSE:**

Provide partial funding (stipends) to local City of Las Cruces and Dona Ana County recreational (non-select) youth leagues and organizations to assist with the operational costs of the league or association. The youth leagues and organizations must provide proof of financial need and community benefit to youth. Well established, financially sound youth leagues or organizations will not qualify. Adult leagues or organizations, select leagues or organizations, tournament teams and non-local residents will not qualify.

OBJECTIVE:

To provide guidelines and criteria for the distribution of City funding/stipend(s) to local recreational youth leagues or associations. The funding is intended to be used to lower the cost of participation for local youth participants.

PROCEDURE:

Local youth leagues and organizations may request monetary assistance for the operation of (non-select) recreational youth programs through the Parks and Recreation Section. All requests must directly benefit local youth participants (18 years old and younger), be made in writing, and received no later than July 1, of each calendar year. The funding request(s) will be based on the City's Fiscal Year (July 1 – June 30). Requesting leagues and organizations will be invited to speak before the Parks and Recreation Advisory Board at their August or September meeting. The Board will develop funding recommendation(s) based on the criteria and forward a recommendation for City Council action at the October or November meeting. City Council has final approval of the amount of funding and will determine which leagues and organizations receive funding.

Leagues and Organizations Responsibilities:

In order to qualify for City funding, leagues and organizations must meet the following:

Requesting Leagues or Associations will:

- a. Provide program administration with emphasis on local recreational youth participation.
- b. Provide a detailed financial statement on an annual basis, within 30 days after conclusion of league activities and/or special event(s), tournaments or fund raising activities that utilize public space/facilities. The financial statement(s) will detail all funds received and expended for all league operations to include local, state, regional, or national tournaments for the previous year's program. The City of Las Cruces may also require an audit of the organization's expenses and of revenues in cases where the City of Las Cruces provides funding, direct support of or use of City facilities.
- c. Provide proof of insurance listing the City of Las Cruces as additionally insured, on an annual basis, or 30 days prior to the start of league play or special event. If for any reason the insurance expires prior to the conclusion of the calendar year, the league will provide proof of up-to-date information. League/tournament play or activities will not be authorized without proof of insurance listing the City of Las Cruces as additionally insured.
- d. Provide proof of 501c3 (or equivalent) non-profit corporation status with the State of New Mexico Public Regulation Commission on an annual basis, stating the league is in good standing. If for any reason, status expires prior to conclusion of the calendar year, the organization will provide proof of up-to-date information or return all City provided funding.
- e. Provide a prior-year copy of Form 990 or equivalent Tax Exempt Report, filed with the Internal Revenue Service, within 30 days of taxable year end date.
- f. Provide the City of Las Cruces with a letter of request for operating expenses stating the amount of the funding request; and outline how the funds will be utilized.
- g. Provide to the City the number of participants, teams, games, tournament games, coaches, volunteers, and any paid positions with the funding request.
- h. Procure and maintain a Policy of Worker's Compensation Insurance of its employees, and a policy of general liability insurance, with limits of coverage as specified in the New Mexico Tort Claims Act with the City named as an additional

insured on such liability policy. The League will not undertake any activities until the City is provided proof of such insurance.

- i. Not discriminate against any person regarding access to, or participation in any program, or any facility used in connection therewith, on the basis of race, color, sex, national origin, age or disability.
- j. Ensure that all programs, services, and activities are accessible to and usable by persons with disabilities in accordance with the Americans with Disabilities Act. Including but not limited to, equal opportunity to participate and benefit, equally effective communication for persons with speech, hearing and other impairments, integrated seating, and the provision of reasonable modifications and/or accommodations adhering to the City of Las Cruces Communication Policy. If portable toilets are going to be provided, accessible units must also be provided at each bank of standard units.
- k. Provide an established written appeals procedure for players, parents, coaches, managers, and board members.
- l. Provide a written established corrective action policy to be followed by league officials dealing with the consumption of alcohol by coaches, managers, or participants prior to, during, or after practices or games and corrective action taken by league officials on reports of mistreatment of players.
- m. Provide a written, established refund policy.
- n. Have designated officials attend financial training provided by the City of Las Cruces Finance Department.
- o. Conduct a minimum of one Public Meeting open to the public on an annual basis. The meeting shall include the election of the board of directors for the league and shall be held prior to the start of the season(s). Additionally, the meeting shall be held to discuss and formally approve any changes in rules or regulations and/or formal action to be considered by the league. The league shall notify the City of the meeting place, date and time; and shall also advertise the same a minimum of one week in advance through a newspaper of general circulation. The minutes of this meeting shall be recorded, transcribed, and forwarded to the City Parks and Recreation Section along with a copy of the public notice. Failure to conform to this section may be grounds to deny any award of City funds to the league.

- p. Provide program registration at a non-City facility(s) and provide location information, contact name, and number, to the Parks and Recreation Section Administrative Office at least two weeks prior to registration date.
- q. Provide all league schedules, including tournament schedules to the Parks and Recreation Section Administrative Office a minimum of two weeks prior to start of season.

FUNDING REQUESTS WILL BE PRIORITIZED BASED ON THE FOLLOWING CRITERIA:

- a. All funds will be utilized for local youth 18 and under.
- b. New or start-up leagues vs. well established leagues.
- c. Leagues and organizations have developed a plan to lower the cost of participation.
- d. Leagues and organizations do not have paid positions; on the Board or running operations.
- e. Number of youth benefiting from the stipend/funding.
- f. Stipend request equates to what percentage of league resources?
- g. League willing to run a tournament with profit going to City of Las Cruces.
- h. League utilizes other fund raising efforts to reduce costs to participate.

The Parks and Recreation Advisory Board will recommend funding levels to the City Council for final action.

FUND DISBURSEMENT:

Local youth leagues and organizations that meet the criteria and receive City Council approval for funding may submit requests for payment to the Parks and Recreation Section Administrative Office.

PAL BOXING

PAL Boxing will not be covered by this Policy; funding options will be considered through a different process and Resolution. PAL Boxing will be administered through the Las Cruces Police Department.