



Parks and Recreation Citizen's Board Training

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Starting a Parks and Recreation Citizen's Board

A local government must have the proper legal authority to form a Parks and Recreation Citizen's Board, as well as the legal power to perform other functions connected with parks and recreation development. Legislation passed by the community in the form of charters and ordinances provide both the legal means and the details for carrying out the organization and development. Since one of the concerns of organizing a recreation board is the legal basis, we should examine the appropriate Tennessee statutes.

State Enabling Laws and Local Legislation

The Tennessee Codes Annotated (TCA), Chapter 24 (Sub-sections 11-24-101 to 11-24-112), Municipal Recreation Systems, authorized "municipalities...to operate and maintain parks and recreation facilities and to conduct recreation programs." {Acts 1937, ch. 307, 1;mod. C. Supp. 1950, 3516.1; TCA (orig.ed.), 11-901.} This legislation also outlines three methods for establishing the proper parks and recreation board structure. There are three basic types of municipal board structures: advisory, administrative and joint policy. The term "municipality" in the code means any city, town, township, school district or other political subdivision including counties of the state of Tennessee.

In TCA Chapter 21, the law authorizes counties in Tennessee to create County Conservation Boards and "...to acquire, develop, maintain, and make available to the inhabitants of the county, public parks, preserves, parkways, playgrounds, recreational centers, county forests, wildlife areas and other conservation areas, and to promote and preserve the health and general welfare of the people, to encourage the orderly development and conservation of natural resources, and to cultivate good citizenship by providing adequate programs of public recreation." {Acts 1961, ch. 213, 1;T.C.A., 11-1101.}

Local Legislation

The fact that a Tennessee municipality is not restricted by the state in the establishment of a recreation board, department or services, leads to the next question to be answered:

What should be written in a municipal charter, ordinance, etc., about recreation?

Recreation Board Ordinance

Section 1. Parks & Recreation Department Created

Section 2. Function of the Parks and Recreation Department

Section 3. Parks & Recreation Director

Section 4. Parks and Recreation Board Created

4.1 Method of Appointment & Term of Office

4.2 Appoint Ex-officio Member of Governing Body

4.3 Functions of Parks & Recreation Board/Commission

The Tennessee Code Annotated, Chapter 24, Municipal Recreational Systems can be viewed at:

<http://michie.lexisnexis.com/tennessee/lpext.dll?f=templates&fn=main-h.htm&cp=>

Once at the site search for 11-24-101 to view the codes.

(Examples of ordinances are available on accompanying disk.)

BOARD PURPOSE DICTATES STRUCTURE

Since each locality has unique individual community factors and needs, it is necessary to decide on the type of board which can best meet the varied challenges providing park and recreation services.

Sources of Authorization

1. Varies greatly but is usually defined by:
 - a. State statute
 - b. Charter
 - c. Ordinance
 - d. Resolution
 - e. Meeting minutes
 - f. Task force or committee appointment
2. Determines appointment procedure, term of office, qualifications
3. Defines authority, responsibility and purpose
4. Additional clarification by:
 - a. By-Laws
 - b. Rules, regulations and policies
 - c. Mission statement

The basic consideration in the formation of a board/commission is that it be organized and developed in such a way as to best carry out the purposes and functions for which it was created.

Advisory Boards are the most common in Tennessee communities. The purpose of an advisory board is to work with the director of parks and recreation in planning and developing a program that will best fill the recreation needs of the community or service area. They function in an advisory capacity influencing through advice, recommendations, involvement and support. An advisory board is the “go-between” for all recreation/leisure interests of the community and the director, mayor, county executive, city manager and governing body.

Administrative Boards have policy-making and administrative authority over the parks and recreation delivery system. In most cases they are not fully autonomous. Many of these types of boards in Tennessee are usually associated with County Conservation Commissions. They are dependent on the governing body that appointed them for ultimate decision-making and administrative authority and management of the overall services. The administrative board submits periodic (quarterly and annual) reports to the City Council or County Commission, and presents its budget to the general authority for approval. The Director is normally responsible to the Board and its chairperson. This Board determines all policies and planning for the department.

Joint Policy Board are found in a couple of sites in Tennessee and are where two or more governments have come together to share the benefits of providing recreation and park services to its citizens. Normally some type of written agreement or contract has been established which outlines the contributions of each governmental entity regarding annual funding, maintenance responsibilities, capital improvement plans, personnel policies, etc.

BOARD BY-LAWS

Bylaws are the most important document for many organizations. Unless there are higher governing authorities (such as state statutes or corporate charters), the bylaws define the organization and how it functions. Formerly, it was common practice to separate the rules governing an organization into two separate documents--a "constitution" and "bylaws."

The recommended practice now is to combine these two documents into one known as the "bylaws" or the "constitution and bylaws." Bylaws can vary in size from one to fifty pages. Like clothes, bylaws should be made to fit the organization they are meant to serve. No one set of bylaws is appropriate for all organizations.

The following tips are applicable to most bylaws:

- Language should be clear and concise.
- Sentences should be structured so that it is impossible to quote provisions out of context.
- A standard format can help in avoiding repetition and in locating provisions.
- Do not include requirements from State law or higher governing authorities (lest the appearance be given that these rules can be changed).
- If the bylaws state that elections are to be by ballot, this provision cannot be suspended (even if there is only one candidate for office).
- Make provisions for calling special meetings.
- Clearly define the duties and powers of any executive board or committee.
- List a book as a parliamentary authority to be followed at meetings.
- Describe the method (including any notice requirements) for amending the bylaws.
- Be careful not to set a quorum for meetings that is too high and may be difficult to obtain.
- Do not place purely procedural rules, such as the order of business for meetings, in the bylaws.

Suggested By-laws Sections

- I. Name
- II. Object
- III. Members
- IV. Officers
- V. Meetings
- VI. Executive Board
- VII. Committees
- VIII. Parliamentary Authority
- IX. Amendment

Above By-laws information provided by Jim Slaughter, JD, CPP-T, PRP

(Examples of By-laws are available on accompanying disk.)

BOARD RESPONSIBILITY AND FUNCTIONS

Some of the general responsibilities of an Advisory Board are as follows:

- Advising with officials and leadership concerning recreation issues
- Assisting in furthering the recreation program agenda
- Understanding all aspects of the delivery system and making recommendations
- Analyzing and interpreting community recreation needs
- Educating the citizens about programs
- Offering constructive suggestions and criticisms
- Promoting needs and achieving results
- Stimulating public involvement in decision making

Some of the general responsibilities of a Policy or Joint Policy Board are as follows:

- To define goals and objectives if public park and recreation services and maintain the highest quality possible
- To communicate to the public the importance and need of parks and recreation services and develop a community relations/marketing plan
- To inform elected officials and the public of the status and progress of parks and recreation services
- To select through a standardized hiring process the Parks and Recreation Director and/or staff
- To develop a sound fiscal plan to achieve specific parks and recreation goals
- To provide the citizens with the highest possible quality system of parks and recreation areas
- To evaluate the services of the parks and recreation system in relation to its goals and objectives
- To communicate and work closely with other related community agencies to ensure a complete community effort to provide the most effective and economical parks and recreation services available
- To adopt By-laws to govern the organization and operation of the board and carry out its legal responsibilities
- To increase personal knowledge and expertise in the field of recreation by becoming members of Tennessee Recreation & Parks Association (TRPA) and/or National Recreation & Parks Association (NRPA) and attending conferences and other appropriate training workshops
- To assist in locating and/or creating alternative funding sources
- To lobby and affect legislation, not only local, but state and federal as well

To summarize, both Advisory and Policy boards should have some level of responsibility concerning the following areas:

Planning

Policy Development

Staffing

Budget/Finance

Programming

Land Acquisition/Facility Development

Legislation

Education

Public Relations/marketing

Parks and recreation services have been, and remain, the most visible and active public service of local government. It forges positive relationships between all people of a community. It is a grass-roots experience that grows from the needs and interests of those who participate. Therefore, parks and recreation professionals have a “built-in” opportunity to involve people directly and actively in their community services. Many cities and counties in Tennessee have come to realize that they have a responsibility to more adequately provide these parks and recreation services to their citizens. This realization is more evident when local governments have a Parks and Recreation Board. A board, when composed of respected, active and dedicated citizens interested in the enhancement of recreation opportunities within its community, can more effectively interpret the needs, services and problems to the governing authority, park and recreation personnel and the community.

General and Specific Responsibilities of a Parks and Recreation Advisory Board

Since Advisory Boards are the most utilized in Tennessee, the remainder of our discussion will focus on this format.

What are some of the general responsibilities of a Parks and Recreation Board?

ADVISING	with officials and leadership or recreation
ASSISTING	in furthering the recreation program
UNDERSTANDING	all aspects of the program
EDUCATING	the people of the community about the recreation programs
OFFERING	constructive suggestions and criticisms
PROMOTING	needs and achieving results
INTERPRETING	the wishes and desires of the citizens
STIMULATING	public involvement in decision making

What are some of the specific responsibilities of a Parks and Recreation Board?

Developing Policy

Policy should be a planned action – not a reaction to an isolated situation. It should provide for periodic review and update. Recommendations for changes in policy are many times initiated by the board members, staff or appointing authority. The Parks and Recreation Board needs to be actively involved with the interpretation of the department’s services, objectives and needs. The Director and the Board should work together on policy-making decisions. It should be one of the Director’s responsibilities to see that these are carried out.

Budget and Finance

The Board should assist the Director in determining needs and establishing priorities. Boards should keep in mind all current needs (staffing, maintenance, operations, etc.) and long-range capital needs based upon developed goals and objectives. Many times Boards help present and justify budget to appointing authority. Boards should be involved with the reviewing and setting of adequate fees and charges policies. They should be alert to alternate funding sources and program grants, assist with committee assignments for bond issues and levies, and serve as liaisons with agencies granting gifts, endowments and/or foundation grants.

Planning

The Board should oversee the development and implementation of a comprehensive recreation master plan (5-10 years) and strategic plans (1 – 3 years). A portion of any plan should provide for adequate input opportunities from the citizens regarding needs, desires. The board has the responsibility for including citizen input into the overall planning process.

Land Acquisition and Facility Development

The Board should explore all alternatives for funding acquisitions and facility developments. Some of those funding alternatives include bonds, gifts, endowments, leases, grants, fees and charges, etc. The Board should be involved with the review and implementation of all park development projects.

Programming

Board members should help monitor programs for implementation, balance, quality, and feasibility. They should have helped to develop and understand the program goals and even volunteer to assist with the implementation of some programs and/or special events. Boards many times serve as a buffer between staff and special interest groups and offer recommendations for community involvement and volunteer recruitment. Boards should provide community reaction feedback to the department staff through proper evaluation. Boards many times will work closely with other boards and/or the chief director, to develop cooperative planning efforts for quality recreation programs or special events. These relationships should be carefully fostered with open and honest communication and with the spirit of benefiting the whole community. The Board should work in planning with all local agencies to coordinate activities and services to enhance the effectiveness of the community's recreation programs and to avoid duplication and overlapping.

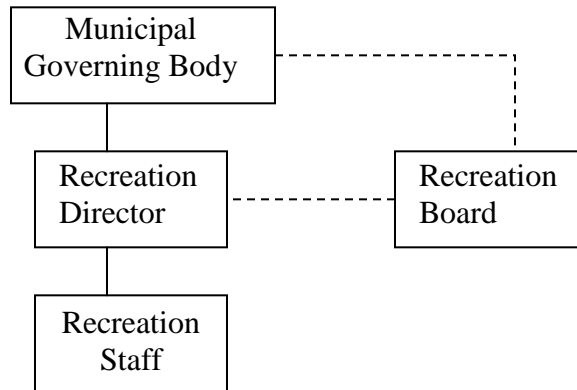
Legislation

Board members should have legislative knowledge (local, county and state level) and be uninhibited from making contact with political representatives for the community. Many times board members protect staff from political involvement, especially on sensitive issues. Boards should foster legislative action whether on the local, county, state or federal level.

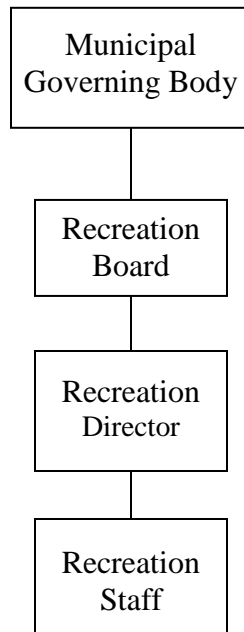
Education

Proper training (conferences, workshops, etc.) for all board members is essential and should be sought from accredited agencies. Board members should support professional training and development of all park and recreation staff. Recreation staff should make publications, articles and other relevant information readily available to all board members. Each board member has a personal responsibility for continuing education to broaden their own horizons.

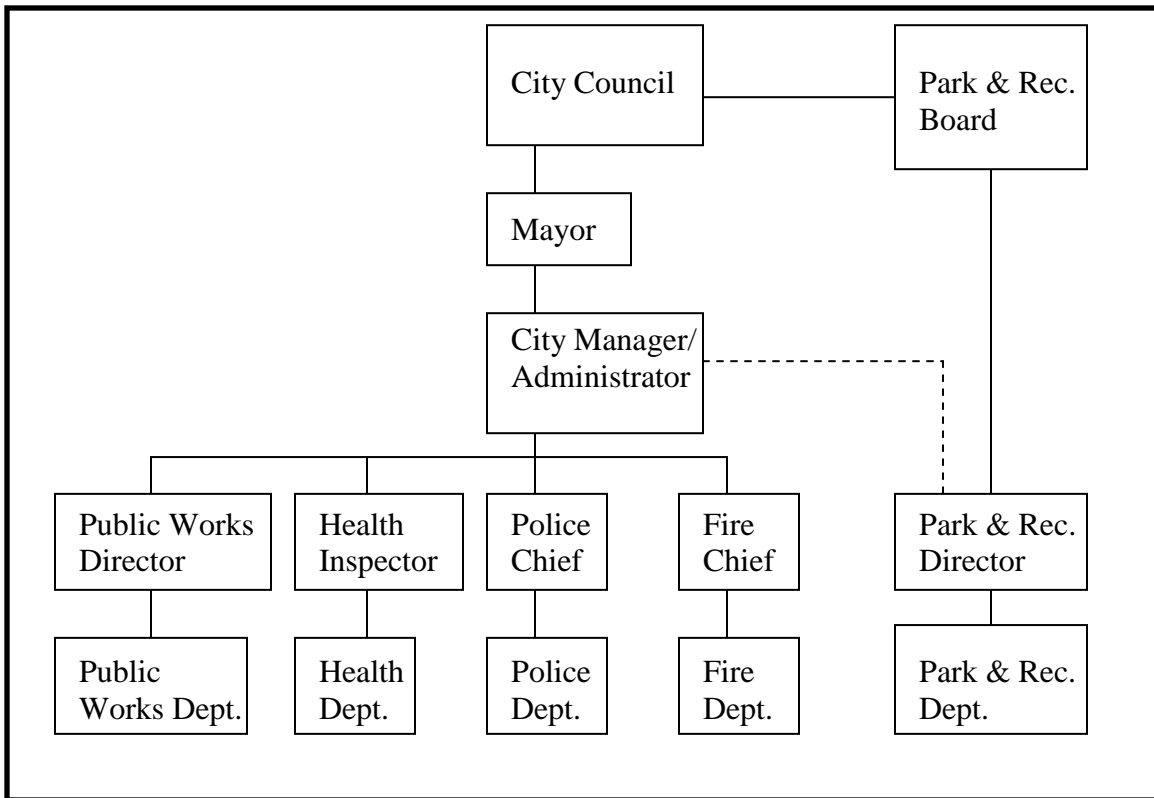
ADVISORY BOARD



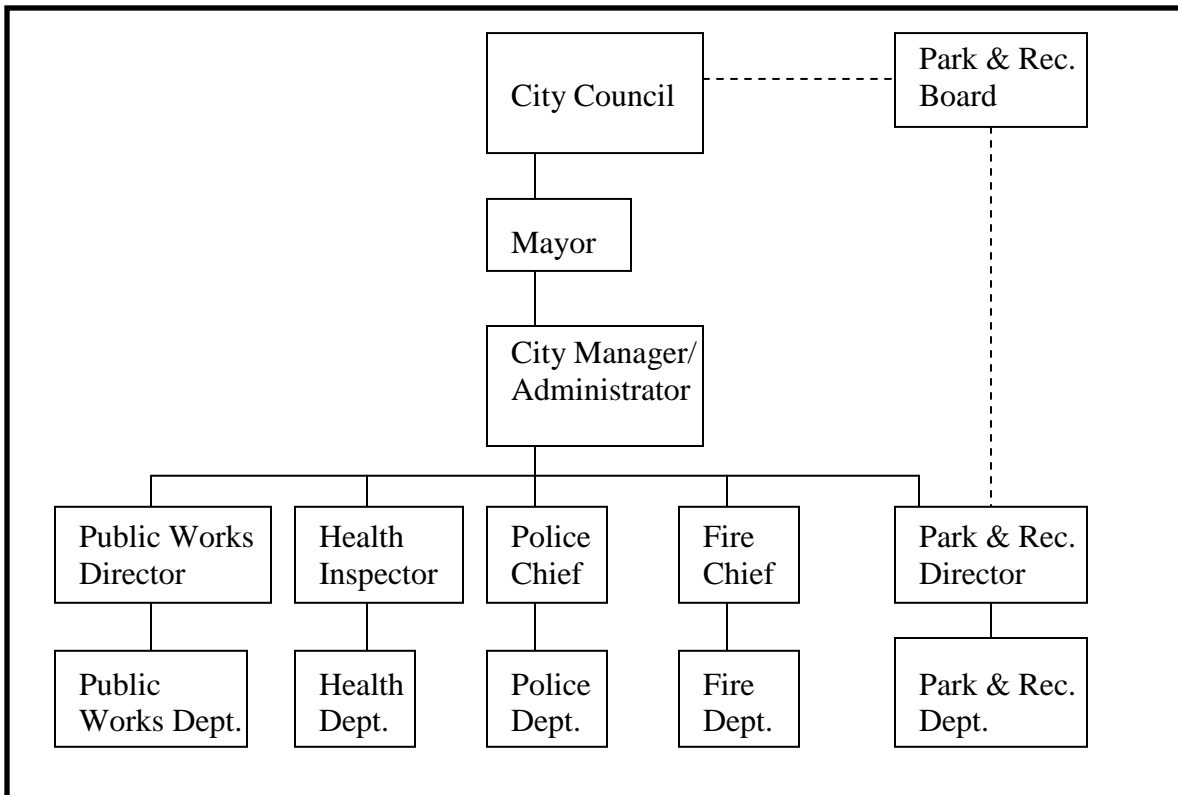
POLICY BOARD



POLICY-MAKING



ADVISORY



BOARD RELATIONSHIPS

The Recreation Board plays an active role in the delivery of recreation services to the community. It cannot, however, work independently from the governing body, city or town manager, county executive, and recreation director. In fact, the Board's duties are determined by the formal and informal working relationships it has with local officials and staff. Formal rules set forth by the governing body should describe the amount of authority the Board will possess and its place in the organizational structure of the government. If there is no full-time director, the Board may have full responsibility for administering the services delegated by the governing body. In other situations the Board may work closely with a City Manager who oversees the administration of the services. Another alternative structure gives a Recreation Director full responsibility for recreation operations and requires the Board to offer advisory assistance. In all cases, the written relationships set the framework within which a wide range of variability exists in what can be done by a Board, and how it is done. A successful Board must have established working ties with the Council, Commission, Manager and Recreation Director.

The Board and Fellow Board Members

- Increase their knowledge of parks and recreation outside of their community by involving themselves in professional conferences, workshops, organizations and seminars
- Represent and back the decision of the Board to the public
- Represent the public as a whole in their recommendations, not themselves or a select group of individuals
- Establish ethical relationships while minimizing political actions among board members
- Attend meetings and department activities
- Develop respect, trust and empathy for other members and their concerns
- Be aware that compromise is important
- Recommend person(s) to the Board to evaluate for recommendation to be elected officials for Board service

The Board and the Governing Body Relationship

The most direct interaction between the Board and elected officials occurs in town governments which operate without a full-time Manager and / or Recreation Director. Usually the town will delegate all responsibility for planning and administering the recreation program to the board. Thus the board members are considered the recreation department "and become both administrator and staff as follows:

Board members are responsible for preparing a project plan and a subsequent financial plan to obtain funds to operate. The Board solicits volunteers, hires part-time staff, arranges for the design of facilities, and takes care of the selection of sites and work out the details of program development and scheduling. When implementing programs, the Board makes cooperative agreements in order to deliver services. The Board is directly responsible to the elected officials of the community. It is very important for the Board to keep all elected officials informed of program progress, for the governing body holds the purse strings. It is recommended that the Board routinely send the officials copies of the

correspondence. Formal monthly reports are vehicles which indicate how well the Board is doing and documents its accountability. We feel this recreation delivery system is difficult and not very effective or efficient.

The Board and the Manager Relationship

If a City or Town Manager acts as Chief Administrator of government services, the procedure which the Board follows must involve that individual. An organizational chart might look like this:

An important part of the manager's duties is coordinating the various divisions. For example: Let's say that the Recreation Board has decided to landscape an open field for a park; Bill, a member of the Board, has a friend who is a private bulldozer operator. At Bill's suggestion, the Board decides to hire the friend. The manager should have been contacted to review:

- Bidding process
- If public works department has equipment to do the job in-house.
- Save Board time, embarrassment and improve negotiations. Since the manager is a full-time position, the Board members should not circumvent that position and deal only with council or commission. If there is a problem with the program, then it would be appropriate for the Board to involve the governing body.

The Board and the Recreation Director/Recreation Staff Relationship

The Board (administrative or advisory) works with a full-time recreation professional. This organization is recommended as the best approach to recreation delivery system development. A qualified recreation professional has been formally educated in both technical and administrative areas. Tennessee Recreation Parks Association / National Recreation Parks Association certification is preferred. The director's full-time status, knowledge, skills and abilities, combined with the Board's knowledge of the community, etc., forms the basis of a team which can usually accomplish more than any other system. The Director will provide the leadership, enabling the greatest benefits for recreation.

- The building of this team and partnership between the Board and the Director/staff begins with the establishment of a clear cut job description, which prescribes the duties of both in detail.
- Communication should always be open and honest. No hidden agendas from either party.
- The Parks and Recreation Board needs to be actively involved with the interpretation of the department's services, objectives and needs.
- The Director and the Board should work together on policy-making decisions. It should be one of the Director's responsibilities to see that these are carried out.
- The Director and Board should work together on short and long range goals and objectives.
- The Board should make periodic inspections and observations of areas, facilities, activities and services. This will help to ensure that they are operated and maintained in a professional manner.

- The Board should work with the recreation staff directly through the Director. Work orders should not be given directly to staff without going to the Director first nor confront them with a sense of inquisition.
- Assure for the staff of the department the same consideration with respect to working hours, sick leave, vacations, holidays, accident compensation, job security and retirement benefits as apply to comparable staff in other departments/organizations.
- Adopt an official personnel policy that insures the employment of competent staff, a sound division of duties and responsibilities, a fair salary schedule and satisfactory working conditions.
- Arrange for appeals from staff members to be submitted to the Board and heard in closed session, if desired.
- Encourage the Director to invite staff members to meet with the Board, especially to explain various recreation programs, endeavors, events, etc.

The Board and other Agencies

- Boards many times will work closely with other Boards and/or the Chief Director, to develop cooperative planning efforts for quality recreation programs or special events. These relationships should be carefully fostered with open and honest communication and with the spirit of benefiting the whole community
- Coordinates and cooperates with local school authorities in joint planning, financing, acquisition, programming, and maintenance to insure the most effective use and reasonable cost of providing community services.
- Coordinates and cooperates with local planning authorities to insure effective planning of total community services along with adequate provisions for parks and recreation.
- The Parks and Recreation Board should be aware of the services (facilities, materials, staff, programs, etc.) that local agencies (schools, churches, private recreation providers, clubs, civic organizations, etc.) can provide.
- The Board should work in planning with all local agencies to coordinate activities and services to enhance the effectiveness of the community's recreation programs and to avoid duplication and overlapping.
- By working in conjunction with other agencies, it keeps communication and idea exchanges open.
- The Board should accept constructive criticism and feedback from the local agencies concerning programs and facilities. Many times they can be an evaluation tool that is often overlooked.
- Shares the credit and advertising with other departments and organizations that cooperate in their programs.

The Board and the Media

- Notify media of all meetings and programs
- Know deadlines
- Represent and back the decision of the Board

- Develop a good relationship with the media

The Board and the Public

- The Board provides periodic opportunity for public input. This can be accomplished through public hearings, strategic planning meetings, surveys, all Board meetings, etc.
- The Board welcomes suggestions and constructive criticism from the public and assures them that their comments will receive thoughtful consideration.
- The Board should conduct its affairs in a manner that wins public respect and support for the Department and guarantees integrity to the community.
- The Board is not only ready to listen to criticism but is quick to discern and remedy situations that require correction, either by the Board, staff members or others.
- The Board develops and maintains an effective public relations program utilizing newspaper, radio, TV, exhibits, displays, signage, brochures, mail-outs, etc. One member of the Board should serve as the liaison between the Board and the news media.
- The Board is responsive and responsible in representing the interests and needs of the entire community.
- The Board should take the initiative to inform neighborhood/community park councils and other civic clubs about parks and recreation activities. They should also meet with these groups to hear concerns and enter into a mutual discussion concerning positives and negatives and how they can aid in cooperative planning.
- The Board should serve as an Appeal Board for issues developing between staff and the public; staff and city officials; public and city officials when it concerns recreation, etc.
- Educate the public on the value of parks and recreation.

MEETING PROCEDURES

The prospect of finding yourself in the unfamiliar surrounds of a meeting in progress can be quite daunting. Fear of the unknown and the lack of knowledge in correct meeting procedures have literally stopped people from taking on roles or positions on decision-making bodies. Obtaining an understanding of these procedures will allow you to break through this barrier and make a contribution to various organizations and decision-making bodies.

The Agenda

Prior to the meeting, an agenda is prepared and circulated to all members. This agenda forms the structure of the meeting. It states where and when the meeting will take place and what matters will be discussed. A draft copy of the minutes of the previous meeting, along with any other relevant material that the members should read prior to the meeting, are distributed at the same time as the agenda.

An effective agenda is one of the most important elements for a productive meeting. Here are some reasons why the meeting agenda is so important.

- Communicates important information such as:
 1. Topics for discussion
 2. Presenter or discussion leader for each topic
 3. Time allotment for each topic
- Provides an outline for the meeting (how long to spend on which topics)
- Can be used as a checklist to ensure that all information is covered
- Lets participants know what will be discussed if it's distributed before the meeting. This gives them an opportunity to come to the meeting prepared for the upcoming discussions or decisions.
- Provides a focus for the meeting (the objective of the meeting must be clearly stated in the agenda)

How to Create an Effective Agenda

You're responsible for planning your project meeting this month. Arrggh!! What to do? Now you understand how important an agenda is to the effectiveness of the meeting, but don't know how to create one. Breathe easy! All you have to do is follow the steps outlined below.

1. Send an e-mail stating there will be a meeting, the goal of the meeting as well as the administrative details such as when and where it will be. Ask those invited to accept or decline the meeting. Make it clear that once they have accepted the meeting, they are expected to attend.
2. Ask participants requesting an agenda item to contact you no less than two days before the meeting with their request and the amount of time they will need to present it.
3. Once all of the agenda requests have been submitted to you, summarize them in a table format with the headings: Agenda Item, Presenter and Time. It's your responsibility to ensure that each agenda item is directly related to the goals of this particular meeting. If an inappropriate request is made, suggest that person send an e-mail or memo instead or recommend that this agenda item be discussed in another meeting. Also, you must be

realistic in the amount of time you allocate to each presenter. Don't cram an unrealistic number of agenda items into an hour meeting. When people accept an hour meeting, they expect to be finished in an hour. When meetings go over time, people generally tend to get uneasy. It's better to schedule 50 minutes of discussion into an hour time slot. This way you have 10 minutes to spare and if you get done a little early, people will be pleased.

4. Send the agenda to all the meeting participants the day before the meeting with a reminder of the meeting goals, location, time and duration. At this time, ask the presenters if they are happy with the order in which they will be speaking and the amount of time they have been allocated.
5. Of course, the most important part of creating an effective agenda is to follow it during the meeting!

The Meeting

Meetings occur when groups of people gather to discuss, and try to resolve matters which are of a mutual concern. Recommendations are made, directions given and courses of action decided. For a meeting to effectively achieve these goals, a structure needs to be in place. If a meeting has little or no structure, the results are unproductive and dissatisfying for all concerned. The basic elements of the parliamentary procedure can form the foundation for Board decision making, yet discussion and deliberation benefit from a more freewheeling approach. When major efforts go toward ensuring that the process is impeccably structured and legally indestructible, the Board is inviting discontent and easily spends more energy on the process than the results. The Board chair is in a key position to make sure that all Board members participate, all aspects of an issue are covered, and a general understanding of the outcomes is respected.

The meeting will typically have the following components:

- **Opening the meeting**

The presiding officer should never call the meeting to order until a quorum is present. A quorum is the number of members entitled to vote who must be present in order for business to be legally transacted. Quorum is typically defined in the governing documents of the community association. Once a quorum is present, the presiding officer calls the meeting to order by stating, "The meeting will come to order."

- **Approval of minutes**

The minutes are typically distributed to all members so that they do not have to be read aloud. Corrections and approval are normally done by unanimous consent. That is, the presiding officer can ask, "Is there any objection to approving the minutes as read [or distributed]." If there is no objection, the minutes are approved.

- **Recognition of guests and comments**

Advisory Boards should be open to the public and at times may have certain individuals or groups invited to address issues on the agenda. Boards should always allow individuals attending the meeting a time of comments. If they are in attendance due to an item on the agenda, they may wait until that item is discussed to present their comment.

- **Reports of the officers, Boards and standing committees**

Reports are generally for information only. In such instances, no motion is necessary following the reports unless there are recommendations to be implemented. A motion “to adopt” or “to accept” a report is seldom wise except when the report is to be issued or published in the name of the organization. On the other hand, it is common that the reporting member end by making a motion if there is a specific recommendation for action.

- **Reports of special committees**

Unlike standing committees established in the bylaws, special committees do not have continual existence. Instead, special committees exist solely for the purpose of a specific project. For example, a special committee might be created to plan a specific function or event. Special committees typically go out of existence upon their final report.

- **Unfinished business**

Unfinished business refers to matters carried over from a previous meeting. Unfinished business items typically fall into one of several specific categories:

1. Any matter that was pending when the previous meeting adjourned
2. Any matters on the previous meeting’s agenda that were not reached
3. Matters that were postponed to the present meeting

The presiding officer should know if there are any items to be considered under unfinished business. As a result, the presiding officer should not ask, “Is there any unfinished business?” Instead, the presiding officer should simply state the question on the first item of business. If there is no unfinished business, the presiding officer should skip this category of business.

- **New business**

Much of the work in a meeting is accomplished during the heading of New Business. In this category of business, members can introduce any new item for consideration. As a result, the presiding officer may be unaware of what items of business will arise under New Business. The presiding officer introduces the heading of New Business by asking, “Is there any new business?” Any member can then introduce new items of business by making a motion and obtaining a second. Following the consideration of each item, the Chair repeatedly asks, “Is there any further new business?” This process continues until there are no additional business items to come before the assembly.

- **Closing the meeting**

In most assemblies the presiding officer can adjourn the meeting without waiting for a motion to adjourn. If all items of business have been considered, the presiding officer can ask, “Is there any further business?” If there is no response, the presiding officer simply states, “Since there is no further business, the meeting is adjourned.” If custom or tradition requires that a motion to adjourn be made, the presiding officer can ask, “Is there a motion to adjourn?” Once the motion is made and seconded, the presiding officer can ask, “Is there any objection to adjourning the meeting? Hearing no objection, the meeting is adjourned.”

Good organization cannot by itself guarantee a successful meeting. However, a lack of structure is almost certain to cause confusion and dissatisfaction among members. As a result, efforts spent in planning the process of a meeting are well worth the effort. The

best meetings use procedures and an order of business that are perfectly tailored to fit the occasion.

The Importance of Board Minutes

Board members have the legal responsibility to perform their Board duties with care (diligence), obedience and loyalty. Thorough documentation of the Board's actions also provides a system for monitoring the members' fulfillment of their legal duties. The minutes of the Board's meetings are a good place to start. **Each board member should receive a copy of the previous Board meeting minutes at least two days prior to the upcoming meeting to allow time for review.** While content can vary, based on your individual organization, the basic elements of meeting minutes should include:

- Name of the organization
- Date and time of meeting
- Board members in attendance, excused, and absent
- Existence of a quorum
- Voting results
- Names of abstainers and dissenters
- Reports and documents introduced
- Future action steps
- Ending time of meeting
- Signature of secretary and chair

Some Boards also include motions made and by whom, and a brief account of any debate. Your Board should determine how much detail is desirable without cluttering the document with irrelevant data.

Board Committees

Board committees provide organized, focused means for members to achieve goals and address issues. The Board should establish committees when it's apparent that issues are too complex and/or numerous to be handled by the entire Board. For ongoing, major activities establish standing committees; for short-term activities, establish ad hoc committees that cease when the activities are completed. If a Board establishes a standing committee the by-laws should be amended to include the committee. One function of a committee is to recommend policy for approval by the entire Board. Committees make full use of board members' expertise, time and commitment and ensure diversity of opinions on the Board. Committees do not replace the responsibility of each Board member; they operate at the Board level and not the staff level. Committees meet as needed based upon their task.

MISSION AND GOALS

What is your Parks and Recreation Department's Mission? The essence of a Parks and Recreation Department's mission lies in the nature of the community... in terms of physical, economic, demographic and social characteristics and determines the level of parks and recreation services which the local government wishes to develop and maintain. Without a minimum level of agreement on the desired level of parks and recreation services it is difficult to develop and evaluate strategies and subsequent policy adopted by the local governing body relating to recreation.

To consider development or revision of the mission statement, it maybe helpful to complete the following checklist:

- Why does local government provide parks and recreation services?
- What services does the Parks and Recreation Department provide?
- What is the most important service of you Parks and Recreation Department?
- Who are the Parks and Recreation Department's clientele and why are they using the services?
- How has the Parks and Recreation Department changed in the past five years?
- What would be lost if the local government Parks and Recreation Department and its services were no longer available?

A MISSION STATEMENT IS...

- ✓ Motivating
- ✓ A Philosophy
- ✓ A message about the underlying design, aim and thrust of the recreation department or system
- ✓ Intended to convey what is expected to happen as a result of strategies

Goals and Objectives follow directly from the establishment of a Mission/Vision Statement. These goals and objectives can address any of the following areas:

- Recreation Planning
- Administrative Services
- Recreation/Education
- Acquisition and Development of Public Parks, facilities and Open Space
- Maintenance of Parks and Facilities
- Special Events/Services
- Budget and Finance
- Community Relations
- Heritage, Preservation, and Conservation
- Athletics
- Senior Programming
- Accessibility Issues
- Special Goals tailored for your community

MAINTENANCE AND OPERATIONS

LEGAL REQUIREMENTS

There are many local, state, and federal regulations that affect the operation of a park and recreation organization. As public concerns about the environment, public safety, employment conditions, and human resources have increased the number, type and scope of the laws, policies, rules, and regulation with which the recreation and park organization must comply has expanded at a corresponding rate. For example, mandates regarding the application of pesticides, respiratory protection, smoking in public buildings, confined space, drug testing for drivers of commercial vehicles, sexual harassment, and accessibility have significantly increased both cost and operational complexity for virtually every park and recreation maintenance program.

MAINTENANCE OPERATIONS

Maintenance includes all of the activities that are completed to retain or restore an area, facility, or piece of equipment in or to an acceptable condition. Maintenance involves routine, regularly scheduled tasks; preventive repairs; custodial and housekeeping functions; hauling and setup for programs' scheduled improvements; and emergency repair. Efficient and effective maintenance operations are critical to success of an organization's mission, for several reasons:

- Enhancement of the recreation experience
- Economic efficiency
- Reduced liability
- Improved public image
- Environmental stewardship

Enhancement of the recreation experience:

Maintenance policies and procedures must be geared to provide optimum recreation use; that is, areas and facilities that are functional, safe, and aesthetic.

Economic efficiency

High-quality maintenance saves money for the organization in many ways. If areas, facilities, and equipment are kept in operating condition, downtime and corresponding, loss of services are minimized.

Reduced liability

The maintenance function has assumed increasing importance to the typical park and recreation organization in recent years, in large part because of the emphasis on reducing all forms of liability. Regular preventive inspection programs permit the early detection and correction of potentially hazardous act and conditions. If maintenance functions are not diligently planned, performed, and documented, the organization's liability exposure and attendant costs can be greatly magnified. Proper maintenance of recreation areas and facilities is essential to prevent or reduce accidents to recreation users. For example, a pothole in an athletic field, a broken picnic table, a slippery floor in a gym, a washed-out trail can cause an injury to a user, and may result in the loss of staff time to investigate, payment of medical bills, or costs to defend a lawsuit and perhaps pay an award.

Improved public image

Maintenance efforts directly reflect upon the public image of a park and recreation organization. Good maintenance practices are often unappreciated because most park visitors and facility users never notice them. Let something appear rundown or out of order, however, and complaints are forthcoming. Providing a clean attractive, and stimulating recreation facilities and equipment significantly contributes to a high – quality recreation experience for participants, spectators, and visitors, leaving them satisfied in knowing that the Department has provided them a quality experience,

Environmental stewardship

Public park and recreation agencies, as large landholders, are increasingly expected to exhibit responsible stewardship for land and other environmental resources under their jurisdiction.

TYPES OF MAINTENANCE

Several types of maintenance are needed in most park and recreation organizations:

- Housekeeping
- Routine maintenance
- Preventive maintenance
- Program support
- Scheduled improvements
- Emergency repairs

DEVELOPING A MAINTENANCE PLAN

The maintenance workload frequently exceeds the Department's ability to get the job done. Therefore, maintenance managers cannot afford to operate from crisis to crisis but must continually seek better ways to maintain areas and facilities. The development of a comprehensive, systematic, written maintenance plan is one of the best means of ensuring that the park and/or facility maintenance operation is functioning at maximum efficiency and effectiveness.

MAINTENANCE PERSONNEL

Recruiting skilled and reliable trade personnel is frequently difficult. New maintenance personnel should be provided with an orientation to the organization and training in specific duties.

MAINTENANCE EQUIPMENT

The selection of maintenance equipment is very important. When purchasing equipment it is generally most cost effective to consider the life-cycle cost, which factors in maintenance, repairs, and replacement. It is almost always more economical to purchase high-quality, rugged, industrial-grade equipment with a long life span than to purchase lighter equipment that will require continuous repair. When selecting equipment, other questions should be asked. Will the machine do the job for which it is being purchased? Are parts and service available? Is it dangerous to operate? Can inexperienced workers operate it? Will it be a safety hazard to visitors, spectators, or participants?

FEES AND CHARGES POLICY

One of the most sensitive and complex issues for a Parks and Recreation Department or Board is setting fees and charges for programs and use of facilities. The process must start from the review of the mission statement of the Department to ensure that the proposed fees do not hinder or violate the purpose of the Department. If the mission of the Department is to have all programs available to all members of the community, then the fees and charges policy must reflect this determining what the majority of citizens can afford to pay. In comparison, a facility may have the mission and design to produce a certain level of revenue and a fees and charges policy would need to provide this level.

A fees and charges policy must also reflect the diversity of programs and facilities a Parks and Recreation Department provides. Some activities may get offered as free, while others have a fee associated with them because of the higher cost of providing the service, or because of demand. Picnic shelter rental fees may get instituted to help control the demand and provide a reservation system. Below are a few steps to follow when determining fees and charges.

- Determine if fees, prices, and charges are justifiable for your program or facility. Refer to the mission of the department and that particular facility. Refer to Fee and Charges worksheet on accompanying disk.
- Consider all possible alternatives to setting or increasing fees, prices, and/or charges.
- Determine the support for approval of the proposed fee.
- Decide if the **value** of your activities, events, products, or services exceeds the cost.

Once it is determined that a change in fees and charges is practical, beneficial, supportable, and **does not undermine** the mission of the Department; the next step is to actually set the amount of the fee or charge. There are four general methods to determine the fee based on the type of service, program, or facility involved in the process.

- **Cost of Goods Method:** Appropriate for determining the price of concessions items of food and beverages.
 1. Determine cost of item that make up the resale item. Include the raw ingredients, wrappings, and waste.
 2. Total the individual raw costs to determine the total raw cost for the item you wish to price. Example: a cheeseburger includes the cost of the meat, cheese, lettuce, tomato, onion, pickle, condiment, bun, and wrapping.
 3. Identify the percentage of profit for the items that was determined through the budget process. The budget goal may call for a 40% profit on concessions, but to achieve this some products may have a higher profit percentage than others, but the average meets of all products equals 40%. Examples are that fountain drinks usually have a higher percentage of

profit, than a hamburger, but averaged together meets the goal. The volume of sales can also come into this strategy. A parks department will sell considerably more drinks than hamburgers, so the lower percentage of profit on the hamburger does not effect the overall budget goal as significantly.

4. Calculate the selling price by dividing your total raw cost by the profit percentage. Example: cost of cheeseburger is \$1.05 and the percentage of profit desired is 38%. $\$1.05 \div .38$ equals \$2.76. Round to the nearest even change/currency number equals a price of \$2.75

- **Markup Percentage Method:** Used for retail items for resale; golf balls, t-shirts, water bottles, swim goggles, and other items.

1. Determine the raw cost of the item. Includes all costs including shipping, insurance charges, and discounts.
2. Total raw costs to determine total cost of the item.
3. Identify your markup goal based on goal determined during the budget input process and competitive information. Example: the price of golf balls and swim goggles depends on the cost and the price of other businesses selling these same items. The higher cost the lower percentage of markup that is acceptable to public. However a t-shirt designed specifically for the Department has a unique value that allows you a higher price or markup than a standard t-shirt from a discount store.
4. Calculate the selling price by multiplying the total raw cost by the markup percentage. Example: cost of the golf ball is \$1.06 and standard markup percentage is 25%. Add 25% to 100% (1.0) to arrive at a 1.25 markup percentage multiplier. $\$1.06 \times 1.25$ equals \$1.325 rounded to \$1.33.
5. **Difference between markup and gross profit.** The markup is the percentage of the amount earned on the cost of an item to the Department; Gross profit is the percentage of the amount earned on the selling price of an item. An item that costs \$1.00 but sells at \$1.25 has a 25% markup on cost of item and a gross profit to the department of 20% or \$.20 on each item.

- **Assess Competition Method:** Used to determine fee for services such as programs.

1. Identify your competition, if any exists, whose program services are similar to your Department. Example: your summer day camp compared to a summer childcare program offered by schools or YMCAS. The identity of your competition is based on what your patrons perceive as alternative suppliers and the value, price, products, and services the

Department offers. A day care is not comparable to a summer day camp; an arts camp may be comparable.

2. Complete the detailed Assess Competition Worksheet on the accompanying disk.
3. Closely examine the section of the worksheet pertaining to the competition's fees, prices, and charges.
4. Complete the Compare Competition Tally Sheet, which compiles all the Assess Competition Work Sheets on one form on the Board Training disk.
5. Compare your fees, prices, and charges with your competition. Example: a competitor's summer program may be \$60 a week, your price for comparable service would be anywhere from \$45 to \$60. This is based on not going below 75% of your competitor's price.

- **Cost Plus Method:** Special events, aerobics classes, tournaments, etc.

1. Determine costs involved with the program or event. These include: contractor fees (instructors, officials, entertainers etc.), supplies, security costs, equipment rentals, equipment costs, advertising, transportation, awards, etc.
2. Take the total cost and divide by the number of participants or teams. **Set this price using minimum participation to break even.**
3. This method can determine the minimum participation necessary to hold event or class for registration purposes.

After determining the fee and charge from the previous methods, it is important now to evaluate whether they have value. This evaluation comes from the competition analysis, customer surveys and focus groups. The following are questions to answer in determination of value.

- **Is the price, fee, or charge too high?** Is the proposed price within the patron's price range? How does it compare to the competition? Does it mesh with the Department's mission and budget policy? Does it produce a perceived value?
- **Is the price, fee, or charge too low?** Does the price produce too much volume for the low amount of profit? Example: does the price promote too much participation for the Department's resources to handle safely and efficiently, and not over burden labor resources and time. Does it produce insufficient profit? Does it mesh with the Department's mission and budget policy? Is the price too low for the perceived value?
- **If the fee, price or charge is too high, what can be done to lower it?** Reduce expenses? Reduce net profit requirement? Reduce the profit percentage? Reduce overhead? Find additional sources of funds?

- **If the price, fee, or charge too low and needs adjustment, what can you do with minimal increase in expenses to make the fee increase more acceptable?** Increase the perceived value? Implement promotional efforts? Create specials? Provide selective discounts. Example: need to raise daily admission to pool, and then consider offering a seasonal pass that would provide a lower daily admission fee.
- **Compare the indicated fee, price, or charge value with that of other customer/patron opportunities.**

Now the department is ready to adjust the fee, price, or charge. It is important to remember that minor fee, price, and charge increases based on inflation, increase in costs, or increase in labor costs should take place regularly and as a routine part of business. This regular examination will provide small incremental increases instead of large increases that promote patron discontent.

The last important step when the adjustment of fee is decided is to communicate all reasons for and implications of pricing or price changes. **Failure to accomplish this is one of the significant causes of conflicts in developing and implementing new fees, prices, or charges.** An example is rising energy costs associated with facility fees or activity fees. Communicating this as necessitating an increase in fee is understandable to most patrons who are facing the same rise in energy costs in their own homes and activities. A Department should explain what the increase in revenue will be used for, fairness and benefits, value, implications of service and efficiency improvements, program improvements (better equipment), and competitor's fees. Assessing the opposition to the fees, prices and charges is important so that a Department can communicate in a manner to answer primary objections and develop a strategy to market the proposed new fees. Customer service training for all staff members working the areas affected by the pricing is important so they can promote the positive aspects of the change. Implementation of the prices will require fair administration of the policy by the staff and the fee should be published well in advance of implementation.

PROGRAMING

Programming should be:

- year-round
- for both sexes
- for all ages
- for all socio-economic levels

Diversified System Should Include a Total Recreation Experience

- social
- dramatics
- sports / games
- crafts / hobbies
- outdoor / nature activities
- dance / music
- literary
- special events

The objective of recreation delivery system development is to provide experiences which will bring the participant satisfying opportunities for leisure activities and will have desirable social effects. The objectives should include opportunities for these activities.

- adventure
- fellowship
- relaxation
- emotional stimulation
- community service
- creativity
- a sense of achievement
- enjoyment of physical exercise
- use of mental powers
- appreciation of beauty

Different forms of recreation activities contribute to human happiness by providing rewarding use of leisure hours. Typical recreation services provided by local government include the development and maintenance of recreation centers, parks, playgrounds, swimming pools, golf courses, tennis courts, skating rinks, museums and libraries. In addition, local governments sponsor a variety of sports, athletic events, cultural hobby-related programs, music, dramatics, dancing, outings or camping, and arts and crafts programs. Every local government recreation program, no matter what size or type of community, should provide:

- Equal opportunity for citizens regardless of the age, sex, race, socioeconomic status, religion or creed and for those physically challenged.
- A wide range of activities (no program should be limited to a single type of activity, such as athletic games and sports, to the neglect of other interests.)
- Encouragement of family recreation.

- Utilization of all existing facilities.
- Carry-over of leisure-time skills and interests developed in schools.
- A timetable of activities to ensure maximum participation by all people of the community on a year-round basis.
- Opportunities for varying degrees of skill.
- Activities involving challenge, continuity and depth.
- Outlets for creative expression.
- Outlets for social relationships and fellowship.
- Opportunities for developing good citizenship, stressing cooperation rather than competition.
- Safe and healthful conditions for all recreation activities.
- An awareness of changing conditions and needs.

Publicity Avenues

- Local and regional newspapers
- Cable access TV channels
- Local network channels, generally costly, but some will donate to get sponsor recognition
- Municipal web site
- Media web site, generally costly, but some will donate to get sponsor
- Targeted publications
- Local bargain mart publications
- Signs and banners in community
- Target audience flyer distribution
- Flyers posted at businesses
- Sponsor recognition signs
- Web advertising
- Chamber of Commerce/Tourism Agency
- Possibilities are endless

RISK MANAGEMENT

Every Parks and Recreation Department or facility must address risk management because where there is activity; there is risk. “When you take the risk out of life, you take the life out of life”. We can’t eliminate risk in recreational activities, but we can attempt to manage risk for the safety of our users. Part of risk management is to understand the laws that govern the responsibility a municipality has towards park users in regard to safety and liability.

How Laws are Created

- Legislated laws are made by elected officials.
- Regulated laws are what civil servants write that creates the rules for implementation of laws.
- Case laws are when the courts create a law through decisions for a particular subject area as a result of a lawsuit or case.

The U.S. Constitution provides recreation authority through the welfare clause, commerce clause, and property clause.

Legal Liability in Recreation & Parks

There are three main categories of legal liability for parks and recreation; criminal, civil, and constitutionality.

- Criminal regards stealing of funds by the Department, activities within parks and facilities against persons that are assault, battery, drugs, rape, and others. Another level of criminal liability is against property such as trespassing, robbery, vandalism, and fraud.
- Constitutional liability is about the denial of constitutional rights such as freedom of speech and due process.
- Civil liability such as violation of contracts, violation of copy rights.

Many Parks and Recreation Departments employ park rangers as a law enforcement presence in the parks to protect the municipality and users from criminal acts. Others without park rangers are well advised to devise some system of periodic patrol of park properties by local law enforcement. Law enforcement can protect people against acts by other people, protect the environment from people, and protect people from the environment. An example of protecting the environment from people is removal of native plants for resale, digging for minerals or metal detectors, hunting in restricted areas or during off seasons, and the dumping of trash and dangerous materials. Protecting people from the environment could entail rescuing park users from flooding rivers, harsh weather, and wildlife.

Privacy

A Parks and Recreation Department also must recognize the right of privacy by park users. One example would be the renting of camping spaces. A staff person entering under an unreasonable cause, something that results in damages to that person or family would put themselves and the organization in a criminal liability situation. This is

especially relevant with the health information parks and recreation professionals often learn about participants. All staff should receive training in protecting the privacy of participants, including those accused of criminal activity. Four distinct forms of invasion are;

- Appropriation
- Intrusion
- Public disclosure of private facts
- Placing a person in a false light in public (defamation of character)

Negligence

Many lawsuits find their way into the courts because of negligence on the part of the Parks and Recreation Department or Municipality. Proving a party negligent pushes a case into a higher level of criminal, civil, or constitutional liability. It is considered the disregard of a duty or obligation recognized by law. This is the failure of an organization to conform to standard requirements, or a reasonable, close, causal connection between the conduct and the resulting injury. However there must exist an actual loss or damage. The categories for negligence are;

- Premises
 1. Design
 2. Construction
 3. Maintenance
- Supervision
 1. Facilities
 2. Programs
 3. Employees
 4. Training

A statement often offered by Municipalities and Parks Departments in not conforming to current safety and liability standards are that they are “grandfathered in”. ***This is a dangerous assumption to take especially in areas where the chance of injury is moderate to high.*** Playground safety offers this higher risk because of the number of children, the young age of users, and lack of staff supervision.

It is a general rule of thumb that bringing facilities and equipment up to current safety standards is necessary if more than 5% is upgraded or changed.

Complete investigations of incidences within a park are essential to try and determine the conditions that existed, the conduct that occurred, and people and property directly involved in the event. A disturbing statistic is that 25% of injury claims did not happen in the park, but elsewhere. The reason often stems from families and individuals not covered by insurance trying to take care of injuries that happened elsewhere.

A consideration to understand is that when a Parks and Recreation Department accepts a fee for a program, admission, or maintenance fee; it increases how a court will regard negligence. The assumption is the Department, by accepting a fee, has entered into a contractual like relationship with the user to provide a certain level of service and safety.

This is known as duty of care. The agency owes the invitee who pays a fee the highest degree of care, ordinary and reasonable care warning of hidden conditions is owed to those who enter by permission such as a business or social visit, and least level of care is owed to those who trespass without specific permission or paying. An idea is to assign some fees collected as administrative fees or free special events. The reasonable care doctrine compares the actions of a defendant to that of any other reasonable man or woman in the same or similar circumstances.

Forty-eight states have laws providing legal protection of private and public landowners who allow their land to be used for public recreation. General provisions of State Recreation Land Use Statutes are that it isn't applicable if a fee is paid and a plaintiff must prove gross negligence or willful intent if a fee is not paid

There are certain degrees of negligence attached to certain circumstances and level of compensation requested by those suing.

- *Ordinary Negligence*: This is the failure to exercise such care as would be expected by the majority of people under similar circumstances.
- *Gross Negligence*: The disregard of life and property of others. It consists of conscious acts of negligence.
- *Willful and Wanton Negligence*: The conduct so gross as to have something of a criminal character, evil intent, wantonness or recklessness, indicative of malice.

An example of these levels is playground equipment with a screw sticking up in a slide that slices a child's leg. If there are no maintenance or inspection records to show diligence this is seen as ordinary negligence. Gross negligence is when an inspection or even a work order notices this screw but no action is taken to repair. Willful and wanton would be some staff member forcing the screw up to purposely injure someone, retaliate for some action by the Department or fellow employee.

Specific Areas of Strict Liability

- **Animals**: Cannot predict their conduct or really control. Do you have rules about animals in your parks? Leash rules? The danger with animals is that it may not just create physical injuries, but also create liability for mental anguish particularly for children terrorized by animals jumping on them or chasing them.
- **Product**: Does your staff understand not to give out even over the counter medication to park and recreation participants? Are the products and equipment used in programs and activities safe and appropriate?
- **Water and Food**: Is the water at your campground or park drinkable, do you warn people about wading into streams in parks where water quality has issues? Liable for food quality served at your park. Are hygienic conditions enforced in concessions?
- **Dangerous Activities**: Do you put warning tape up and barriers around work sites in the park? Do you evaluate site appropriateness for activities? Control vehicular traffic inside the park areas? Apply chemicals under safe conditions and in the correct dosages? Evaluate for age appropriate activities? Not ask staff to perform tasks without adequate equipment, training, or unsafe work site.

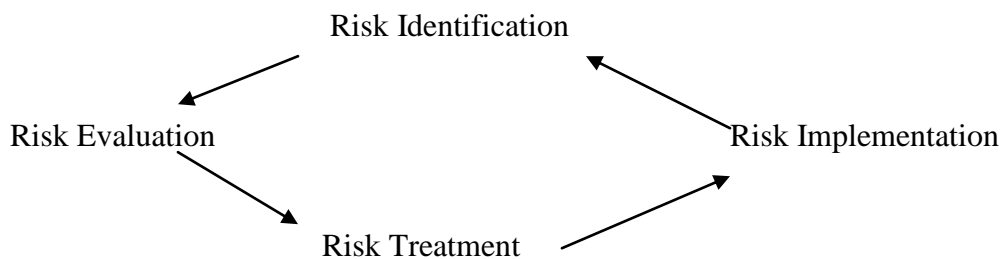
A Parks and Recreation Department should consider providing a barrier of liability between itself and the activity. An example is contracting out certain services such as food service. The contract would require the business to have a pre determined level of liability insurance. This would also cover athletic leagues using the facilities. Part of the contract should have a hold harmless clause for the Department. Supervision of conduct of athletic leagues is important because the Parks Department has approved the league and indirectly coaches by allowing the league to use fields.

It is important for a department to produce what they advertise and make sure they are not ensuring a level of service that they cannot produce. This is particularly important in summer day camps, after school activities, or in event scheduling.

Special Events

Special events offer a very large challenge to Parks and Recreation Departments in regard to risk or liability. It is critically important to have an emergency management plan for special events concerning medical treatment and evacuation of the injured. Security at special events for crowd control; protecting people from those who abuse alcohol or drugs, and violence. Evaluation of whether facilities can accommodate the number of participants anticipated and if climate conditions are appropriate to indoor events.

Risk Management Process



Risk identification is the first step to evaluate if the situation is an injury, contract, property loss, or fidelity. Once the type is known the next step is to evaluate the frequency and severity of the situation. Risk treatment involves determining the type of action needed by the agency. The action entails retaining, reducing, transferring, or avoiding/closing. Once the agency in the process identifies what type of risk is getting formulated into a process for staff to understand, then it must evaluate how often the risk has a chance to happen and the severity it presence. Treatment is about what action should occur for this risk. Retaining an employee, reducing the liability by specific actions, transferring the risk to another organization or individual through a contractual arrangement, and avoiding by closing down a facility.

It is important for an agency to affirm to all employees that safety and risk management is the responsibility of all employees, not just a Safety Officer. The more eyes trained to identify situations that pose and risk encourages prompt action to reduce the risk and correct the situation.

Who is legally liable?

As a paid employee performing your assigned duties, you are not individually liable. However employees are liable who take action that is not part of their duties, volunteers, supervisors, administrators, contractors, sponsors, and manufacturers are also liable. Suits are guided by the doctrine of sue all wrong doers. Common sense risk management actions can reduce successful suits by as much as 80% by taking effective steps to implement a risk management process in areas where previous accidents occurred, areas of high public use, and areas that pose extraordinary danger. Defenses to liability include:

- Assumption of risk- A car is parked at the outside of a baseball field fence is an action that assumes the risk of getting damaged by foul balls.
- Failure to proof- Not enough evidence of damage to prove a loss.
- Governmental immunity- The Tennessee Legislature has set a maximum that can be sought through a suit, immunity from an action to protect the safety of the community.
- Statutes of limitations- Too much time has elapsed since the incident and the claim for damages.
- Release/Waiver- A person has signed a release that relinquishes the Municipality from any liability for injuries incurred from the activity.

An agency does have the responsibility to warn the visitor of any known danger.

- An informed consent form is recommended to protect the provider from liability for the risks inherent in participation. An example would be having all users of a wellness room to sign one.
- Waiver or Release is an agreement between a provider and the participant signed before participation. The user agrees to excuse or absolve the provider of any fault or liability for injury resulting from the negligence of the provider. These should be in common sense language that people can understand and only those 18 or older can sign.
- Hold Harmless Agreement is generally used in contractual arrangements especially for permitting and leasing. The agreement shifts the responsibility of an award to a third party. The third party agrees to responsibility for any court awarded damages or expenses caused by the third party. Examples are requiring this and proof of insurance for any athletic leagues using park properties and from contractual program instructors.
- Agreement to Participate is used for parents to sign permission for a child to participate in an outing. It lists the risk of the activity and the behavior expected from the participant.
- A parental permission form is used to allow emergency medical treatment to a child while in care of agency.

Remember a waiver or release must be clear, obvious that it is a waiver, signed by an adult, signed voluntarily, and specific as to what it covers. They are invalid when not clear, the actions are contrary to public policy, minors have signed, participant can claim not having full knowledge of what they are signing, or participant claims they were tricked or forced into signing. An administrator can be liable for the actions of a recognized volunteer, discrimination, and for poor hiring practices or employing people without the needed skills or proper screening.

LONG RANGE PARK PLANNING

Planning is a process of determining future action to be taken based on a systematic review of objectives and pertinent facts. It is a process that anticipates problems of land usage and provides a physical form solution to ensure that problems never occur. Planning provides a road map for the future. It can be used to gain constituent support and as a rationale for funding.

Types of Park Planning

- Comprehensive System-Wide Park Long Range Plan
- Site Specific Park Long Range Plan
- Facility Specific Long Range Plan

Basic Information Needed

- Cultural Information
- Natural Information
- Department Information

Process Used to Develop

- **Comprehensive Long Range Plan**
 1. Review of cultural and natural factors of community
 2. Inventory of current facilities and programs
 3. Community needs assessment
 4. Development of plan proposals and recommendations
 5. Preparation of action plan
- **Site & Facility Specific Long Range Plan**
 1. Collection of meaningful data on site and facility
 2. Completion of site analysis
 3. Preparation of a site suitability map
 4. Completion of program analysis
 5. Preparation of long range plan
 6. Preparation of capital and operational/maintenance cost analysis
 7. Preparation of revenue generation analysis
 8. Development of priority recommendations

Who to involve in planning process

- Local governing body
- Parks and Recreation Board members
- Local government staff
- Special interest groups
- General public
- Local media
- Outside consultants, if needed

Consultants

- Parks and Recreation Technical Assistance Service (PARTAS)
- Development Districts
- Architect/Engineering Firms also Landscape Architects

Evaluation of the Long Range Plan

- Common sense approach with user perspective
- Ask question, many questions
- Understand the goals behind the plan
- Challenge to planner on meeting the goals
- Critique the goals, not the planner
- Recommendations must have credible justification
- Request creative solutions from planner

Pitfalls to Avoid

- Using poor base information
- Pushing the process or dragging it out
- Not involving the individuals with a vested interest in project
- Poor technical analysis
- Not adequately addressing the needs of public
- Not exploring multiple creative plan options
- Lacking a good action plan on implementing the long range plan
- Not addressing the long-term maintenance and operation costs
- Poor marketing of the plan by not involving local media
- Poor working relationship between planning team members and/or consultants