

Park and Recreational Board Q&A Meeting Wednesday August 17, 2016

A special meeting of the Vestavia Hills Parks and Recreation Board will take place on Wednesday, August 17 at 6 PM in the executive conference room at City Hall.

AGENDA:

The Park Board will address the questions and concerns raised by email and social media regarding :

- Allocation of City's sports fields among various youth sports organizations.
- Resident vs. non resident participation
- Let's Play Vestavia (LPV)

To Address Specific Questions from:

- Widely circulated email Dated 8/8/16 that was forwarded to the Park Board
- Requested email response to Kevin Ulch regarding posts on social media Dated 8/8/16

Parks and Recreation Meeting
Wednesday, August 17, 2016 6 PM

A special meeting of the Park Board was called to address questions and concerns raised regarding the following:

- Allocation of the City's sports fields among various youth sports programs
- Resident vs. non resident participation**
- Let's Play Vestavia

Information regarding the above areas was shared and ample time for questions was provided throughout the presentation. The goal of the Park Board was to provide information and clarity to the issues raised as well as foster a spirit of understanding and open communication between our youth sports boards.

As promised, the full presentation deck has been made available as well as an overview of the Vestavia Hills Soccer Club which was also referenced at the meeting.

** Please note that while the deck quotes the Alabama High School Athletic Association "50%" rule, it does not contain a slide explaining the relationship between that rule and non-resident use of fields/facilities, so further explanation is required. At the meeting, it was explained that the application of the AHSAA 50% rule requires participation by non-residents in the City's off-season sports programs so that VHHS athletes may also participate in the City's programs. For example, no more than 5 VHHS baseball players may participate on an off season baseball team. Assuming a ten person team, if 100 VHHS baseball players chose to participate in a City off-season baseball program, 100 non-residents would be required to comply with the AHSAA 50% rule. With soccer, at the high school age, approximately 18 players are required for off-season teams. The AHSAA rule only allows 6 of those players to be from the VHHS Soccer Teams. Thus, for 100 VHHS soccer players to participate in the City's Soccer Program, 200 non-residents are required in order to comply with the AHSAA 50% rule.

Without participation by non-residents, a large number of Vestavia Hills High School players would be precluded from participating in City programs in order to comply with the Alabama High School Athletic Association 50% rule.

Vestavia Hills Park and Recreation Board Members

Name	Office / Class
Anne Smyth	President – Class 2018
Tommy Coggin	Past President – Class 2017
Tommy Dazzio	Past President – 1 yr removed Class 2016
David Myers	Vice President – Class 2019
Earl Lawson	Class of 2020

Agenda

1. Answer widely circulated email questions from email dated August 8, 2016
 - Q&A
2. Answer Kevin Ulch soccer questions from email dated August 8, 2016
 - Q&A
3. Answer Kevin Ulch Let's Play Vestavia questions from email dated August 8, 2016
 - Q&A
4. Answer Kevin Ulch non-profit questions from email dated August 8, 2016
 - Q&A

Widely Circulated Email Questions

1. Vestavia P&R Board recognizes various organizations as “recreational sports programs.” This designation allows the organization to pay a city subsidized rate for the participants. (\$25/citizen \$50/non-citizen)
- **Answer:**
 - Yes this is the current rate set by the PRB.

Widely Circulated Email Questions

2. The sports organizations that use VH fields and are recognized as “recreational sports programs” fall into 2 categories. Associations, that are completely run by volunteers and “Clubs” that are businesses.

- **Answer:**

- That is not correct. The individual sports organizations have their own names. Some use the term “Club.”
- The sports organizations have boards made up of Vestavia Residents. The Boards organize the youth sport;
- The Park Board does not consider these organizations businesses. None of them are “for profit.”

Widely Circulated Email Questions

3. Club teams are usually professional organizations that are run by individuals/coaches that have an economic interest in the success of their organization. Many times they are formed as non-profits so they will not be responsible for paying taxes.
- **Answer:** Section 7 of PRB By Laws
 - The purposes of the youth sports programs are as follows:
 - To teach the standards of good sportsmanship.
 - To increase the individual's various levels of basic sports skills.
 - To promote athletic activities in as wholesome an atmosphere and as attractive surrounding as may be afforded.
 - All P&R programs are supported by a volunteer boards made up of Vestavians, some choose to hire professional coaches, ss employees of the board they should be incented to do their job well.
 - Soccer, Wrestling, Swimming and Lacrosse all have paid coaches. Soccer has an executive director. These individuals answer to the Boards of the sports organizations.
 - Again there is no requirement for organizational structure or management structure. Each board can choose the best way to accomplish its objectives
 - The City has asked the Park Board to figure out the best way to remove the City's EIN from being used by all sports boards
 - With the new banking requirements due to 9/11 all banking accounts must have a EIN, since we now need a legal entity for each board a 501c-3 status allows that board to not have to pay taxes from operating earning over a period of years, allow each sport to build a proper cash reserve as required.
 - A 501c-3 status will also allow that board to raise funds for the operating cost including professional coaching, equipment, facilities, etc.

Widely Circulated Email Questions

4. Associations are run by unpaid parents or community members who do not have any economic interest in the success of their organization (they do it purely for love of the sport and their children.)
 - **Answer:**
 - Again there is nothing that is limiting how a sports board is structured
 - The organizations that employ professional coaches are managed by Boards that have no economic interest in the organization – not by the executive director or coaches.
 - Decisions are made by a Vestavia board who are also people who "love their sport and their kids" but just deem professional coach/administrator is the best means to meet their needs
 - Our experience is that these professional coaches do love the sport and the kids involved. These coaches invest countless hours into the sport and kids because they do love the kids and the sport.

Widely Circulated Email Questions

5. In Vestavia Hills associations are confined almost exclusively to residents. Residency is not a factor for Club teams. Vestavia Hills Soccer Club (VHSC) is the largest club team in our city. Soccer club participation is 20% non-resident in the spring and approximately 50% non-resident in the fall.
 6. THERE IS NO RESIDENCY RESTRICTION PLACED ON THIS PROGRAM. There are roughly 500 non-resident VHSC players each fall.
- **Answer:**
 - 50% non-resident is not correct. See table below
 - The youth baseball and softball regular season programs do not have a residency requirement. Neither do any other sports.
 - For baseball, only the travel teams participating outside of the VHYB regular season or the VHYB “Post Season” have an 80% residency requirement.
 - 15-18 year old baseball teams only require 5 residents due to the AHSAA “50%” rule.

Soccer	Resident	Non/Res	Total	% Res
Spring 2016	837	188	1025	81.7
Fall 2015	980	378	1358	72.2

Explanation of Alabama High School Athletic Association 50% Rule

“ . . . participation (includes practice) during the school year on a non-school team outside of the high school season . . . is limited to 50 percent of the number of players required to play the game.”

Widely Circulated Email Questions

7. The fee to play soccer is \$1,200 to \$1,500 per player.

- **Answer:**

- These fees are fees for competitive teams and range from \$1200 to \$1450.
- This is similar to travel baseball teams with professional coaches.
- Fees for recreational teams (also run by the Soccer Club) range from \$80 to \$205 depending on age.

Widely Circulated Email Questions

8. That is \$600,000 to \$750,000 in gross revenue. The soccer club pays the city approximately \$25,000 in field usage fees for these non-residents (roughly 30 teams). The soccer club has approximately \$1,500,000 in annual revenue, and pays less than \$40,000 in fees for the use of fields that cost more than \$10,000,000.
- **Answer:**
 - The designated rate for the participants. (\$25/citizen \$50/non-citizen). This fee is consistent across all sports
 - The Soccer Club runs the City's Soccer programs from 4 year old through high school and their revenues have to cover their expenses.

Widely Circulated Email Questions

9. The city has access to 11 rectangle fields. Soccer has exclusive use of 9 rectangles, and access to the other 2 rectangle fields, as well as some baseball/softball fields. Their field usage pushes the 650 residents that play fall rectangle sports to baseball fields, this in turns limits the type of programs the baseball program can provide to the 350 to 400 residents that play fall baseball. In effect, 500 non-residents are given field space priority over the 1,000 residents playing fall sports.
- **Answer:**
 - There are not 500 non-residents playing soccer in the fall.
 - In the Spring baseball has the following access to fields:
 - Baseball has access to **14 diamonds**:
 - Exclusive use of Cahaba Heights : **4 fields**
 - Mostly Exclusive use of LP Fields 5-9: **5 fields**
 - Exclusive of Wald Park: **4 fields**
 - Shared usage of Exchange field: **1 field**
 - All 3 Football boards are not requesting any additional space at SHAC this Fall.
 - The PB has discussed VHYB desire to grow their Fall program and once a plan has been developed we would work them to find the appropriate fields space, based upon a submitted plan by VHYB.

Widely Circulated Email Questions

10. The executive director of soccer has an economic incentive to grow his program (he currently makes \$XXX) the city places no residency restrictions on his program and provides him almost unlimited field space for a highly subsidized fee. The study done that shows the need for more rectangle fields does not factor in non-resident use. The “plan” put forth by the current city leaders includes the constructing of additional fields that will be used to further benefit the soccer business. The constructing of these fields would be paid by Vestavians. VHSC would be the primary beneficiary of these fields as it would allow them to further grow their business.
- **Answer:**
 - Again there is nothing that is limiting how a sports board is structured
 - Soccer does not have “almost unlimited field space at a highly subsidized rate.” Soccer is afforded the same field space (or less) than baseball.
 - We are not sure what plan is being referred to, as there has been no official plans for Altadena approved. There have only been conceptual drawings that identified both rectangle and diamond fields.
 - Soccer, VLO, VSA, and wrestling all pay for professional coaching
 - Baseball is welcome to pay for professional coaching. The VHYB board could decide to move to a professional coaching model versus “dad-coach model”

Widely Circulated Email Questions

11. An additional economic benefit has also been given to the executive director of VHSC. In an initiative known as Let's Play Vestavia he was give the ability to form a business that rents our fields to outside organizations. He rents the fields, those organizations pay him, and the city gets nothing for the use of those fields. His only obligation is to make a donation to the Vestavia Hills Parks and Rec Foundation

- **Answer:**
 - See next slide

- Created to Promote SHAC
- 14K Gross Revenue Per Year
- Events include: LAX, football, soccer, ultimate Frisbee

- VHPRF supports all capital P&R projects



Vestavia Events

VHPRF

Pre-Events

- Promote LPV
- Creation, Staging and Marketing of Events
- Website
- Registration and marketing for each event

Event Management

- Scheduling, staffing, parking
- Official
- Insurance
- Awards
- Brackets
- Concessions
- Volunteer coordination

Past Projects

- Wald Park Playground
- Byrd Park
- McCallum/Bridge
- Girls softball batting cages
- OTM football helmets

Current Projects

- Swim Safety in the Hills
- Shac Phase II
- Walking trail
- Splash pad
- 1st First ADA playground
- Adult fitness

Q&A

Kevin Ulch's Email Soccer Questions

1. Please provide a copy of the Soccer Club's by-laws.
 - Provided in email from Anne Smyth on 8.11.16
2. What did the Soccer Club pay the city in recreational usage fees for the Fall of 2015 and the Spring of 2016?

– **Answer:**

- In the Fall 2015, they paid \$33,900.
- In the Spring 2016, they paid \$18,125.

3. How many non-resident competitive players were on “scholarship” in 2015? How many for 2016?

– **Answer:**

- This is a soccer board decision.

Kevin Ulch's Email Soccer Questions

4. What does it cost the city to maintain the facilities used by the Soccer Club (lights, maintenance, debt service, etc.)?

– Answer:

- The City does not have a break down of this information according to any of its individual fields or individual facilities.

Kevin Ulch's Email Soccer Questions

5. VHYB was asked to register for Fall Ball to coincide more with registration of the football leagues, allowing the city better information when scheduling fields. While this is a perfectly reasonable request, why was the same not asked of the Soccer Club?
6. There recently was a meeting with the fall primary sports to discuss practice and game needs based on participation numbers. Those sports use rectangle fields, as does the spring-primary sport of Soccer. Soccer was not included in this meeting, nor was their registration completed; yet, the Soccer Club was given exclusive access to 9 of the 11 rectangle fields owned and/or maintained by the City and have the other 2 rectangle fields reserved for certain days. Why were these fields reserved for the Soccer Club before their registration was complete

- **Answer:**

- The PRB or Director traditionally meets with the 3 football programs to coordinate field space between the 3 football boards as participation number have shifted between the 3 programs over the years.
- This year because of the 100K capital improvements being made to WALD, Cahaba Heights, and LP we also need to coordinate with VHYB as Wald 1,2,3 will be having work done on these fields this Fall
- These fields did not impact soccer and soccer numbers have been very consistent over the past few years
- All 3 Football boards are not requesting any additional space at SHAC this Fall.

Kevin Ulch's Email Soccer Questions

7. The P&R Board members do not deny the preferential treatment of asset allocation given to the Soccer Club. When asked about the disparity, one reason given is “Soccer has given us a million dollars.” As I understand it, the donations were given over a period of years. Please provide documentation of those monetary donations to the city. (Money spent on capital improvements for the benefit of their program and donations made to the VHPRF would not be the same as a donation given to the city, as those donations do not help pay for maintenance or debt service costs.)
- **Answer:**
 - The Soccer Club does not receive preferential treatment.
 - When responding to questions about non-resident soccer players in the past, the response has included, among other things, the AHSAA 50% rule, as well as the Soccer Club's commitment and contributions to the Vestavia Hills Community.”

Kevin Ulch's Email Soccer Questions

8. Traditionally, Soccer has approximately 1000 Fall participants, a significant portion are non-residents. This means the city is providing practice and game space for many non-resident teams. Based on the million-dollar figure above and the P&R Board's open admission they have sold resident field access to non-residents - how much would it cost for a baseball club/business to have the same type of privileges to the triangle fields
- Answer:
 - On occasion, the Park Board has rented excess capacity when available and the Park Board re-evaluates capacity as required.
 - Baseball is welcome to hire an executive director and coaches to provide better instruction to the baseball players;
 - Baseball already has the same access to diamond fields in the Spring and the Park Board is happy to allocate additional diamond space in the Fall if needed, based upon a submitted plan by VHYB.

Kevin Ulch's Email Soccer Questions

9. I believe the city still provides free office space for soccer club employees. Why is the city providing free office space to a business that has \$1.5 million in revenues and an executive director who makes an annual salary of \$xxxxx? Is there an official lease for that space, in writing? If so, please provide a copy.
- Answer:
 - The Soccer Club asked for space that wasn't being used. They renovated the space at their expense. If other sports need space the City is happy to provide it. No one else has asked.

Kevin Ulch's Email Soccer Questions

10. Much has been made about the additional funding for the P&R Department which recently was requested and approved by the city. That funding included maintenance items, like mulch and crumb rubber for the SHAC. In the most recent P&R Board meeting, a reference was made to some type of construction in the works for the Soccer Business. It was implied the city would provide some work as part of that process. Can you provide the minutes where this structure was discussed and provide the city's cost (if any)? If there is a cost to the city, please provide the source of construction funding.

- **Answer:**

- We are not sure what your are referencing?

Q&A

Kevin Ulch's Email Let's Play Vestavia Questions

1. Please provide a copy of the agreement.
 - Provided in email from Anne Smyth on 8.11.16
2. Who was the architect of this agreement?
 - Answer: 2013 P&R Board: Blain House, Steve Bendall, Tommy Dazzio, Tommy Coggin, Lilla Hood
3. My understanding is that one of the intents of this agreement is “Vestavia promotion.” If this is the case, would it not be better if the website states the facility is located in the city of Vestavia Hills, rather than in the city of Birmingham?
 - Answer: Agreed.
4. Please provide all copies of the reports given to the Board that relate to this organization.
 - Provided in email from Anne Smyth on 8.11.16

Kevin Ulch's Email Let's Play Vestavia Questions

5. Please provide the gross revenue the private organization received from renting our fields, broken out by the outside organization that paid to use our fields?

– **Answer:**

- Provided in email from Anne Smyth on 8.11.16. See next slide

6. In events where a fee for parking was charged, please state who received those monies.

– **Answer:**

- Please refer to page 6 of LPV contract. Any and all funds including parking are made payable to service provider and subject to the 60/40 split

LPV Gross Revenue by Event 2015/2016

<u>2015</u> <u>EVENT</u> <u>Spring 2015</u>	<u>DATE</u>	<u>INCOME</u>	<u>VESTAVIA</u> <u>EVENTS LLC</u>	<u>PARKS & REC</u> <u>FOUNDATION</u>
R P L soccer	May. 2015	1,100	440	660
GBYLA	June.5 -8, 2015	1,800	720	1,080
Girls Summer Lax Camp	June.1-4 2015	2,100	840	1,260
Birmingham Hammers	summer 2015	750	300	450
YellowHammer LAX	July. 2015	-	-	-
Stickhead Adult LAX	summer 2015	1,960	784	1,176
Adult LAX tourney	July.11-12 2015	1,460	584	876
Birmingham Hammers	July extra game	150	60	90
RPL	Oct 17-18	3,200	1,280	1,920
YTD total		12,520	5,008	7,512
		100.0%	40.0%	60.0%

<u>2016</u> <u>EVENT</u>	<u>DATE</u>	<u>INCOME</u>	<u>EVENTS LLC</u>	<u>FOUNDATION</u>
BUDA Ultimate frisbee	Jan . 2016	2,000	800	1,200
SRPL	Jan and Feb	1,120	448	672
Hammers tryouts	March. 2016	600	240	360
Hammers games	Summer 2016	1,750	700	1,050
3 v 3	June. 2016			
adult lax league	summer 2016	1,680	672	1,008
Girls Summer Lax Camp	June 6-9	2,800	1,120	1,680
ASA ODP	fall 2015 spring 2016	3,400	1,360	2,040
Alabama prep	June	250	100	150
Alabama prep	July	250	100	150
Howard University	fall	700	280	420
RPL	fall	tbd		
youtl lax all stars	Oct	1,200	480	720
YTD total		15,750	6,300	9,450
		100.0%	40.0%	60.0%

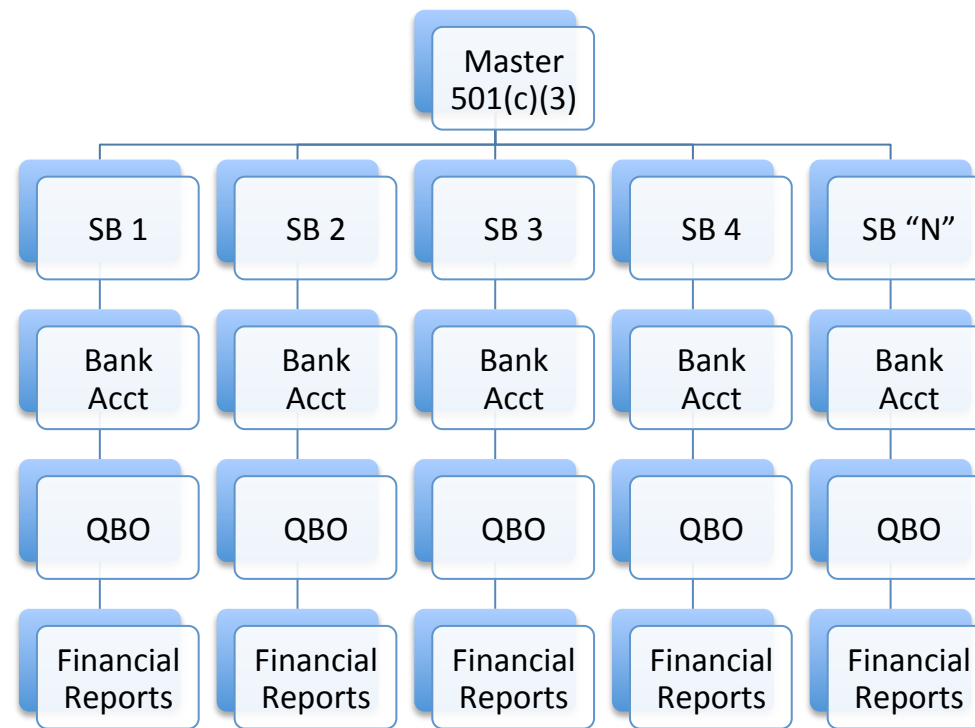
Q&A

Kevin Ulch's Email Non Profit Questions

1. How much money has been spent in attempting to form this organization?
 - **Answer:**
 - There have been zero \$ spent on this discovery phase of this project. All time has been volunteer time or pro-bono

Kevin Ulch's Email Non Profit Questions

1. Please provide the blueprint of the organization.



BK = Bookkeeper – New position

SB= Sports Board

QBO = Quickbooks Online or other cloud based accounting system

Each SB = legal entity and EIN

Kevin Ulch's Email Non Profit Questions

3. Please provide the minutes where the conceptual framework was presented to the P&R Board

– **Answer:**

- Provided in email from Anne Smyth on 8.11.16

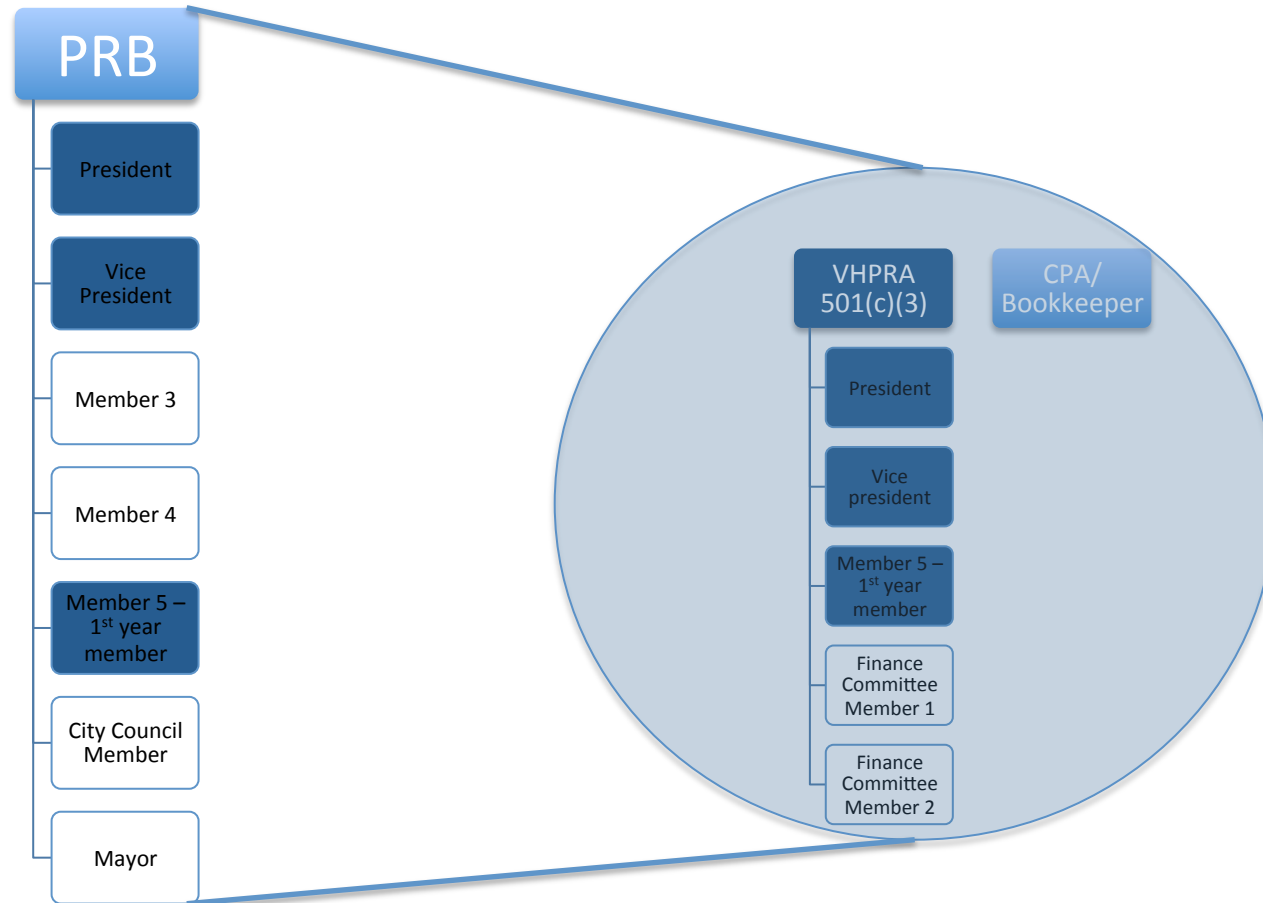
Kevin Ulch's Email Non Profit Questions

4. The leagues have been given very little information about this organization. As you know, I raised questions concerning state bid/ethics laws and financial reporting concerns.
- **Answer:**
 - As stated in my email to you dated May 18, 2016 “We will not implement the 501(C)3 until we have a legal opinion on the below question. There will also be an opportunity for the public to review and ask questions at a later date.”
 - As stated in David Myers email dated 8/4/16. “The PR board has asked the City’s CPA firm to address your questions and we are waiting on their response. As previously stated we stop any further work on this until these questions could be answered.”
 - Through this process the discussion regarding the sale tax exemption status for each sports board is being reviewed by the City’s CPA firm.

Kevin Ulch's Email Non Profit Questions

5. My main concern is the city-appointed P&R Board is making itself the nonprofit board. Since it has been over three months since I raised those concerns, and David Myers refuses to provide details or update me in a meaningful way as to the status of my questions, I can only assume the P&R Board still intends to give itself control of the new entity.
- **Answer:**
 - “As stated in my email to you dated May 18, 2016 “We will not implement the 501(C)3 until we have a legal opinion on the below question. There will also be an opportunity for the public to review and ask questions at a later date.”
 - As stated in David Myers email dated 8/4/16. “The PR board has asked the City’s CPA firm to address your questions and we are waiting on their response. **As previously stated we stop any further work on this until these questions could be answered.**”
 - Currently the PRB already has financial and administrative oversight of each sports board
 - If the PRB is considering taking on the tax filing process for each board improved financial oversight is required
 - One of the primary objectives is to improve the financial controls at each sports board
 - See next slide for current thinking regarding membership structure

501(c)(3) Board Membership



Suggestion: Goal is to have rotating members assigned by position to insure continuity.

- 1) President of PRB
- 2) VP of PRB add duties of : Treasurer of 501(c)(3) and manage bookkeeper
- 3) First year member of PRB
- 4) CPA as invited member – non voting

Kevin Ulch's Email Non Profit Questions

6. Why is this aspect of the Nonprofit so important to the P&R Board? Please explain the benefits of forming the organization this way.

- **Answer:**

- We have also asked Carl Riggs and City attorney for their interpretation. This is WIP.
- The City has asked the Park Board to figure out the best way to remove the City's EIN from being used by all sports boards.
- With the new banking requirements due to 9/11 all banking accounts must have a EIN, since we now need a legal entity for each board a 501c-3 status allows that board to not have to pay taxes from operating earning over a period of years, allow each sport to build a proper cash reserve as required.
- It will also allow that board to raise funds for the operating cost including professional coaching, equipment, facilities, etc.
- Equally important is the ability to define the proper internal controls for each sports board. As the PB is responsible for the financial oversight of each board and willing to take on additional responsibility for filing the 990 for each sport board, that choose to use the 501c-3, the ability to have accurate financial records and proper controls becomes more important.
- In light of 2 financial control issues that occurred in our sports boards during the 2015/2016 timeframe financial control and oversight has become a much more important area of focus and has required more analysis, time and research.

Kevin Ulch's Email Non Profit Questions

7. Why was there not a collaboration between the P&R Board and the Boards of the various youth organizations when designing the new entity?

- **Answer:**

- We have not finalized the conceptual/due diligence document due to all the above time we have spent trying to answer your questions.
- Once we get the answers to your questions and the final legal opinion. We plan to have a public meeting with all the presidents from the sports boards.
- Last Fall, we did have had a handful of informal discussions with other sports boards, just as I had with you and Bill
- Because we stopped working on this until we could answer your questions no additional meetings have been scheduled

Q&A

Contact Information

Name	email
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