

**TOP 10 NECESSARY IMPROVEMENTS IN
THE DC DEPARTMENT OF PARKS AND RECREATION
PERMITS PROGRAM
TO MAKE IT A MORE EFFICIENT, EFFECTIVE,
COMMUNITY-RESPONSIVE AND CUSTOMER-FRIENDLY
ORGANIZATION**

Presented by:

Mitch Dubensky, First Touch Soccer and DC Youth Futbol Club

September 20, 2012

Thank you for the opportunity to provide comments to the DC Council Committee on Libraries, Parks and Recreation for the September 20, 2012 hearing on the DPR permit program.

These comments provide additional information and support to testimony submitted to the Committee at their July 12, 2012 hearing.

Briefly, by way of background, First Touch Soccer and the DC Youth Futbol Club are organizations chartered in the District of Columbia. First Touch Soccer was established in 2007 and designated as a 501(c)(3) nonprofit group by the Internal Revenue Service. We have a Board of Directors that guides the mission and philosophy of the organization, all Board of Director members are volunteers and we receive no remuneration, compensation or salary in carrying out its activities. DC Youth Futbol Club, established in 2011, has a Board of Directors and currently offers a comprehensive youth soccer program of training and Sunday afternoon games for DC youth in spring and fall.

Rather than dwell on the comments submitted for the July 2012 hearing, we thought it is more appropriate to expand upon them and focus attention on what improvements are needed to make the Department of Parks and Recreation a first class organization that responds to the public.

The July 2012 comments remain relevant, particularly as it relates to the proposed legislative amendments and the broad authority sought by DPR and the Mayor, to significantly change permit eligibility to private companies. Again, we go on record of strongly opposing this measure and believe there are other

mechanisms available (discussed later) for DPR and the Administration to increase revenues to support DPR programs.

With that said, lets get straight to the issue of the top 10 necessary improvements in the DPR permits program to make it a more effective, efficient, community-responsive and customer-friendly organization.

Number 1: Clarify and Revise the Types of Organizations That Receive Priority for Public Recreation Space in DC

Under the current DPR system, the order of priority for fields is as follows:

DPR programs;

DCPS, Charter Schools (and his typically includes DC private schools;

DPR Partnership Programs;

Youth Athletic Leagues;

Adult Athletic Leagues;

To make this a more fair and balanced system where current users and potentially new users can enter the market, the DPR should make revisions to the current system. It is important to recognize that this prioritization was established exclusively within DPR, it is not legislatively-mandated and it was done without input from the user community or based on any type of solicitation of public comment.

We agree that DPR programming and DCPS/Charter School activities should have priority in allocation of field space for their existing programs. However, DPR testified at the July 12, 2012 hearing they wanted to expand programming and thereby occupy more public recreation space. Clearly, each City Ward has different requirements and needs for city after-school and weekend programs.

Unfortunately, the DPR failed to provide any information specifying the types of programs they want to offer, the Wards they want to locate these programs in and, given the extent of existing programming, what justification there is.

Again, some Wards may need additional DPR programming and others may not. Until the DPR puts together a comprehensive plan showing exactly the types of athletic and sports programming they would like to offer, avoid duplication of existing nonprofit providers, where they want to conduct these activities, the times they want to conduct these activities and discuss this with the Ward, user groups in each community or Friends of the Parks, we would say to DPR to come back with a proposal.

mechanisms available (discussed later) for DPR and the Administration to increase revenues to support DPR programs.

With that said, lets get straight to the issue of the top 10 necessary improvements in the DPR permits program to make it a more effective, efficient, community-responsive and customer-friendly organization.

Number 1: Clarify and Revise the Types of Organizations That Receive Priority for Public Recreation Space in DC

Under the current DPR system, the order of priority for fields is as follows:

DPR programs;

DCPS, Charter Schools (and his typically includes DC private schools;

DPR Partnership Programs;

Youth Athletic Leagues;

Adult Athletic Leagues;

To make this a more fair and balanced system where current users and potentially new users can enter the market, the DPR should make revisions to the current system. It is important to recognize that this prioritization was established exclusively within DPR, it is not legislatively-mandated and it was done without input from the user community or based on any type of solicitation of public comment.

We agree that DPR programming and DCPS/Charter School activities should have priority in allocation of field space for their existing programs. However, DPR testified at the July 12, 2012 hearing they wanted to expand programming and thereby occupy more public recreation space. Clearly, each City Ward has different requirements and needs for city after-school and weekend programs.

Unfortunately, the DPR failed to provide any information specifying the types of programs they want to offer, the Wards they want to locate these programs in and, given the extent of existing programming, what justification there is.

Again, some Wards may need additional DPR programming and others may not. Until the DPR puts together a comprehensive plan showing exactly the types of athletic and sports programming they would like to offer, avoid duplication of existing nonprofit providers, where they want to conduct these activities, the times they want to conduct these activities and discuss this with the Ward, user groups in each community or Friends of the Parks, we would say to DPR to come back with a proposal.

The city parks are not the exclusive domain for DPR programs. They are to be enjoyed by all DC residents and a balanced and equitable allocation of time can be accomplished if users are willing to compromise and negotiate.

Further, we do not believe that private schools should be given higher priority than nonprofit organization youth leagues. Many of the private schools in the area have many fields and/or substantial resources and financial resources to utilize fields other than public space.

Second, giving priority to Partnership programs, while intuitively making sense, disadvantages small organizations that do not have the time to fill out applications, hold meetings or the resources to engage in this program.

Partnerships are a fine idea and each organization can offer something to the Department but it is based on resources, time and financial situation. Using partnerships as the basis for field allocation priority will disadvantage smaller programs that do not have enough volunteers or time to take part.

Unmentioned, and arguably the most significant criterion, is the requirement that all potential permit seekers are not conducting commercial activities or for private profit.

NUMBER 2: DPR Should Impose a Limit on Any One Organization from Receiving More than 50 Percent of Public Field Space

To preserve and protect the rights of smaller organizations and allow other nonprofit organizations into the market, DPR must initially limit field allocations to 50 percent of eligible field time.

For example, Fall and Spring weekday time is after school hours from approximately 4:00pm – 7:00pm. On weekends, field time hours is 8:00am – 6:00pm.

At the time of the DPR open permit season, nonprofit organizations and other groups submit their requests. At this initial phase, one organization should not be allowed to exclusively monopolize time at any one athletic field. If, for example, Organization X submitted a permit for Athletic Field Y for weekday use in spring 2013, DPR would be restricted by only granting one and a half hours for each day of the week at Field Y. This would give an opportunity to smaller organizations and other groups to share public space without being unfairly marginalized.

For weekends, there are legitimate reasons why one organization may need all the field space from 8am-4pm on a Saturday for example when most youth recreation soccer games are played. However, the Sunday time slot of 9am-6pm should not be given to the same organization to monopolize and block all

The city parks are not the exclusive domain for DPR programs. They are to be enjoyed by all DC residents and a balanced and equitable allocation of time can be accomplished if users are willing to compromise and negotiate.

Further, we do not believe that private schools should be given higher priority than nonprofit organization youth leagues. Many of the private schools in the area have many fields and/or substantial resources and financial resources to utilize fields other than public space.

Second, giving priority to Partnership programs, while intuitively making sense, disadvantages small organizations that do not have the time to fill out applications, hold meetings or the resources to engage in this program.

Partnerships are a fine idea and each organization can offer something to the Department but it is based on resources, time and financial situation. Using partnerships as the basis for field allocation priority will disadvantage smaller programs that do not have enough volunteers or time to take part.

Unmentioned, and arguably the most significant criterion, is the requirement that all potential permit seekers are not conducting commercial activities or for private profit.

NUMBER 2: DPR Should Impose a Limit on Any One Organization from Receiving More than 50 Percent of Public Field Space

To preserve and protect the rights of smaller organizations and allow other nonprofit organizations into the market, DPR must initially limit field allocations to 50 percent of eligible field time.

For example, Fall and Spring weekday time is after school hours from approximately 4:00pm – 7:00pm. On weekends, field time hours is 8:00am – 6:00pm.

At the time of the DPR open permit season, nonprofit organizations and other groups submit their requests. At this initial phase, one organization should not be allowed to exclusively monopolize time at any one athletic field. If, for example, Organization X submitted a permit for Athletic Field Y for weekday use in spring 2013, DPR would be restricted by only granting one and a half hours for each day of the week at Field Y. This would give an opportunity to smaller organizations and other groups to share public space without being unfairly marginalized.

For weekends, there are legitimate reasons why one organization may need all the field space from 8am-4pm on a Saturday for example when most youth recreation soccer games are played. However, the Sunday time slot of 9am-6pm should not be given to the same organization to monopolize and block all

weekend time. There must be time when other organizations are given the opportunity to use fields. Particularly important is allowing other nonprofit organizations and groups access to prime fields including Palisades, Jellef and Shepherd.

Boys and Girls Travel Soccer Clubs and Leagues dominate the Sunday time slots preventing other organizations from obtaining field time. They are the same clubs that use all of the Saturday time period. It would be an extremely fair and equitable solution to grant other nonprofit organizations not using space on Saturdays priority field use for Sunday afternoon hours.

After the open season permit window is closed and permit requests are filed, the DPR can use these guidelines to allocate athletic field space. Once preliminary permit decisions are made and a matrix is created of reserved and vacant times by athletic field, additional times can be assigned to those organizations requesting more time. But we emphasize, this should not be allowed until all nonprofit groups, including new market entrants, have a fair opportunity to obtain athletic field time.

The same goes for "blocking" times by one organization. DPR has indicated in many public forums that blocking times is not allowed. This is the process by which an organization is uncertain about its schedule so it requests a "block" of time, for example 9-4pm. The Department must prohibit this activity. One way is for DPR to inform the requesting organization that they will be entitled to Sunday athletic field time from 9am-1:00pm and subsequent travel league game schedules must fit into this time period.

Number 3: DPR Permits, with Name of Organization, Posted On Website

It is critically important, for transparency and making it easier for any customer, to go to the DPR website and look who is receiving public permits to use recreation and park space in the District of Columbia.

Transparency is the key concept here. These are public parks and public recreation spaces. The public has the right to know. It should include the name of the organization using the facility and it should also be posted in a public space at the facility. This would make it more efficient by allowing a potential user to search the website or go to a facility and then submit an application knowing the field or park status. It will avoid the need for the public to fill out a park/field permit application for a date/time that is not available and eliminate the need to email or call DPR each time a user wants to know about field availability.

NUMBER 4: DPR Must Prepare and Issue Annual Reports on Athletic Fields

The DC Code of Municipal Regulations states:

DCMR: Title 19 Section 726.4): The statute requires the DPR "permit and special services section shall be responsible for keeping records and compiling reports in connection with the permits that are issued."

We have raised this issue many times including public forums, with Committee staff and members and with DPR.

Since enactment of this Section, not a single report has been compiled, no information has been made available to the public, there has been no accountability to the public, no accounting of fees collected or the total amount of revenue collected from permit fees since this section was enacted. In fact, the system is so disorganized, that a recent First Touch Soccer FOIA request was incomplete and yielded useless and outdated permit information.

This is an absolutely essential component of knowing how public recreation space and athletic fields are being used in the city. However, it has never been prepared or issued! A report would provide the public valuable information on how its resources are being managed.

We would strongly urge the Council to, here and now, impose a requirement that requests DPR to prepare and publish an annual report on athletic field use that covers the 2009 to 2012 time period and submit it to the Council on Libraries, Parks and Recreation by March 1, 2013 that contains the following information:

- Comprehensive list of all fields used and type of activity conducted;
- Dates and Times of Field Use by Organization;
- Amount of Revenue Collected;
- Percentage and hours of field space allocated by organization;
- Other pertinent information that reveals the extent and use of athletic fields and indoor facilities on weekdays and weekends;
- Information on DPR field permit compliance checks including frequency, facilities/areas checked and an explanation of procedures and guidelines used.

NUMBER 5: Open and Rent DPR Indoor Recreation Facilities to Non-Profit Organizations

Recent DPR testimony at the July 11, 2012 Committee on Libraries, Parks and Recreation hearing reflected a clear intent and interest to increase revenue from DPR-managed facilities, programs, permit fees, events and contractual arrangements. This is a multi-million dollar state-of-the-art facility that is going unused despite strong public demand for recreation opportunities throughout the city. It would seem that this a win-win situation for both DPR and children interested in physical and recreational exercise.

According to the DC Department of Public Health and the Howard University Hospital, the following statistics emerge:

- D.C. has the largest prevalence of overweight children in U.S. – 23%;
- Ward 8 has an obesity rate of 36% while the Ward 3 rate is 12.4%; obesity rates are also very high in Wards 4, 5, 6 and 7;
- In D.C., 5 of the top 10 causes of death are directly related to diet, physical activity and weight status;
- Scientists suggest that our obesity epidemic results from an environment that promotes overeating while discouraging physical activity including a lack of access to safe *recreation sites* (*emphasis added*)
- An article in the Journal of Exercise Physiology (Volume 8 Number 1 February 2005) states "a consistent positive relationship between overall fitness and academic achievement. That is, overall fitness sources improved and mean achievement scores also improved.

This issue is an epidemic. It has taken on national importance. First Lady Michelle Obama has taken a personal interest in the District of Columbia's children in particular eating well, exercise and addressing childhood obesity. DC should be a leader in supporting and promoting her efforts and programs.

Programs that maximize and provide a return for the massive public investments in modern infrastructure and have substantial economic, social, health and welfare benefits for its residents makes win-win public policy. With DC wage-earners, and in particular public employees, having stagnant or declining real wage income it would make sense to give existing DC employees or others the opportunity to earn extra income in these challenging economic times without any additional public expenditures. .

First Touch Soccer rented the Stoddert/DPR gymnasium in Ward 3 on Sundays during the 2011/2012 winter season from 11:00am – 1:30pm. First Touch

Soccer paid time and a half to open this facility and we received overwhelming support from the community to conduct programs there.

We again requested a permit for Winter 2012/2013. The DPR Director has denied the permit and is adamant about the facility being closed on Sundays. Unbelievably, in this day and age of 24 hour/7 day a week exercise regimens and people working extensive weekday hours in DC, the idea that DPR facilities are closed, and will be closed for the foreseeable future without any plans to open them as stated by the Director, is short-sighted and fails to recognize the importance of daily exercise for all DC residents.

What is so baffling about denying use of the facility for this coming winter is a DC government employee received time and a half pay to work at the facility last winter, he did not mind doing it and indicated his willingness to do it again for 2012/2013.

Therefore, why would the Department automatically close off this option when an employee made extra money, the neighborhood enjoyed the activities, young adults made income to train children and it was a win-win situation? It makes absolutely no sense to shutter a brand new, very expensive and a public taxpayer-supported public facility in the winter when the community wants it opened and has a local, nonprofit organization willing to pay for it. How does this make any public policy sense?

In recognition of these points, the Advisory Neighborhood Commission ANC 3B (jurisdiction in which the DPR/Stoddert Elementary School gymnasium is located) wrote a letter in support of the First Touch Soccer request to use the Stoddert Elementary School gymnasium on Sundays from December to March and asked DPR to issue a permit

The overall point is to demonstrate that DPR is not currently maximizing its revenue-generating capabilities yet wants additional authority to rent DC taxpayer funded facilities to private, for-profit companies that would inevitably displace and eliminate DC-based and chartered youth organizations from operating in DC.

NUMBER 6: DPR Must Be Prohibited from Issuing Athletic Field Permits to For-Profit, Private Entities

It is a violation of law to issue permits to for-profit, private companies. In addition, it would make no public policy sense to give private companies the opportunity to rent space in the District when there already is a strong public demand for and a lack of recreation space in the District.

The existing DC Code of Municipal Regulations (Title 19 – Amusements, Parks and Recreation; Chapter 7: Department of Parks and Recreation Section 729; Provision 729.1 states: "The use of public recreational facilities shall not be granted for commercial uses, for private profit, ~~or~~ for money-raising purposes."

The existing regulations prohibit the issuance of field and facility permits to companies, organizations or entities engaged in any of the activities listed above. Implied within the regulations is a requirement that organizations obtaining facility and field permits must be nonprofit.

This is statutory language adopted by the City Council and is codified in the Code of Municipal Regulations. DPR must be in compliance and implement the law.

Combined with posting the field permits online and at the park and recreation facilities, the public will be able to verify DPR compliance with the rules and ensure no for-profit, private company is scamming the system.

NUMBER 7: Conduct Public User Group Meetings to Discuss Innovative Ideas.

Require the Director of the Department of Parks and Recreation to conduct annual public meetings and be available a couple of times per year to meet with organizations to discuss ongoing permit management issues. After the public meetings, the DPR shall officially publish the meeting minutes and have the DPR General Counsel approve the veracity and summary by signing the document.

Under the current program, DPR has failed to conduct observations and audits of existing permit use. It would be a simple task for a DPR Facility Manager to monitor field use and occasionally check the status of ongoing activities at their field. This is but one example of maximizing DPR personnel to be accountable to the public and have more authority and oversight over their facility.

NUMBER 8: Prepare an DPR organizational chart with names, titles, positions and phone numbers

The public has every right to know the names, titles and phone numbers of DC government employees. It will allow the user community and DPR employees interact with the public and place a name with a voice, an email or even a face when it may be necessary to meet in person.

An organizational chart would provide a significant level of transparency in the public's right to know.

This is the hallmark of an open and transparent government. It is sorely needed in the nation's capital of Washington DC.

NUMBER 9: Leadership is Key

Unless these modification and improvements are adopted and wholeheartedly implemented, the user community will not receive what it deserves from the Department of Recreation.

The DPR will continue to muddle through and the taxpaying public will not receive a renewed commitment to make things right.

We will be right back where we started with inefficient field allocations, failure of DPR to maximize their facilities for revenue and create an uninspired DPR workforce that cannot maximize productivity or be mission driven to provide the best customer service possible for DC recreation users.

NUMBER 10: DPR Must Be an Advocate

As was stated earlier, recreation and exercise is an integral part of life. DPR is in a privileged position to be an advocate for a healthy lifestyle, eating right and promoting sports, athletics and friendly competition.

DPR desperately needs a spokesperson to advocate and talk to school children about diet, healthy eating and exercise. With DC having the highest childhood obesity statistics in the nation, there is a major role for DPR to play.

It would be great to see DPR engage professional athletes from the Washington Redskins, Washington Nationals, DC United and the Washington Wizards in an effort to explain how a healthy diet and exercise provides a positive, optimistic, and more motivated student with greater self-assurance, self-esteem and respect.

First Touch Soccer and the DC Youth Futbol Club appreciate the opportunity to submit testimony. We are available for further discussion and follow-up.

Thank you.

Mitch Dubensky,

First Touch Soccer

DC Youth Futbol Club