



# Conejo Recreation & Park District

**GENERAL MANAGER**  
Jim Friedl

**BOARD OF DIRECTORS**  
Chuck Huffer, Chair  
George M. Lange, Vice Chair  
Susan L. Holt, Director  
Nellie Cusworth, Director  
Doug Nickles, Director

**GENERAL MANAGER EMERITUS**  
Tex Ward

RECEIVED

JUL 16 2019

Ventura County  
Grand Jury

July 9, 2019

Kathleen Diamond, Foreperson  
2018-2019 Ventura Grand Jury  
800 South Victoria Avenue  
Ventura, CA 93009

Dear Ms. Diamond,

Attached please find a response to the Final Report re: Youth Sports and Public Liability dated April 17, 2019.

Thanks for the opportunity to respond,

Sincerely,

  
Jim Friedl, General Manager

**ADMINISTRATIVE OFFICES**

403 West Hillcrest Drive • Thousand Oaks, CA 91360-4223  
(805) 495-6471 • FAX: (805) 497-3199 • Email: [parks@crpd.org](mailto:parks@crpd.org) • Website: [www.crpd.org](http://www.crpd.org)

## Response to Grand Jury Report Form

Report Title: YOUTH SPORTS & PUBLIC LIABILITY

Report Date: APRIL 17, 2019

Response by: JIM FRIEDL

Title: GENERAL MANAGER  
CONEJO REC. & PARK DIST.

FINDINGS / CONCLUSIONS CRPD BOARD REVIEWED/APPROVED RESPONSE ON 6/20/19

- ~~I (we) agree with the findings / conclusions numbered: \_\_\_\_\_~~
- ~~I (we) disagree wholly or partially with the Findings / Conclusions numbered: \_\_\_\_\_~~

~~(Attach a statement specifying any portions of the Findings / Conclusions that are disputed; include an explanation of the reasons.)~~

PLEASE SEE ATTACHED RESPONSES

### RECOMMENDATIONS

- ~~Recommendations numbered \_\_\_\_\_ have been implemented.  
(Attach a summary describing the implemented actions and date completed.)~~
- ~~Recommendations number \_\_\_\_\_ have not yet been implemented, but will be implemented in the future.  
(Attach a time frame for the implementation.)~~
- ~~Recommendations numbered \_\_\_\_\_ require further analysis.~~
- ~~Recommendations numbered \_\_\_\_\_ will not be implemented because they are not warranted or are not reasonable.~~

PLEASE SEE ATTACHED RESPONSES

Date: 7/9/19

Signed: [Signature]

Number of pages attached: 4



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**GENERAL MANAGER EMERITUS**  
Tex Ward

**DATE:** June 20, 2019

**TO:** Board of Directors

**FROM:** Jim Friedl, General Manager 

**SUBJECT:** Proposed **DRAFT** Response by Conejo Recreation and Park District to Ventura County Grand Jury 2018-2019 Final Report re: Youth Sports and Public Liability dated April 17, 2019

## RECOMMENDATION

Authorize General Manager to send the attached Proposed Draft Response to the Ventura County Grand Jury 2018-2019 Final Report re: Youth Sports and Public Liability dated April 17, 2019.

## DISCUSSION

On May 9, 2019, the Conejo Recreation and Park District received the attached Final Report re: Youth Sports and Public Liability dated April 17, 2019 from the Ventura County Civil Grand Jury. The report contains 3 conclusions and 3 recommendations of which CRPD is required to respond within 90 days of May 9<sup>th</sup>.

The proposed Draft Response is set forth in the attached.

## Attachments:

- Proposed Draft Response from CRPD to Ventura County Grand Jury
- VC Grand Jury 2018-2019 Final Report re: Youth Sports and Public Liability dated April 17, 2019
- Article from Liebert Cassidy Whitmore (12/8/16) re: AB 2007 – Youth Sports/Concussions
- California Health and Safety Code section 124235 (aka AB 2007)
- Article "Protecting Young Victims from Sexual Abuse and Safe Sport Authorization Act of 2017"
- FAQ Sheet from US Center for SafeSport

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**Report Title: Youth Sports and Public Liability**

**Report Date: April 17, 2019**

**Response By: Conejo Recreation and Park District**

**CONCLUSIONS:**

**C-01. The Grand Jury concluded that most cities and Districts in the County allow non-affiliated sports leagues to use their facilities to practice or play. However, they do not require proof of compliance with California law regarding protection against concussion-related injuries from these leagues. They also do not require proof that procedures for preventing and reporting child physical or sexual abuse are in place.**

We agree with conclusion C-1 that the Conejo Recreation and Park District (CRPD) does not require proof of compliance with California law (from either affiliated or non-affiliated sports leagues) with respect to California law related to concussion-related injuries from participation in such leagues. Nor does CRPD require proof that such affiliated or non-affiliated sports leagues have adopted procedures for preventing and reporting child physical or sexual abuse

**C-02. The Grand Jury concluded that cities and Districts do not require proof of adequate parental waivers and insurance coverage from non-affiliated sports leagues to protect against legal action that could jeopardize public monetary resources.**

We agree with conclusion C-02 that the CRPD does not require proof of parental waivers from non-affiliated sports leagues. We disagree with the portion of the conclusion that suggests CRPD does not require proof of insurance coverage. CRPD not only requires proof of insurance coverage when someone obtains a facility use permit, but also obtains a certificate of insurance with an additional insured endorsement naming CRPD (including CRPD's directors, officers, agents and employees as additional insureds) for affiliated sports leagues, non-affiliated sports leagues, as well as businesses, homeowners association, clubs, organizations, churches and individuals who rent District facilities.

**C-03. The Grand Jury concluded that cities and Districts are underinsured with respect to the type of coverage and coverage amounts to sufficiently protect them from litigation arising from the conduct of youth sports on city or district property.**

We disagree that CRPD is underinsured with respect to the type of coverage and coverage amounts for risks associated with the issuance of permits and facility rentals to affiliated and non-affiliated sports organizations to conduct youth sports on district property. CRPD is a member district of a joint-powers authority called the California Association of Park and Recreation Indemnity (CAPRI), a government insurance pool with approximately 70 other recreation and park district members. Through CAPRI, CRPD is adequately covered under the CAPRI Memorandum of Coverage for claims arising out of the conduct of youth sports organizations on district property. Such claims would constitute a covered event for purposes of the MOC and CAPRI maintains appropriate policy limits.

## **RECOMMENDATIONS**

**R-01. The Grand Jury recommends that all cities and districts require proof from non-affiliated sports leagues that they are in compliance with California law regarding concussion-related sports injuries and that they have child physical or sexual abuse prevention and reporting procedures in place as a condition of the use of public facilities for practice or play. (C-01)**

Recommendation number R-01 will not be implemented because it is not warranted (is not legally required by California and Federal law). CRPD merely permits sports facilities to affiliated and non-affiliated sports leagues (as well as churches, businesses, organizations and individuals). CRPD does not warrant the quality of the programs nor competency of the individuals of organizations (including non-affiliated sports leagues) applying for a permit to use CRPD facilities. CRPD generally does not sponsor or conduct amateur youth sports competitions, training, camps, or clubs. And, to the extent CRPD does conduct its own, in-house, adult or youth amateur sports competitions, training, camps, or clubs it does and will continue to comply with the law regarding concussion-related sports injuries and child physical or sexual abuse prevention and reporting procedures for its employees. In addition, this recommendation is not reasonable in as much as it will cost additional unfunded staff time to verify non-affiliated sports leagues are in compliance with the relevant California and Federal laws. Should CRPD voluntarily undertake the duty to establish proof that non-affiliated sports leagues are in compliance with such laws, then CRPD may expose itself to more liability should it erroneously permit a non-compliant league or team to use a field. The current system places the responsibility on the individual, parents or guardians to determine whether an affiliated or non-affiliated sports league, team, coach or program is suitable for the individual or child.



**R-02. The Grand Jury recommends that all cities and districts require proof of adequate parental waivers from participants and sufficient insurance coverage from non-affiliated sports leagues as a condition of the use of public facilities for practice or play. (C-02)**

Recommendation number R-02 will not be implemented because it is not warranted (is not legally required). CRPD issues permits to affiliated and non-affiliated sports leagues. CRPD does not sponsor nor conduct amateur youth sports competitions, training, camps, or clubs. And, to the extent CRPD does conduct its own adult or youth amateur sports competitions, training, camps, or clubs, CRPD does and will continue to obtain waivers from participants. CRPD believes that it does have sufficient insurance coverage from affiliated and non-affiliated sports leagues as a condition of the use of public facilities for practice or play in as much as it obtains certificates of insurance from non-affiliated sports leagues and maintains its own insurance via CAPRI (an insurance pool). In addition, this recommendation is not reasonable in as much as it will cost additional unfunded staff time to obtain proof of adequate parental waivers from all participants of non-affiliated sports leagues.

**R-03. The Grand Jury recommends that all cities and districts review their own insurance coverage to ensure that they are adequately protected with respect to potential claims arising from the conduct of youth sports on city or district property. (C-03)**

Recommendation number R-03 has been implemented in that the General Manager has reviewed CRPD's insurance Memorandum of Coverage and has spoken with the Executive Director of its insurance pool, CAPRI, to ensure that CRPD is adequately protected with respect to potential claims arising from the conduct of youth sports on CRPD property. In addition, CRPD requires facility use permittees to provide proof of insurance combined with an additional insured endorsement of at least \$1 million per occurrence as a condition of their filed or facility-use permit.

