

# **TRUCKEE-DONNER RECREATION AND PARK DISTRICT**

## **Summary**

The Truckee-Donner Recreation and Park District is an independent special district responsible for providing recreation and park programs in and around Truckee, California since 1963. The Truckee-Donner Recreation and Park District is governed by a Board of Directors elected by the district voters.

The Nevada County Grand Jury received a citizen's complaint regarding the Truckee-Donner Recreation and Park District. In the process of investigating this complaint, the Nevada County Grand Jury found the Truckee-Donner Recreation and Park District failed to consistently follow their policies, procedures, rules and regulations stated in the Truckee-Donner Recreation and Park District Handbook.

The Truckee-Donner Recreation and Park District Board of Directors should update existing policies and procedures, rules and regulations stated in the Truckee-Donner Recreation and Park District Handbook, including oversight.

## **Reasons for Investigation**

The Nevada County Grand Jury (Jury) received a complaint about issues relevant to the operation of the Truckee-Donner Recreation and Park District (TDRPD).

The Jury has the authority to investigate special purpose assessment or taxing districts, including those commonly known as special districts, in Nevada County, pursuant to the California Penal Code.

## **Background**

Special districts are a form of local government created by a community to meet a specific need. Most of California's special districts perform a single function such as sewage, water, fire protection, pest management, cemetery management, or park management. There are approximately 2,300 independent special districts in California, each governed by an independent board of directors elected by the voters of their district or appointed to a fixed term of office by either a city council or a county board of supervisors. There are 24 independent special districts in Nevada County.

The TDRPD is an independent special district supported by public funds. The TDRPD is governed by an elected Board of Directors (Board). The Board is responsible for setting policy and general administrative procedures. The Board meets on a monthly basis for regular meetings.

The TDRPD has 16 facilities and parks including the recently completed Community Recreation Center. The Community Recreation Center was completed at the end of 2010 and staff occupied the building at the beginning of 2011.

There are numerous programs offered by the TDRPD that provide recreation and services to kids, teens and adults. Some of the newer programs include a climbing wall, girls' volleyball and an adult softball league.

### **Procedures Followed**

The Jury interviewed Board Members, TDRPD staff, staff of the Nevada County Auditor-Controller and members of the public. The Jury also reviewed various documents received from the TDRPD, Nevada County and the public.

### **Facts**

#### **Governance/Administration**

- F.A.1.** The TDRPD is governed by a five-member Board elected by the Truckee-Donner Recreation and Park District voters. The members of the Board serve four-year terms.
- F.A.2.** The Board does not have by-laws.
- F.A.3.** The Board meets in regular session every month. These meetings take place at 6:00 p.m. on the fourth Thursday of each month and are open to the public.
- F.A.4.** All scheduled Board agendas and meetings are in compliance with *California Government Code* section 54950 et seq., commonly known as the *Ralph M. Brown Act* (Brown Act).
- F.A.5.** During the monthly Board meetings, members of the staff, including the management team are present according to minutes of the meetings.

- F.A.6.** The Board is responsible for setting policies and general administrative procedures.
- F.A.7.** The TDRPD has a policies and procedures handbook entitled, *Truckee-Donner Recreation and Park District Policy Handbook* (Handbook).
- F.A.8.** Some sections of the Handbook have been updated. The majority of the sections have not been updated since September 1995.
- F.A.9.** The General Manager (GM) is the executive officer of the TDRPD.
- F.A.10.** The GM is selected and appointed by the Board and is accountable to the Board.
- F.A.11.** The GM, under the direction of the Board, is responsible for the day to day operations of the TDRPD.
- F.A.12.** The GM is responsible to administer the policies and procedures of the TDRPD as set forth by the Board.
- F.A.13.** According to the TDRPD organizational chart, the administrative management staff (management) consists of a “General Manager, a Park Superintendent, a Recreation Superintendent, a District Clerk/HR Director, an IT Administrator/Safety Officer, and a Bookkeeper.”
- F.A.14.** The administrative management team meets once a week to review operations of the TDRPD.
- F.A.15.** As of February of 2013, TDRPD had 25 full-time employees and approximately 130 part-time and seasonal employees.
- F.A.16.** There is a TDRPD full-time employee with the title, District Clerk/HR (HR Director).
- F.A.17.** In the duties of an HR Director, said employee has limited authority.
- F.A.18.** The HR Director is the spouse of another TDRPD manager.

## **Community Center Security System**

- F.A.19.** The construction plans for the Community Center included costs for a security and alarm system.
- F.A.20.** The alarm system was installed and functional when the Community Center was completed in 2010, but was not being used as all employees were not trained in its use.
- F.A.21.** The alarm system and the external surveillance cameras were not fully operational in the Community Center until the last quarter of 2012.
- F.A.22.** The Community Center is unoccupied several hours during the night.

## **Unlawful Harassment**

- F.A.23.** Section 227.30 of the Handbook portion entitled *Unlawful Harassment* states:

“If an employee believes he/she has been unlawfully harassed, he/she may provide a written complaint to their supervisor, or the General Manager as soon as possible following the incident. His/her complaint should include details of the incident or incidents, names of the individuals involved and names of any witnesses. Supervisors will refer all harassment complaints to the General Manager. The District will immediately undertake effective, thorough and objective investigation of the harassment allegations.”

- F.A.24.** The TDRPD staff receives annual training regarding workplace harassment.
- F.A.25.** In December, 2010, a TDRPD manager overheard comments, perceived to be harassment.
- F.A.26.** The manager shared this information with another member of management.
- F.A.27.** The incident was verbally reported to the GM.
- F.A.28.** Approximately 30 days after the incident was reported, there was a meeting between the GM and the subject of the complaint.

- F.A.29.** A verbal warning was given to the subject of the complaint.
- F.A.30.** There is no record of any interviews or statements taken from any of the witnesses to or victims of the alleged harassment.
- F.A.31.** The subject of the complaint then personally contacted the alleged victims of the harassment.
- F.A.32.** Approximately 90 days after the initial verbal complaint of sexual harassment, the suspected harasser filed a written complaint of harassment against the employee that initiated the verbal complaint with the member of the management team.
- F.A.33.** The GM reviewed the written complaint and met with all involved parties.
- F.A.34.** The GM acknowledged to the Jury that the matter of perceived sexual harassment should have been addressed more promptly.
- F.A.35.** The GM did not advise the Board of either harassment complaint.

#### **TDRPD Park Maintenance Facilities**

- F.A.36.** TDRPD management staff and letters from the public attached to Board agenda identified several piers/docks along Donner Lake are in need of repairs due to safety concerns.
- F.A.37.** A TDRPD employee told the Jury some piers/docks were closed to the public due to safety issues.
- F.A.38.** A TDRPD employee told the Jury that there is no plan to repair the closed piers/docks.

### **Findings**

- F.I.1.** The Jury found a lack of managerial oversight at TDRPD.
- F.I.2.** There is a lack of open communication between TDRPD management and the Board.

- F.I.3.** The lack of open communication between TDRPD management and the Board could lead to potential litigation.
- F.I.4.** There is a lack of timeliness in the investigation and adjudication of employee complaints.
- F.I.5.** There is a lack of timeliness in the training to employees on use of facility equipment.
- F.I.6.** Many of the policies, procedures, rules and regulations stated in the TDRPD Handbook are outdated.
- F.I.7.** There is no information regarding a plan to repair the piers/docks.

### **Recommendations**

- R.1** The Board should update the TDRPD policies, procedures, rules and regulations.
- R.2** The Board should require the GM to report all issues, including harassment, to the Board.
- R.3** The Board should develop and implement policy to facilitate open and ongoing communication with TDRPD management.
- R.4** The Board should develop and implement policy to include proper training on the use of all facility equipment in a timely manner.
- R.5** The Board should develop and implement an ongoing evaluation process to insure all facility equipment is in good working order.

### **Responses**

**Truckee-Donner Recreation and Park District Board of Directors:**

**Due Date: September 28 2013**