

Friends of Hyland
FriendsofHyland@yahoo.com

May 22th, 2023

To: Three Rivers Park District (TRPD) Board of Commissioners (BOC)

- Marge Beard
- John Gibbs
- Louise Segreto
- Jennifer DeJournett
- Jan Guenther
- Erin Kolb
- Jesse Winkler

Dear Commissioners

Please include this letter as part of the Public Record for TRPD and Hyland Hills.

Every effort was made to be accurate in this letter. We would appreciate being notified of any inaccuracies.

We are “Friends of Hyland”, a citizen advocacy group. Our goals are to see that Hyland Hills is:

- Safer for all patrons and employees
- Practicing Diversity, Equity and Inclusion (DEI) at the core of all park activities and programs – across individual patrons and across partner programs
- Collecting and using funds (taxpayer and user fee generated) transparently, equitably, responsibly and accountably for the benefit of all patrons and citizens. And, that public assets are not being sold off for private gain.
- Treating advocates of making TRPD/Hyland a better park system with respect, and in a non-retaliatory way.

Friends of Hyland is comprised of citizens, taxpayers, patrons, Hyland Hills staff (including current and former Snowsports & Ski Patrol), program coaches, etc.

- Our group has come together over ongoing concerns at Hyland that have gone unaddressed for over 15 years despite being raised many times, by many people.
- Management at Hyland has been aware of these issues and so has the TRPD Superintendent Boe Carlson. Some of the current BOC members have also been made aware.
 - Most of these concerns have been raised repeatedly, by countless citizens and Hyland staff for at least 15 years, and perhaps longer.
 - The inequities have been occurring for 20-25 years.
 - While there have been some minor improvements over the years, the larger underlying problems still persist. In many ways, these problems are actually *significantly* worse now due to the overcrowding and lack of attention to safety.

We are asking for the support of current TRPD BOC members to see that these items are resolved prior to the 2023-2024 ski season.

Due to the nature of our questions and past retaliatory actions, we are keeping our groups' members names private at this time. We will happily participate in meetings and discussions when we have assurances that no more retaliation will occur.

We respectfully request an inquiry and answers to the questions below. More detailed information is included in the attachments.

QUESTIONS

Section 1: Safety

Why are “common sense to the layperson” and other standard ski area safety protocols not followed at Hyland for skier/rider control/safety to prevent collisions, injury and death?

- Examples of hazards at Hyland are:
 - Excessive crowding – on the hills and at the lifts.
 - There was a life-threatening and life-altering injury to a child in January 2022 that could have been easily prevented with a basic control gate on North.
 - A beginner area (Bunny) that is prone to having mobs of kids skiing/riding through the trees and bombing the area where new skiers are learning.
 - A ditch with a chain link fence at the bottom of North where children ski into this due to a short run-out. Several children have been injured here.
 - A terrain park at the main entry to the hill and chalet and for people to access the entire area and in front of the chalet where people get ready to ski where collisions occur.
 - Access to and from the North hill is under the freestyle jumps. Several collisions resulting in injury have occurred here.
 - North rope tow – the new “Borealis” trail/access road provides dangerous opportunities for kids to cut through the rope tow into the area where race training is occurring.
- Suggestions have been made repeatedly yet many go unheeded, or they are addressed one year, and then not the next.
 - ***We would like to see a consistent and unified commitment to resolutions and safety priorities.***
- The number of collisions at Hyland Hills is astounding. This year, as in past years, there were several concussions due to collisions. This should be of concern as many of the injuries at Hyland are serious, with concussions, broken bones, torn ligaments and other life-threatening injuries.
- We are concerned that accidents are not fully reported and ski patrol is not notified of all collisions and other injuries that occur on the hill.
 - One example was a serious injury to a child that was reported but the director of ski patrol at the time specified that Team Gilboa should not be mentioned in the accident report.
- With a ski area that is so crowded – especially with children - safety should be paramount. Yet, safety seems to be taken in a cavalier manner in many ways.

- Legal fees with these collisions that could be avoided are eventually borne by taxpayers.
- Most of these safety issues related to collisions that could be mitigated with fencing that is managed by ski area staff around Hyland Hills in key areas.
- Please see the attached document for detailed safety issues and suggestions for mitigation.

Section 2: Equity/Fairness

Why are park facilities not allocated fairly to children and teams/clubs in the race training environment vs. favoring one program egregiously, year after year?

- On a typical high demand weekday when all teams can practice, one team has use of about **39%** of the entire race training area while each of the other 16 teams get about **3.8%** each.
- This is 13 lane slots out of 33 total lane slots allotted each day and other teams average 1.3 lane slots each weekday (Mon-Thurs).
- One program, **Team Gilboa, is given the best lanes/facilities at the best times every day, and every year.** All other 16 teams/clubs are then slotted in around Team Gilboa, leaving teams with significantly less practice time and inferior facilities.
- Not only is this unfair, it also leads to inefficient use of facilities. Preferable and “non-standard” lane times given to Team Gilboa cause lanes to go unused at the end of each night.
- The entire schedule for the year 2022-2023 is in the figure below.
 - Gilboa allocation is in **blue**.

As one can see, one team (Team Gilboa) is assigned about **45%** of all the lanes assigned for the season. This is out of 17 teams.

Gilboa has 275 members stated in their Operating Agreement (22% of all racers) yet they have been having membership of 500-550 each year. The average of the other 16 teams is about 60 per team for a total of 988 non-Gilboa racers.

- Also, **most of Gilboa’s time is on the best lanes (“Prime” lanes).** These lanes are better for training because they are longer, steeper, have better lighting, have start ramps and they have a run out at the bottom making them **safer**.

PRIME

A B C 1 2 3 4 5 6 7 8

Key stats from the schedule:

- An average child on Gilboa will receive **4X (times)** the practice time of an average high school child and **5X** the amount of time on prime facilities vs. inferior.
- Over 20,000 children have been discriminated against at Hyland Hills over the past 20-25 years.
- A Team Gilboa high school child will have **100% of their time on prime facilities (ABC/123)**.
- A non-Team Gilboa child will have **1/5 the time on prime facilities as a Gilboa child**.
- In effect, the non-Team Gilboa kids, many of whom can least afford supplemental race training, actually pay more to Hyland per allotted training than the Team Gilboa children who pay thousands of dollars (up to \$35,000) to join Team Gilboa. **All children pay the same flat fee to Hyland which is the cost of a season pass.**
- The average Gilboa racer gets **16.5 X (times) the access** on the very best lanes (ABC) as a non-Gilboa racers. *This is not a typo.*
- Younger children in Gilboa (Jr. Race program) spend 100% of their time on lanes 7/8 (Rope tow lanes) which are better than lanes 4/5/6.
- *Please see the attached Lane Schedule spreadsheet (produced by Hyland Hills) with data analysis provided.*

Why does a child on Team Gilboa get extraordinarily more time and more of the best than a non-Team Gilboa child?

- Even considering that Team Gilboa can offer extended practice time beyond the high school training season, the inequities are egregious.

Why does Team Gilboa get the most desirable time slots that are “non-standard” and inaccessible by other teams, which causes precious lane time to go unused at the end of the night?

- This is an inefficient use of capacity.

“Enterprise” status or not, isn’t Hyland Hills is obligated to practice Diversity Equity Inclusion since TRPD/Hyland Hills is owned by the public and taxpayer subsidized?

- Is TRPD hiding behind “enterprise” status to not adhere to its own policies and best practices of equity and fairness – especially when it comes to children?

Does TRPD deem certain children more “talented” or “committed” than others at Hyland Hills and therefore more deserving of “more... and more of the best” facilities in our public park system?

- Are they more talented, gifted or committed... or is it simply that their parents can afford to pay Team Gilboa for this favored treatment by TRPD... and TRPD enables this?

Does this mean that the children whose families can’t afford Team Gilboa aren’t talented or committed to their sports?

- How are these children supposed to get better at their sport if they can’t get equal access to the facilities including the preferred terrain and start ramps?

Why is this allocation process not done transparently with a process that all teams/clubs can participate in equally to get fairness vs. one program getting most of the allocation for preferred times and facilities?

- Why has a Team Gilboa employee been working in the Hyland Hills Snowsports office that does the scheduling for the race facilities? Isn’t this a conflict of interest?

Why did Hyland only replace the start ramp on the lanes that Gilboa has primary use of (A/B/C) when the ramp on 1/2/3 is also old, narrow, and a safety hazard because there's not good side fences?

Is safety not as important for non-Team Gilboa children?

- Surely the race programs generate enough revenue to keep the start ramps in safe and working order for all the children.
- When the Hyland general manager was asked if a team/club could have primary use of a new 1/2/3 ramp if they donated to this effort, he said, “No.” **So why does Team**

Gilboa get primary use of the new and safer A/B/C ramp, but other teams/clubs do not?



Photo taken December 2022:

- Left Side: New Ramp on ABC (Gilboa has primary use of this – see figure above with schedule)
- Right Side: Old Ramp on 1/2/3 0- notice how there are not functioning guard rails to keep children from falling off the ramp and it's very narrow compared to the left side.

Section 3: Financial Subsidies for a private organization

Why is one team (Team Gilboa) given estimated financial subsidies by TRPD while other teams/clubs are not?

- Estimated TRPD subsidies to Team Gilboa amount to **\$6.6 to \$10.2 Million** over the past 25 years, and
 - **\$276,000 – \$417,000** per year
- **\$13.6 to \$21.5 Million** over 50 years if this continues another 25 years.
 - NOTE: these figures are not adjusted for include inflation.

Please see the attached spreadsheet for these estimated subsidies.

Why would TRPD be giving donations to this private club for fundraisers?

- Financial donations have been made to Team Gilboa in the name of the Hyland Hills general manager and include rounds of golf at Baker National. This was posted on social media during the fundraising.

Who legally owns the warming house that Team Gilboa leases for \$1.00 (not a typo) for 20(?) years?

- If TRPD owns this, why isn't this available to all patrons or put up for bid so others can bid on it?

“Enterprise” status or not, doesn’t the bottom line of net proceeds generated by Hyland Hills affect the overall budget of TRPD which is heavily taxpayer subsidized?

- **Why aren’t other programs as heavily subsidized as Team Gilboa if this type of subsidization is allowed per TRPD?**
- **Where does the justification for the financial subsidization of a private program (elite ski racing or any other type) exist within TRPD policies?**
- **Isn’t Hyland Hills still a public asset even though it’s termed “enterprise?”**

Is this standard TRPD policy that “partner programs” can profit off public facilities – and at the expense of the other patrons?

- Because of favoritism with facility allocation and financial subsidies, Team Gilboa can sell their memberships for large fees (\$2500-35,000 per year per child) by advertising preferred facilities, preferred times and a warming shack (“competition center”) provided by TRPD – and they can keep the proceeds for their own members, thereby “profiting” off of TRPD and the public (even though they are technically a “non-profit”).
- Their members pay the same amount per child/per year, to TRPD, as a non-Gilboa child– the price of a season pass. **TRPD/Hyland Hills or the greater public does not benefit financially from this arrangement of the facilities being sold at a premium to the public.**
 - To the contrary, TRPD subsidies and enables this arrangement at the expense of the public and patrons.

Why is Gilboa being allowed to nearly double their membership (500-550) beyond what their operating agreement states (275).

- This has been brought up many, many times with no good answer as to why this number is not enforced, despite the crowding and safety hazards this causes.
- This oversubscription negatively affects all of Hyland Hills patrons every day of the week, all winter long, as the Gilboa members use North, Center, Bunny and South Hills to provide space for all their skiers.
 - This adversely affects those who come to take lessons and recreational ski
 - Other similar programs were bound to a lesser number (150 for Lake State Alpine Racing) when making their operating agreement. Why not Team Gilboa?

Are these public facilities Team Gilboa’s to sell? Don’t they belong to the public? Why does TRPD allow this arrangement year after year?

Section 4: Retaliation

Why have supporters of fairness, safety and other concerns been retaliated against in the past?

- This retaliation has occurred for at least 8 years and includes retaliatory behavior against Snowsports employees, ski patrol employees, and team/club coaches.
- Some of this retaliation trickles down to the many children in clubs/programs at Hyland.
- One major reason why these problems above persist is the ongoing threat of retaliation. It is known that if they speak up, their team might not get lanes requested.
 - Or worse yet, they might lose their jobs like 40 people did in 2016.
 - The actual threat of retaliation is what keeps this unfair, inequitable and dangerous system in place.
- Please see the attached document for more examples of retaliation. We can provide letters, and people who will speak to this.

Are there any conflicts of interest that impact decision making at Hyland Hills?

- Children of at least three (3) past and current TRPD BOC members were on Team Gilboa at some point (DeJournett, Gibbs, Gunyou).
- Two children of the former GM of Hyland were also on Team Gilboa (Seymour)
- We are concerned that there may have been a possible open meeting law violation going back to 2015 related to the petition by Citizens 4 Hyland and the protection given to Team Gilboa by the BOC. Details on this can be provided.

Section 5: Final Question

How long does this Board of Commissioners believe these safety hazards, inequities, subsidies and retaliation should continue within TRPD?

SUPPORTING INFORMATION

- Three relevant documents are attached as part of this letter that support the statements.
 - We can supply more documentation upon request.
 - We can also supply names of people who have agreed to be interviewed on these matters if requested.
- Because of the nature of our questions, we request that an inquiry be conducted independently (i.e., not by Hyland Hills Management) and include interviews with key stakeholders who have knowledge of these situations, audits of financials for fiduciary accountability and accident reports.
- There are e-mails, letters, calls, meeting presentations, meeting notes, schedules, patrol reports, financial reports, contracts, public meeting recordings and other resources that are available for an inquiry and support the comments in this letter. Much of this information should be on record with TRPD.

- We can provide a list of people who will answer questions, provide additional information than this letter outlines, and suggest where to look for evidence of our concerns.
 - Due to retaliatory experiences of the past, we ask for assurances that absolutely no retaliation, intimidation or penalization for speaking up will occur with anyone – including TRPD employees.
 - It should be noted that not all race coaches or partner program representatives will speak up about some of the issues mentioned – especially the inequities. This is because many are afraid of retaliation by TRPD, some are affiliated with Team Gilboa, and some coaches enjoy the competitive advantage that the current inequitable system affords their teams, as their teams are loaded with the beneficiaries of the favoritism.
 - However, if the parents of the 1,000+ kids who race at Hyland each year were surveyed, it is logical that the majority would prefer those facilities be allocated equally.
 - In addition, many parents would welcome the prospect of not having to buy extra lane time (approximately \$1,000 per year for the most basic access) with TG simply because their child's high school team is currently on the losing end of these allocations.
 - Some of these children only get 4-5 runs per practice because of the overcrowding while others get 10-15 runs.
 - In the spirit of coming to the board with solutions and not just concerns, we are offering several solutions based on a variety of ski industry expertise and many years of involvement at Hyland Hills.
- The solutions to these concerns are common sense, reasonable, and simple to implement with little to no cost to Hyland/TRPD. There are no policy changes required as far as we can ascertain.
 - In fact, these requested changes will align with park policies of fairness equity.
- We have included a list of suggestions and action items in the next section.
 - Most of these suggestions have been made in the past.
 - However, most of these suggestions have been made to no avail, and there seems to be a lack of oversight at Hyland regarding some very important matters – especially when it comes to safety.
- The best course of action might be for TRPD to engage an Independent consultative review of safety, operations and Hill management for Hyland/Elm Creek with suggestions to resolve, improve or replace processes, practices and inferred favor...to manage profitably, fairly, equitably and safely - with accountability and processes that are transparent.
- When it comes to DEI, they are easy to see and implement – that is if TRPD decides to do this.

Please Note: We do not believe that any program at Hyland or group of patrons should consider this an attack, or an attempt to be asked to leave Hyland.

- On the contrary, we believe that all programs and patrons should be treated fairly and equitably in our public park system. And all programs should behave as good citizens in our park.
- And park policy/principles should be upheld for everyone.
- Equitable treatment of all children and programs will make Hyland Hills a better place for all.

Solutions and Action Items Requested

Immediate Request

We respectfully request that TRPD/Hyland Hills require that Team Gilboa hold their registration to the Operation Agreement number of 275 members beginning in the 2023-2024 season.

The overselling of this program (500-550 members in the past few years) has led to safety issues due to crowding and collisions at Hyland.

- Many people recognize that 275 is too high of a number given the number of racers at Hyland. Consideration should be given to scaling this number back in future years.
- This oversubscription affects the race area on North, and also causes crowding on Center/South areas also which affects the free skiers who want to enjoy Hyland. Parking and traffic jams are concerns also.
 - Some people will not go to Hyland because of this crowding.
- This is not only dangerous, but it also diminishes the quality of experience for all patrons at Hyland.
 - This overcrowding also impacts traffic, pick-ups and drop-offs for other patrons.
- **Team Gilboa opens their registration in July so timing is of the essence.**

Additional Requested for 2023-2024 Season

We respectfully request that TRPD/Hyland Hills implement the following solutions:

1. Develop a list of Safety Recommendations and formalize these into procedures at Hyland, with input gathered from ski patrol, Snowsports staff, race coaches and citizens. Examples: More fencing to keep people safe from collisions. *Please see attached document for details.*
 - a. *Please Consider Engaging a ski industry specific expert on safety for an assessment and recommendations*
2. Replace the dilapidated start ramp on lanes 1/2/3 to mitigate the current hazard.
3. Develop a transparent process whereby race training facilities are allocated equally and fairly to all teams/clubs/children – and on a fair rotational basis when conflicts occur. This includes practice times, hill space (e.g., lanes) and start ramps.
4. Offer the same subsidies to all programs/teams/clubs at Hyland as is offered to Team Gilboa. Or terminate the subsidies for Team Gilboa.

5. If the warming house that Gilboa occupies is owned by TRPD due to “conveyance” per park policy, then make it available to all children or put it out for bid for other groups.
6. Stop retaliating against people who speak up (e.g., whistleblowers) for fairness and make Hyland Hills a better facility. Also, stop retaliating against certain teams/clubs whose children are impacted.
7. Issue an apology to the public for the past inequities and retaliation that has occurred.

We look forward to your response to this letter and a timeline for how you will proceed to answer our questions and address our concerns.

- Please note that we are not asking for minor changes regarding these concerns.
- We are asking for a thorough investigation and comprehensive solutions that address the root causes of these problems so that these situations are remedied for the 2023-2024 season and don't keep perpetuating for another 20-25 years.

Again, the problems identified are not difficult to address if TRPD is committed to safety, DEI, financial transparency/accountability and non-retaliatory relationships with staff and citizens.

Thank you for your consideration. We kindly request a response by June 15th, 2023.

Sincerely,

Friends of Hyland

Please direct responses to: Email: FriendsofHyland@yahoo.com

Attachments

1. Addendum: Additional Questions and Supporting Details TRPD (Document)
2. Lane Assignment Schedule 2022-2023 with Analysis (Spreadsheet)
3. Estimated Financial Favors to Team Gilboa (Spreadsheet)