

RESOLUTION NO. 2010-276

A RESOLUTION RELATING TO USE OF THE PARKER SPORTS COMPLEX BY INDEPENDENT SANCTIONING AUTHORITIES; PROVIDING FOR A USE AND LICENSE AGREEMENT; PROVIDING FOR SEVERABILITY; REPEALING ALL OTHER RESOLUTIONS IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Parker, Florida ("City") owns certain recreational facilities comprising the Parker Sports Complex ("Complex");

WHEREAS, certain independent sanctioning authorities desire to utilize the Complex in connection with youth athletic teams and leagues;

WHEREAS, youth league activities promote healthy choices for children;

WHEREAS, the safety and protection of children is paramount to the City.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PARKER, FLORIDA AS FOLLOWS:

SECTION 1. Definitions.

(1) In addition to the terms defined elsewhere in this Resolution, the following terms shall have the meaning ascribed to them in this Resolution, unless the context clearly dictates otherwise:

(a) "Athletic coach" means a person who:

1. Is authorized by an independent sanctioning authority to work for 20 or more hours within a calendar year,

whether for compensation or as a volunteer, for a youth athletic team based in this City or utilizing the Complex; and

2. Has direct contact with one or more minors on the youth athletic team.

(b) "Independent sanctioning authority" means a private, nongovernmental entity that organizes, operates, or coordinates a youth athletic team in this state if the team includes one or more minors and is not affiliated with a private school as defined in s. 1002.01, Florida Statutes.

SECTION 2. Background screening requirements. Until and unless superseded by state law, no independent sanctioning authority shall be permitted to organize, operate, coordinate, sanction, sponsor or otherwise control play or tournaments in the City at the Complex unless it has done each and every one of the following:

(a) 1. Conducted a background screening of each current and prospective athletic coach. No person shall be authorized by the independent sanctioning authority to act as an athletic coach unless a background screening has been conducted that did not result in disqualification under paragraph (b). Background screenings shall be conducted annually for each athletic coach. For purposes of this Resolution, a background screening shall be conducted with a search of the athletic coach's name or other identifying information against state and federal registries of

sexual predators and sexual offenders, which are available to the public on Internet sites provided by:

a. The Department of Law Enforcement under s. 943.043, Florida Statutes; and

b. The Attorney General of the United States under 42 U.S.C. s. 16920.

2. For purposes of this Resolution, a background screening conducted by a commercial consumer reporting agency in compliance with the federal Fair Credit Reporting Act using the identifying information referenced in subparagraph 1 and that includes searching that information against the sexual predator and sexual offender Internet sites listed in sub-subparagraphs 1.a. and b. shall be deemed in compliance with the requirements of this section.

(b) Disqualified any person from acting as an athletic coach if he or she is identified on a registry described in paragraph (a).

(c) Provided, within 7 business days following the background screening under paragraph (a), written notice to a person disqualified under this Resolution advising the person of the results and of his or her disqualification.

(d) Maintained documentation of:

1. The results for each person screened under paragraph (a); and

2. The written notice of disqualification provided to each person under paragraph (c).

The City reserves the right to require additional background investigations at the sole expense of the independent sanctioning authority and certification of such in accordance with Section 3 below.

SECTION 3. Certification to City. The following are conditions to the use of the Complex by the independent sanctioning authority. The independent sanctioning authority shall submit a complete list of all officers, directors, managers, athletic coaches, and participants to the City prior to each Event. The President or head of each independent sanctioning authority shall certify each year to the City within 60 days prior to the beginning date of each Event that all of the foregoing has been done and shall continue to be fully complied with during the time in which the independent sanctioning authority is involved in youth athletic teams that utilize the Complex.

SECTION 4. City Reservation. In lieu of or in addition to requiring compliance by the independent sanctioning authority with Sections 2 and 3 above, the City may conduct its own background screening or a sexual offender/predator check of each athletic coach, at the expense of the independent sanctioning authority, or may require and conduct more extensive background investigations as the City Council may deem appropriate, at the expense of the

independent sanctioning authority.

SECTION 5. Recreational Facility Use Agreement and other City Documents. The Mayor is hereby authorized and directed to approve, execute and deliver, and if necessary, to ratify on behalf of the City, a Recreational Facility Use Agreement ("Agreement") in substantially the form attached hereto, with such changes, insertions, deletions, alterations or corrections approved by the Mayor and/or the City Attorney and the execution of such Agreement shall be conclusive evidence of such approval. The fees for the use of all or a portion of the Complex shall be set forth in the Agreement. In addition, anyone desiring to use the Complex shall complete a Facility Use Request and any other documents required by the City and shall be subject to any rules imposed by the City. Further, any parent or guardian of a child or a participant if an adult who would be using the facilities at the Complex by virtue of an independent sanctioning authority shall sign a release of the City prior to being allowed to use the Complex.

SECTION 6. Records. Independent sanctioning authorities subject to this Resolution shall retain and make available to the City and the City's agents or employees for inspection and copying all records of information obtained pursuant to mandates of this Resolution. Each athletic coach authorizes their respective independent sanctioning authority to retain such records and to produce them in accordance with this Resolution. Further, each

athletic coach specifically authorizes the City and its designated agents or employees to review and copy such records.

SECTION 7. Encouraging Participation in Volunteer and Employee Criminal History System. In addition to the foregoing, the City encourages independent sanctioning authorities for youth athletic teams to participate in the Volunteer and Employee Criminal History System, as authorized by the National Child Protection Act of 1993 and s. 943.0542, Florida Statutes.

SECTION 8. In the event that the City authorizes the preparation, service and/or sale of food or beverages by an independent sanctioning authority, that independent sanctioning authority shall be completely responsible for obtaining all necessary permits and authorizations to conduct such operations and for ensuring compliance with all local, state and federal laws and regulations for such.

SECTION 9. Termination. The failure or refusal of any independent sanctioning authority to comply with all of the terms of this Resolution or of the Agreement shall result in the immediate termination of such Agreement and the denial by the City of the use of the Complex by such independent sanctioning authority.

SECTION 10. Severability.

If any section, subsection, sentence, clause, phrase, word or

provision of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Resolution.

SECTION 11. Repeal of Conflicting Resolutions.

All resolutions or portions thereof of the City of Parker in conflict with the provisions of this Resolution are hereby repealed to the extent of such conflict.


SECTION 12. Effective Date.

This Resolution shall take effect immediately upon its passage.

PASSED, APPROVED AND ADOPTED at a meeting of the City Council of the City of Parker on this 2nd day of March, 2010.


BRENDA G. HENDRICKS, MAYOR

ATTEST:


ADONNA MULLEN, CITY CLERK

Examined and approved by me, this 2nd day of March, 2010.


BRENDA G. HENDRICKS, MAYOR