

**Town of Dallas**

**Agenda**

**April 23, 2018**

**5:00 PM**

**BOARD OF ALDERMEN – WORK SESSION**

**Rick Coleman, Mayor**

**Allen Huggins**

**Darlene Morrow**

**Stacey Thomas**

**Jerry Cearley, Mayor Pro-Tem**

**E. Hoyle Withers**

**ITEM SUBJECT**

**Pages**

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- 1. Pledge of Allegiance to the Flag**
  - 2. Approval of Agenda with Additions Or Deletions**
  - 3. New Business**
    - A. Open Gym Policy 2
    - B. Request to Fund Fireworks Display 5
    - C. Request for Donation to Boys & Girls Club 7
    - D. NC Neighborhood Revitalization Program (CDBG Grant) 14
    - E. Volunteer Screening Policy 15

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Open Gym Policy

AGENDA ITEM NO. 3A

MEETING DATE: 4/23/2018

### BACKGROUND INFORMATION:

Steve Aloisa, Parks and Recreation Director, has developed a proposed policy/registration form to facilitate Open Gym activities for possible activities beginning mid to late summer 2018. A copy of the proposal is attached.

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### MANAGER'S RECOMMENDATION:

Review the proposed policy/registration form and provide input for possible approval.

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### BOARD ACTION TAKEN:

Dallas Parks and Recreation  
Open Gym Basketball Registration Form

**PARTICIPANT CONTACT INFORMATION**

Participant's Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Are you covered by insurance?  Yes  No Insurance Provider \_\_\_\_\_

Do You Have Any Medical Condition:  Yes  No

If YES, explain: \_\_\_\_\_

**EMERGENCY CONTACT INFORMATION**

Emergency Contact Name: \_\_\_\_\_

Home Phone: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Relation To Participant: \_\_\_\_\_

**OPEN GYM BASKETBALL RULES**

1. Each participant must have a signed waiver and rules form in order to play.
2. The Gym Supervisor has final decision on all disputes.
3. You cannot sign up for another game until your current game has been completed.
4. You cannot sign up for other players. All players must sign their own name.
5. You must sign your name legibly, (PRINT NAME), Failure to do so will result in loss of play.
6. No hanging on rims (DUNKING IS ALLOWED). Failure to comply may result in suspension of playing privileges.
7. ALL GAMES WILL HAVE A 13 MINUTE TIME LIMIT.
8. ALL GAMES WILL BE PLAYED TO STRAIGHT 12 BY 1s and 2s.
  - a. In event of a tie game will be 2 minute over-time period.
  - b. If a tie remains teams will have a shoot off (3 pointer) to determine winner.
9. PLAYERS WILL CALL THEIR OWN FOULS.
10. Winners play on; all others must sign up the next open spot on wait list to continue.
11. If you're not present when your game is scheduled to begin or name is called you forfeit your spot and must sign back up.
12. RESPECT EACH OTHER'S CALLS!!!
  - a. If there is a dispute over call, individual that made call must shoot for ball.
13. NO EXCESSIVE ARGUING!!!
  - a. Failure to adhere will result in FORFEITURE OF CURRENT GAME FOR BOTH TEAMS and TWO NEW TEAMS will begin play...To be determined by Gym Supervisor.
14. SHIRTS must be worn at all times.
15. NO SMOKING OR ALCOHOL ALLOWED ON PREMISES. (ZERO TOLERANCE)
16. NO PROFANITY OR VERBAL ABUSE TOWARDS PLAYERS OR STAFF(ZERO TOLERANCE)
  - a. Failure to adhere to this rule will result in suspension of participation in all Dallas Parks and Recreation Department programs for a time period of one (1) month.
17. NO FIGHTING (ZERO TOLERANCE)
  - a. Failure to adhere to this rule will result in suspension of participation in all Dallas Parks and Recreation Department programs for a time period of one (1) year. The proper authorities (Dallas Police Department) will also be notified of your involvement in any altercations occurring during your participation in this program.
18. HAVE A GOOD TIME, HAVE FUN, AND PLEASE RESPECT ALL RULES SO THAT OTHERS CAN HAVE FUN ALSO!!!

**PLEASE COMPLETE THE WAIVER AND LIABILITY RELEASE ON REVERSE SIDE**

**WAIVER AND LIABILITY RELEASE  
OPEN GYM BASKETBALL  
TOWN OF DALLAS  
PARKS AND RECREATION DEPARTMENT**

**I, THE UNDERSIGNED, AM AWARE THAT SERIOUS ACCIDENTS OCCASSIONALLY OCCUR DURING OPEN GYM ACTIVITIES, AND THAT PARICIPANTS SUSTAIN PERSONAL INJURY/DEATH AND/OR PROPERTY DAMAGE, AS A CONSEQUENCE THEREFORE.** I understand that included among the dangerous elements of the sport of Basketball, is the risk of injury as a result of being struck by another player or equipment. I understand that there is a risk of injury to ankles, knees, and legs, along with other parts of the body due to running, jumping, quick and abrupt starts and stops, and that the basketball court and surrounding areas of the court cannot be ensured to be free of defects, and that there is the risk of injury as a result of tripping on an unknown hazard on or nearby the court itself. I understand that in addition to the above-mentioned risks, there are unpredictable dangers involved in this sport. **I HEREBY ASSUME THESE RISKS OF PARTICIPATION IN THE OPEN GYM PROGRAM**

**PLEASE INITIAL \_\_\_\_\_**

In return for allowing my participation, I hereby waive, release and discharge any and all claims for damages for death, personal injury, disability or property damage of any kind which may hereafter accrue to me as a result of my participation in this activity. This release is expressly intended to discharge in advance the Town of Dallas and its employees, agents, contract staff, and volunteers from and against all liability in any way with my participation in this activity. **THIS RELEASE WILL APPLY EVEN THOUGH LIABILITY MAY ARISE OUT OF NEGLIGENCE OR CARELESSNESS ON THE PART OF THOSE DISCHARGED INCLUDING THEIR EMPLOYEES, AGENTS, CONTRACT STAFF, AND VOLUNTEERS.**

I further agree to indemnify and hold harmless the entities and persons herein released from any and all claims made by other individuals or entities as a result any actions during my participation in this event.

This waiver and Liability Release shall apply to me, as well as my heirs, executors, or administrators.

By my signature below, I hereby certify and acknowledge that I have read this document and understand each and every paragraph contained in this waiver. I am aware that this is a full release of liability on behalf of the Town of Dallas as described above and sign it of my own free will.

\_\_\_\_\_  
**Signature of Participant**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Signature of Parent**

\_\_\_\_\_  
**Date**

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Request to Fund Fireworks Display

AGENDA ITEM NO. 3B

MEETING DATE: 4/23/2018

### BACKGROUND INFORMATION:

At the April 9<sup>th</sup> meeting, Sheriff Alan Cloninger made a request that the Town consider taking over the funding and coordination of the annual Polie Q. Cloninger Fireworks event. This event began as a Cloninger family event held on private property. Due to growth of the event, approximately 9 years ago the location was moved from Cloninger family property to Cloninger Park in Dallas. At this time, the Town began funding advertising and live music for the event, as well as donating use of the park and providing in-kind Town services such as personnel support, porta-johns, and area clean-up. A group of private citizens and business owners have raised the funds to pay for the fireworks, performed all preparatory work on the fireworks, and facilitated the fireworks display.

Sheriff Cloninger's request was for up to \$10,000 for fireworks and related costs. Currently, the Town spends a projected \$9,131 on the event, not including funding the fireworks display. A breakdown of projected costs is attached.

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### MANAGER'S RECOMMENDATION:

Determine if the Town has the desire to fund and coordinate the fireworks display as requested and determine a comfortable expenditure level within the budget.

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### BOARD ACTION TAKEN:

## July 4th Event - Projected Costs

Band		\$3,100
	Fee	\$3,000
	Food/Beverage	\$100
Stage		\$750
Advertising		\$650
Personnel		\$4,631
	Admin	\$495
	Fire	\$186
	Police	\$1,641
	Public Works	\$1,537
	Electric	\$772
	<b>Grand Total Projected Costs</b>	<b>\$9,131</b>

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Request to Fund Dallas Boys and Girls Club

AGENDA ITEM NO. 3C

MEETING DATE: 4/23/2018

### BACKGROUND INFORMATION:

At the April 9<sup>th</sup> meeting, Sheriff Alan Cloninger made a request that the Town consider making a three year commitment to fund a Dallas Chapter of the Boys and Girls Club for \$50,000 each year. A local Board of Directors has been formed to facilitate the start up in August of a club to provide after school and summer care targeted to lower income families. Currently, the Boys and Girls Club of Greater Gaston has two locations in Gastonia and one in Bessemer City.

Venture Church as agreed to donate a building facility, including utility costs. Carr Elementary School would utilize a bus from the school to transport children to the after school club.

Based on NC General Statute §160A-456(a)(2), a municipality is able to expend funds for community development programs *concerned with child care needs of persons of low and moderate income.*

Attached is supplemental information concerning donations to non-profit organizations and procedures to carry out those donations, as well as information concerning responsibilities of non-profits receiving public monies.

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### MANAGER'S RECOMMENDATION:

Consider a donation to the Boys and Girls Club at a level significantly below the requested amount for a period of one year providing a written agreement for financial reporting and support documents verifying use of public money for only low and moderate income family child care.

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### BOARD ACTION TAKEN:

## Maria Stroupe

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**From:** Millonzi, Kara Anne <Millonzi@sog.unc.edu>  
**Sent:** Wednesday, April 11, 2018 10:39 AM  
**To:** Maria Stroupe  
**Subject:** Re: Question on Non-Profit Donation by Municipality

Hi Maria – The town does not have authority simply to make a donation to a private entity, including a nonprofit. The town could, however, enter into a contractual agreement with the Boys and Girls club to provide a specific service or activity on behalf of the town. The town would have to have statutory authority to engage in the service or activity itself, in order to enter into such a contract.

Regards,  
Kara

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**From:** Maria Stroupe <mstroupe@dallasnc.net>  
**Date:** Tuesday, April 10, 2018 at 11:41 AM  
**To:** "Allison, Gregory S" <Allison@sog.unc.edu>, "Millonzi, Kara Anne" <Millonzi@sog.unc.edu>  
**Subject:** Question on Non-Profit Donation by Municipality

There is a group trying to set up a Boys and Girls Club for Dallas community. This will be a sub-chapter of the Boys and Girls Club in neighboring Gastonia. They have approached the Town asking for a sizable donation commitment for the next three years to help with operational costs. Is this an allowable donation for the Town?

Thank you,

*Maria Stroupe*

Town Manager  
Town of Dallas  
210 N. Holland St.  
Dallas, NC 28034  
704-922-3176  
704-922-4701 (Fax)



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## Coates' Canons Blog: Local Government Appropriations/Grants to Private Entities

By Kara Millonzi

Article: <https://canons.sog.unc.edu/local-government-grants-to-private-entities/>

This entry was posted on June 17, 2010 and is filed under Budgeting & Appropriations, Finance & Tax

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**UPDATE August 2013: In 2012 the General Assembly imposed additional accountability requirements on nonprofit corporations that receive over \$5000 of public funds within a fiscal year from grants, loans, or in-kind contributions. [Click here](#) to learn more about the requirements.**

At the local government's budget hearing, representatives from several private entities make requests for grants from the unit. A religious organization wants funds to organize a community festival. A local non-profit agency, trying to survive in the tough economic climate, seeks funds to finance its general operations. The local Rotary Club asks that the local government become a dues paying member. A homeowners' association requests money to improve its privately owned and maintained water system. A small company asks the unit to subsidize the company's capital expansion.

These requests may sound familiar. Local government officials typically field a myriad of similar requests around budget time. The requests often come from local non-profit agencies, some with religious affiliations. Requests also come from a variety of other sources, though, including corporations, loosely affiliated community groups, and even individuals. And, the purposes for the requests vary greatly—from seeking limited funding for a specific activity, to requesting funding to support the general operations of an organization, to asking for funding for major capital projects. May a county or city appropriate moneys to these private entities?

### Grants to Private Entities

The short answer to this question is "it depends." But on what exactly does it depend? Local government officials often believe that it depends on who is asking for the funds. For example, many officials think that it likely is appropriate for a unit to give funds to a local non-profit agency or local Rotary Club, but that it is not appropriate for the unit to provide funds to a religious organization or corporation. In fact, this is not the case. Whether or not a local government may give a grant to a private entity does not depend on the type of private entity asking for the funds; instead the answer to the question depends on the purpose for which the funds ultimately will be spent.

**Constitutional Authority and Requirements.** **Article V, Section 2(7) of the North Carolina Constitution** permits the General Assembly to authorize local governments to "contract with and appropriate money to any person, association, or corporation for accomplishment of public purposes only." And, in fact, **all expenditures of public funds must satisfy the North Carolina Constitution's public purpose requirement.** See **N.C. Const. Art. V, Sect. 2(1).** I discussed the contours of this requirement in a previous [post](#), but generally the provision requires that all public funds, no matter what their source, be expended for the benefit of the citizens of a unit generally, and not solely for the benefit of particular persons or interests.

**Statutory Authority and Requirements.** **Furthermore, satisfying the public purpose requirement is necessary but not sufficient.** A local government also must have **statutory authority to expend public funds for a particular purpose.** See *Hughey v. Cloninger*, 297 N.C. 86 (1979). The General Assembly has authorized both counties and municipalities to "appropriate money to any person, association, or corporation . . ." **G.S. 160A-20.1** (municipalities); **G.S. 153A-449** (counties). There is an important limitation on this authority, though. The appropriations ultimately must be used to "carry out any public purpose that the [local governments are] authorized by law to engage in." *Id.*

Thus, the statutory authorization incorporates the constitutional public purpose requirement. It also places a further limitation on the appropriation of public funds to private entities—the private entity that receives the public funds is limited to expending those funds only on projects, services, or activities that the local government could have supported directly.





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In other words, if a municipality or county has statutory authority to finance a particular program, service or activity, then it may give public monies to a private entity to fund that program, service, or activity. But, a municipality or county may not grant public monies to any private entity, including non-profit agencies or other community or civic organizations, if the monies ultimately will be spent on a program, service, or activity that the government could not fund directly. This authority allows local governments to contract with private entities to operate government programs or provide government services. It also allows local governments to support private entities, at least to the extent that those private entities seek to provide programs, services, or activities that a local unit could provide directly.

For example, a local unit may appropriate funds to a religious organization to fund a community festival that is open to all citizens of the unit because the local unit may support such an activity directly. A unit may not appropriate funds to that same religious organization, however, to finance the installation of a new roof on a church, synagogue, mosque, or other religious structure because the unit does not have authority to spend monies directly on this type of project. Perhaps a more common example arises when a local unit is asked to become a dues paying member of a civic or community organization, such as a chamber of commerce or rotary club. The local government must be very careful to ensure that its dues are expended only for purposes that the government could have funded directly. A safer approach is to ask the organization to make a request for funds for a specific project, service, or activity.

### Loans to Private Entities

What about loans to private entities? The statutes cited above specifically authorize “appropriations” to private entities under certain circumstances but are silent with respect to the authority to loan public funds. The authority to appropriate monies to a private entity likely also includes the authority to loan monies to that entity. Thus, to the extent that a local government has authority to appropriate monies to a private entity for a particular purpose, it also has authority to loan monies to the private entity for that same purpose.

### Non-legal Considerations

As a threshold matter, a local government must ensure that any appropriations or loans to private entities fall within the contours of the unit’s constitutional and statutory authority. Before making grants or loans to private entities, local government officials also should consider a number of practical and strategic considerations, including how the governing board will choose among a number of competing requests for limited public funds, and whether only certain types of entities are eligible to receive government grants or loans. Local governments often benefit from developing detailed policy guidelines governing both the process for requesting and the process for granting requests for public funds by private entities.

### Ensuring Appropriate Expenditures by Private Entities

Finally, once a local government gives or loans public monies to a private entity for a particular purpose, does the local government have any obligation to make sure that the monies are appropriately spent? The answer to this question is “yes.” **A unit’s governing board is responsible for ensuring that public funds ultimately are spent for a statutorily authorized public purpose, even after those funds are appropriated to a private entity.** There are a number of ways that a local government may go about monitoring the expenditures of public funds by a private entity—and the methods likely will vary depending on the size of the unit and the types of expenditures at issue.

The North Carolina Supreme Court has provided some guidance to local governments on this issue—sanctioning a particular oversight method in *Dennis v. Raleigh*, 253 N.C. 400 (1960). That case involved a challenge to an appropriation of funds by the City of Raleigh to a local chamber of commerce, to be spent on advertising the city. The chamber of commerce engaged in a variety of activities, some of which were unlikely to be considered public purposes. Thus, the city sought to ensure that the public funds it appropriated to the chamber of commerce were spent appropriately. The city put in place three separate “controls.” First, the appropriation to the chamber of commerce was specific—it stated that the monies were to be used “exclusively for . . . advertising the advantages of the City of Raleigh in an effort to secure the location of new industry.” Second, the city council reserved the right to approve each specific piece of advertising. Third, the chamber of commerce had to account for the funds at the end of the fiscal year. On the basis of the control exercised by the city over the expenditure of the public funds, the court upheld the appropriation.

Note that the first and third “controls” placed on the chamber of commerce by the City of Raleigh in *Dennis* likely are

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particularly instructive. These controls parallel the appropriation and annual audit requirements placed by the **Local Government Budget and Fiscal Control Act** on moneys spent directly by a municipality or county. At a minimum, a local government should provide clear guidelines and directives to the private entity as to how and for what purposes public monies may be spent, and the unit should require some sort of accounting from the private entity that it fully performed its contract obligations. (Note that the accounting does not have to rise to the level of an official audit, although **G.S. 159-40** authorizes local governments to require non-profit agencies that receive \$1,000 or more in any fiscal year (with certain exceptions) to have an audit performed for the fiscal year in which the funds are received and to file a copy of the report with the local government.)

## Links

- [www.ncga.state.nc.us/Legislation/constitution/article5.html](http://www.ncga.state.nc.us/Legislation/constitution/article5.html)
- [canons.sog.unc.edu/?p=1608](http://canons.sog.unc.edu/?p=1608)
- [www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_160A/GS\\_160A-20.1.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_160A/GS_160A-20.1.html)
- [www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_153A/GS\\_153A-449.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_153A/GS_153A-449.html)
- [www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/ByArticle/Chapter\\_159/Article\\_3.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_159/Article_3.html)
- [www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_159/GS\\_159-40.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_159/GS_159-40.html)





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## Coates' Canons Blog: Accountability Requirements for Certain Entities that Receive Appropriations from Local Governments

By Kara Millonzi

Article: <https://canons.sog.unc.edu/accountability-requirements-for-certain-entities-that-receive-appropriations-from-local-governments/>

This entry was posted on September 07, 2012 and is filed under Budgeting & Appropriations, Finance & Tax

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As discussed in a previous [post](#), local governments have broad authority to appropriate monies to private entities (including nonprofits, corporations, associations, and individuals). The monies, however, must be expended by the private entities only on projects, services, or activities that the local government could have supported directly. In other words, if a municipality or county has statutory authority to finance a particular program, service, or activity, then it may give public monies to a private entity to fund that program, service, or activity. But a municipality or county may not grant public monies to any private entity, including a nonprofit agency or other community or civic organization, if the monies ultimately will be spent on a program, service, or activity that the government does not have statutory authority to fund directly.

According to the North Carolina Supreme Court, a unit's governing board is responsible for ensuring that any funds appropriated to a private entity are spent for a statutorily authorized public purpose. See *Dennis v. Raleigh*, 253 N.C. 400 (1960). How does a local government satisfy this oversight requirement? Generally, a local governing board has much discretion in establishing accountability criteria for grantees. Effective October 1, 2012, however, the General Assembly will require certain entities that receive public funds—namely nonprofit corporations—to comply with specified transparency requirements.

Specifically, [S.L. 2012-169](#) requires a nonprofit corporation that receives over \$5,000 of public funds (from a local government, the State, or the federal government) within a fiscal year in grants, loans, or in-kind contributions, to provide the following information upon written request from any member of the public:

- (1) The nonprofit's latest financial statements. The financial statements must include a balance sheet as of the end of the fiscal year and statement of operations for that year. They also must contain "details about the amount of public funds received and how those funds were used."
- (2) The nonprofit's most recently filed Internal Revenue Service (IRS) Form 990, Form 990-EZ or a copy of its Form 990-N submittal confirmation. A nonprofit may redact information not required for public disclosure pursuant to 26 U.S.C. § 6104(d)(3). Alternatively, a nonprofit may satisfy this requirement if it posts this information on its website or if another entity posts the information as part of a database of similar documents. The information must be accessible by the general public without charge. Also, if another entity maintains the information, the nonprofits must include a link to the other entity's website on its own website.

The act exempts a few entities from disclosing this information because they already are required to report it to a state agency—(1) nonprofits required to report to the NC Medical Care Commission; (2) nonprofits required to report to the Local Government Commission; and (3) certain private colleges required to report to the State. These entities must provide information on their public websites about how to access the information, though.



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In addition to these new requirements, G.S. 159-40 allows a city or county that appropriates at least \$1,000 in any fiscal year to a nonprofit entity to require that the nonprofit "have an audit performed for the fiscal year in which the funds are received. . . ." and file a copy of that audit with the local government. There are certain entities that are exempt from this requirement, including volunteer fire departments, rescue squads, and ambulance squads. A local government still may require these entities (and all other private entities and individuals that receive public funds) to provide an accounting of how the monies are spent and to comply with other requirements as a condition of receiving the funds. These requirements should be spelled out clearly in a contractual agreement between the local government and the grantee.

## Links

- [www.ncga.state.nc.us/Sessions/2011/Bills/House/PDF/H572v6.pdf](http://www.ncga.state.nc.us/Sessions/2011/Bills/House/PDF/H572v6.pdf)
- [www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter\\_159/GS\\_159-40.html](http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_159/GS_159-40.html)

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: NC Neighborhood Revitalization Program

AGENDA ITEM NO. 3D

MEETING DATE: 4/23/2018

### BACKGROUND INFORMATION:

Information has been received that funding is being made available for CDBG grants to non-entitlement governments that could be used for rehabilitation, substantial rehabilitation, and emergency repairs for owner-occupied houses. Information was just received concerning this item, so more information will be given at the work session.

### MANAGER'S RECOMMENDATION:

Discuss applying for the CDBG funds that could be used for repairs to owner-occupied homes in Dallas.

### BOARD ACTION TAKEN:

# TOWN OF DALLAS, NORTH CAROLINA

## REQUEST FOR BOARD ACTION

DESCRIPTION: Volunteer Screening Policy

AGENDA ITEM NO. 3E

MEETING DATE: 4/23/2018

### BACKGROUND INFORMATION:

Steve Aloisa, Parks and Recreation Director, has developed a proposed policy outlining a screening policy for volunteers that work with children in the Town's Recreation Programs. This policy specifically outlines reasons a person would be disqualified as a volunteer based on information received from a background check.

Currently, background checks are performed on volunteers, but there are no standardized guidelines to determine disqualification.

The proposed policy is attached.

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### MANAGER'S RECOMMENDATION:

Review the proposed policy and provide input for possible approval.

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### BOARD ACTION TAKEN:



## Town of Dallas, NC

### Volunteer Screening Policy

#### **Description**

In order to preserve the safety and wellbeing of participants in its youth Recreation and programs, activities and events as well as other youth programs offered by the Town of Dallas ("Town"), the Town will conduct background checks on all individuals applying to volunteer in all such programs. Background checks will also be performed on all individuals applying to work as sports officials, scorekeepers, and program supervisors.

Volunteers will be required to sign an authorization form which will provide date of birth, Social Security Number, and current address, authorizing the Town to order an individual criminal background check. All authorization forms and results of screening must be received prior to the start of volunteer duties.

This policy will include all volunteers and paid individuals who, in the course of their service, have the opportunity to be alone with children during activities scheduled for Town sponsored youth programs.

Others with incidental contact with children will not be subject to provisions of this policy at this time, although the Town reserves the right to conduct random checks of all volunteers working programs/events involving children. To the extent provided by Chapter 132 of the North Carolina General Statutes, all information received as a result of the screening will be kept confidential and not disclosed to anyone outside the Town. All authorization forms, records or reports shall be maintained in a confidential manner, and kept for a fixed period of time as set by the Town's record retention policy.

If any disqualifying information is found that prevents an applicant from being accepted, the Town will be responsible for notifying applicant of disqualification in a confidential manner. In the event the applicant feels a mistake has been reported in their criminal background check, it is the applicant's responsibility to contact the Town and resolve any issues. The Town and its employees are not responsible for errors or omissions that may be reported on background checks.

#### **Frequency of Background Investigations**

Only one background check is necessary per year regardless of the number of different sensitive positions a volunteer may fill during any year. The initial authorization release signed by the volunteer applicant specifically states that the release shall remain in effect until revoked in writing.

#### **Criteria for Exclusion**

##### **Disqualifying Factors**

A person will be disqualified and prohibited from serving as a volunteer if the person has been found guilty of any of the following crimes or has pending charges as identified below:

(Guilty means that a person was found guilty following a trial, entered a guilty plea or entered a no contest plea accompanied by a court finding of guilty, regardless of whether there was an adjudication of guilt (conviction) or a withholding of guilt. This recommendation does not apply if criminal charges resulted in acquittal or dismissal.)



## **DISQUALIFICATION BASED ON OFFENSE:**

### **SEX OFFENSES**

**All Sex Offenses** – Regardless of the amount of time since offense. **Examples include:** child molestation, rape, sexual assault, sexual battery, sodomy, prostitution, solicitation, indecent exposure, etc.

### **FELONIES**

**All Felony Violence** – Regardless of the amount of time since offense. **Examples include:** murder, manslaughter, aggravated assault, kidnapping, robbery, aggravated burglary, child endangerment etc.

**All Felony offenses other than violence or sex within the past 10 years.** **Examples include:** drug offenses, theft, embezzlement, fraud, etc.

### **MISDEMEANORS**

All misdemeanor violence involving a minor (unless the applicant was themselves a minor) – regardless of the amount of time since the offense. All misdemeanor drug & alcohol offenses involving a minor (unless the applicant was themselves a minor) – regardless of the amount of time since the offense. **All other misdemeanor violence offenses within the past 7 years** **Examples include:** simple assault, battery, domestic violence, hit and run, etc.

**All misdemeanor drug & alcohol offenses within the past 5 years or more than one offense in the past 10 years** regardless of whether the offense involved a minor. **Examples include:** driving under the influence, simple drug possession, drunk and disorderly, public intoxication, possession of drug paraphernalia, etc.

**Any other felony or misdemeanor within the past 5 years that would be considered a potential danger to vulnerable populations**

**Any felony or misdemeanor convictions for which individual accepted through plea bargaining or other legal action a lesser plea conviction than that original charge that involved any of the above listed.**

**Any felony or misdemeanor conviction or pending charges which involve a crime against a member of the vulnerable population or pending charges of felonies or misdemeanors as listed within this procedure**

### **PENDING CASES**

Any applicant who has been charged with any of the disqualifying offenses will not be allowed to volunteer until disposition of the charge. A serving volunteer who has been charged with any of the disqualifying offenses will have their service suspended until disposition of the charge.

A volunteer must immediately inform the City of any charge(s) that has been filed against the volunteer and which, if convicted, would cause them to be disqualified as a volunteer as stated in this policy. Failure to do so may result in further penalties including permanent disqualification.

The Background Check Process is an ongoing process and is subject to review and changes as determined necessary by the Town in administering its Volunteer Program