

RESOLUTION 21-1885

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS ADOPTING A BACKGROUND CHECK POLICY FOR ADULT MEMBERS OF THE YOUTH ADVISORY COMMITTEE

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAGO VISTA, TEXAS, THAT:

WHEREAS, on February 15, 2018; the City Council passed and approved Resolution 18-1744 establishing the Youth Advisory Committee; and

WHEREAS, the Youth Advisory Committee was created to receive input from citizens of a variety of age groups and to provide community service opportunities for young Lago Vista residents; and

WHEREAS, on March 1, 2021 City Council adopted Ordinance 21-04-01-02 reinstating the Youth Advisory Committee and adding an adult member to serve as a mentor and project manager.

WHEREAS, to protect the youth participating in the Youth Advisory Committee, the City Council finds it necessary and appropriate to require background checks of all adult members of the Committee, and.

BE IT RESOLVED that the City Council of the City of Lago Vista adopts the Youth Advisory Committee Adult Background Check Policy as reflected in Exhibit A attached hereto and incorporated herein.

PASSED AND APPROVED by the City Council of the City of Lago Vista this the 15th day of April 2021.



by: Ed Tidwell
Ed Tidwell, MAYOR

ATTEST:

Sandra Barton
Sandra Barton, CITY SECRETARY

Exhibit A

Youth Advisory Committee Adult Member Background Check Policy

Youth Advisory Committee Adult Member Background Check Policy

Background Checks Policy

The City of Lago Vista (City) is committed to the protection of all youth who are associated with City Youth Advisory Committee. The City desires to establish a background check policy, requiring a criminal background check of all adults appointed to Youth Advisory Committee because they will have direct repetitive contact with children participating in the Committee. The City will carry out this requirement in a fair, consistent and non-discriminatory manner, complying with applicable state and federal laws and guidelines, including the Fair Credit Reporting Act and the Equal Employment Opportunities Commission.

The City utilizes name-based or fingerprint-based systems to obtain data for individual background checks, but at a minimum each individual background check shall include:

(a) verification of the individual's identity and legal aliases, (b) a national search of sex offender registries and (c) a search of criminal records using the Texas Department of Public Safety. Background checks shall be conducted prior to volunteer service and renewed each twelve months. Other data may also be obtained, based on individual volunteer duties or responsibilities.

Background check findings shall be reviewed in a fair, impartial and confidential manner. Because Lago Vista's priority is the safety of the members of the Youth Advisory Committee certain actions and convictions for certain crimes serve to automatically disqualify applicants for volunteer service on the Youth Advisory Committee in any position that involves working with children. A person will be ineligible for service if the person:

- (1) refuses to consent to a criminal background check,
- (2) makes a false statement in connection with such criminal background check,
- (3) is registered, or required to be registered on any sex offender registry,
- (4) has been convicted of a felony,
- (5) or has been convicted within the past 5 years of a misdemeanor involving:
 - (a) physical assault or battery,
 - (b) drugs or controlled substances, or
 - (c) cruelty to animals.

With respect to convictions for crimes not listed above, any applicant with such a conviction shall be evaluated on an individual basis to determine whether they should be excluded from consideration based on the conviction. In so doing, The City shall consider the following factors:

- the nature and gravity of the offense;
- the time that has passed since the offense or completion of sentence; the nature of the position sought or held;
- the facts and circumstances surrounding the offense or conduct;
- the number of offenses for which the individual was convicted; the age of the individual at the time of conviction or release;

- rehabilitation efforts, e.g. education and/or training;
- employment or character references and any other information regarding fitness for the particular position; and
- whether the individual is bonded under a federal, state, or local bonding program.

The City shall alert the applicant to the possibility of his or her exclusion due to past criminal conduct and provide the applicant an opportunity to submit an explanation. All personal data, background check data and adverse action letters shall be treated as confidential and maintained in a secure location.

The City reserves the right to conduct criminal history checks on existing adult Youth Advisory Committee members at any time during their service, for any reason. Conduct constituting an offense, arrest or conviction that is discovered may result in removal from the Committee.