

## MARANA ORDINANCE NO. 2014.029

RELATING TO PARKS AND RECREATION; AMENDING MARANA TOWN CODE CHAPTER 13-2 (FINGERPRINTING AND CRIMINAL HISTORY RECORDS CHECKS OF PARKS AND RECREATION PERSONNEL AND VOLUNTEERS); AMENDING SECTION 13-2-3 (FINGERPRINTING OF CURRENT AND PROSPECTIVE PARKS AND RECREATION PERSONNEL AND VOLUNTEERS; CRIMINAL HISTORY RECORD INFORMATION) TO PROVIDE THAT FINGERPRINTING OF SPECIFIED PERSONNEL AND VOLUNTEERS SHALL BE PERMISSIVE RATHER THAN MANDATORY AND CLARIFYING REQUIRED FREQUENCY OF FINGERPRINTING; ADDING NEW SECTION 13-2-4 ENTITLED "ALTERNATIVE BACKGROUND INVESTIGATIONS"; AND DECLARING AN EMERGENCY

WHEREAS the Town Council is authorized by A.R.S. § 41-1750 to adopt an ordinance authorizing the Town to receive criminal justice information from state and federal criminal history repositories for the purpose of evaluating the fitness of current or prospective licensees, employees, contract employees or volunteers; and

WHEREAS the Town Council finds that the regulations established by this ordinance are necessary for the public health, safety and general welfare of the Town of Marana.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, AS FOLLOWS:

SECTION 1. Section 13-2-3 (Fingerprinting of current and prospective parks and recreation personnel and volunteers; criminal history record information) of the Marana Town Code is hereby revised as follows (with deletions shown with ~~strikeouts~~ and additions shown with double underlining):

### **13-2-3 Fingerprinting of current and prospective parks and recreation personnel and volunteers; criminal history record information**

- A. Each town of Marana parks and recreation department employee, contract employee or volunteer who works directly with children under the age of 18 or vulnerable adults and who has not furnished a full set of fingerprints to the town within 12 months of the effective date of this chapter, ~~shall~~ may be required, as a condition of continued employment, within 60 days of the effective date of this chapter and annually thereafter, to furnish a full set of fingerprints on a standard fingerprint card to the town. Any current employee, contract employee or volunteer who has furnished a full set of fingerprints to the town within 12 months of the effective date of this chapter,

shall not be required to furnish another set of fingerprints until 12 months has passed since the furnishing of the fingerprints.

- B. Each prospective town of Marana parks and recreation department employee, contract employee or volunteer who will work directly with children under the age of 18 or vulnerable adults ~~shall~~ may be required, as a condition of hire and annually thereafter, to furnish a full set of fingerprints on a standard fingerprint card to the town.
- C. Pursuant to A.R.S. § 41-1750 and Public Law 92-544, the town shall submit all fingerprints obtained pursuant to this chapter to the Arizona department of public safety for the purpose of obtaining state and federal criminal history record information. The Arizona department of public safety is authorized to exchange this fingerprint data with the federal bureau of investigation.
- D. For purposes of this section, a current or prospective parks and recreation employee, contract employee or volunteer may furnish a full set of fingerprints by resubmitting a previously-submitted full set of fingerprints if Arizona department of public safety protocols allow for resubmission of the fingerprints.

SECTION 2. New section 13-2-4 entitled “Alternative background investigations” is hereby added to the Marana Town Code as follows and the section that follows is renumbered to conform:

#### **13-2-4 Alternative background investigations**

- A. The town may choose to conduct background investigations to obtain criminal history record information regarding current and prospective employees, contract employees and volunteers covered under this chapter by using alternative methods instead of fingerprinting. Any alternative methods the town employs shall be at least as thorough as the national recreation and park association’s recommended guidelines for credentialing volunteers.
- B. If the town employs alternative background investigation methods pursuant to this section, the town shall conduct background investigation screenings on all employees, contract employees and volunteers covered under this chapter on at least an annual basis.

SECTION 3. The various town officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this ordinance.

SECTION 4. All ordinances, resolutions, or motions and parts of ordinances, resolutions, or motions of the Council in conflict with the provisions of this ordinance are hereby repealed, effective as of the effective date of this ordinance.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of

competent jurisdiction, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. Since it is necessary for the preservation of the peace, health and safety of the Town of Marana that this ordinance become immediately effective, an emergency is hereby declared to exist, and this ordinance shall be effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF MARANA, ARIZONA, this 2<sup>nd</sup> day of December, 2014.

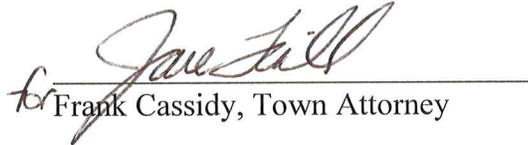


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Mayor Ed Honea

ATTEST:

  
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Jocelyn C. Bronson, Town Clerk

APPROVED AS TO FORM:

  
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for Frank Cassidy, Town Attorney