



Office of the City Manager
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Memo

To: Members of Dublin City Council
From: Marsha I. Grigsby, City Manager *MIG*
Date: February 7, 2013
Initiated By: Matt Earman, Director of Recreation Services
Michelle Crandall, Director of Administrative Services
Re: Resolution No. 06-13 – Adopting an Access Policy for the Dublin Community Recreation Center and Community Pools

Background

The City of Dublin continually strives to provide a safe environment for residents and guests of all ages utilizing the Dublin Community Recreation Center (DCRC) and the Community Pools. In order to provide for quality and safe recreation experiences, the City has adopted rules and regulations relating to the use of these facilities.

The prohibition contained in this policy is intended to reduce the risk of harm to children by limiting the ability of sex offenders to be in contact with children who may be in vulnerable situations within the restricted pass areas of the Dublin Community Recreation Center and Community Pools. It is understood that this policy cannot ensure prevention, but is intended to decrease the likelihood of an occurrence. In the past few years, numerous communities throughout Ohio and the U.S. have adopted similar policies prohibiting the access of sex offenders to certain public places.

It is important to note that implementation of this policy will require the presentation of valid photo identification for patrons to access the restricted pass areas of the facilities; therefore an education campaign to minimize any inconvenience of patrons will be implemented, if this policy is adopted by City Council. Additionally, the DCRC currently requires valid photo identification to enter the restricted pass areas. This requirement has been in place since 2012.

Recommendation

Staff recommends the approval of Resolution 06-13, authorizing the City Manager to adopt the Access Policy for the Dublin Community Recreation Center and Community Pools. If you have any questions regarding this policy, please contact Matt Earman at 410-4568 or Michelle Crandall at 410-4403.

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. **06-13**

Passed _____, 20____

A RESOLUTION ADOPTING AN ACCESS POLICY FOR THE DUBLIN RECREATION CENTER AND COMMUNITY POOLS

WHEREAS, the City of Dublin continually strives to provide a safe environment for residents and guests of all ages utilizing the Dublin Community Recreation Center and the Community Pools; and

WHEREAS, in order to provide for quality and safe recreation experiences, the City has adopted rules and regulations relating to the use of the Dublin Community Recreation Center and the Community Pools; and

WHEREAS, the Dublin Community Recreation Center contains general access areas and areas that may only be accessed after payment of the appropriate fee and presentation of a membership pass or photo identification; and

WHEREAS, the restricted pass areas include the multi-purpose pool, leisure pool, locker rooms, gymnasium, fitness area, and jogging/walking track; and

WHEREAS, a day pass or season pass is required to access the Dublin Community Pools; and

WHEREAS, access to the restricted pass areas at the Dublin Community Recreation Center and Community Pools is monitored by City staff and includes areas where children regularly gather; and

WHEREAS, this Council finds that the City has a compelling interest in the safety of residents and guests utilizing the Dublin Community Recreation Center and Community Pools and in protecting children from harm; and

WHEREAS, this Council desires to protect children from registered sex offenders by prohibiting sex offenders from accessing the restricted pass areas of the Dublin Community Recreation Center and Community Pools (the "Prohibition"); and

WHEREAS, the Prohibition is intended to reduce the risk of harm to children by limiting the ability of sex offenders to be in contact with children who may be in vulnerable situations; and

WHEREAS, this Council finds that the Prohibition furthers the health, safety, and welfare of the City, its residents, and users of the Dublin Community Recreation Center and Community Pools, especially children; and

WHEREAS, this Council notes that public meetings and polling places are not held in the restricted pass areas of the Dublin Community Recreation Center and, therefore, it is not necessary to provide for exceptions to the Prohibition; and

WHEREAS, this Council desires to authorize the City Manager to adopt a policy that prohibits registered sex offenders from entering the restricted pass areas of the Dublin Community Recreation Center and Community Pools ("Policy"); and

WHEREAS, the Policy shall be in a form substantially similar to Exhibit "A," attached hereto and incorporated herein; and

WHEREAS, the Policy shall be reviewed by the City Manager on a yearly basis

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or more frequently as the City Manager may determine is necessary; and

WHEREAS, after any such review, the City Manager is authorized to amend the Policy provided that the Prohibition is not removed; and

WHEREAS, this Council finds that such review provides procedural safeguards that are consistent with the purpose of the Prohibition and the constitutional rights of individuals.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Dublin, State of Ohio, _____ of the elected members concurring that:

Section 1. The City Manager is hereby authorized and directed to adopt the Dublin Community Recreation Center and Community Pools Access Policy ("Policy"), as attached hereto as Exhibit "A." The City Manager, with the assistance of the Police Chief and the Law Director, shall review the Policy on a yearly basis or more frequently as the City Manager may determine is necessary. After any such review, the City Manager is authorized to amend the Policy and/or issue rules and regulations relating to the Policy, provided that the provision prohibiting sex offenders from entering the restricted pass areas of the Dublin Community Recreation Center and/or Community Pools is not removed.

Section 2. This Resolution shall be effective upon passage in accordance with Section 4.04(a) of the Revised Charter.

Passed this _____ day of _____, 2013.

Mayor - Presiding Officer

ATTEST:

Clerk of Council

EXHIBIT “A”

CITY OF DUBLIN, OHIO DUBLIN COMMUNITY RECREATION CENTER AND COMMUNITY POOLS ACCESS POLICY

INTRODUCTION

The City of Dublin (“City”) continually strives to provide a safe environment for residents and guests of all ages utilizing the Dublin Community Recreation Center and Community Pools. The City has adopted rules and regulations relating to the use of the Dublin Community Recreation Center and Community Pools in order to provide for quality and safe recreation experiences.

PURPOSE

The prohibition contained in this Dublin Community Recreation Center and Community Pools Access Policy (“Policy”) is intended to reduce the risk of harm to children by limiting the ability of sex offenders to be in contact with children who may be in vulnerable situations within the restricted pass areas of the Dublin Community Recreation Center and Community Pools. It is understood that this Policy cannot ensure prevention, but is intended to decrease the likelihood of an occurrence.

OBJECTIVE

This Policy was developed to decrease the chance of a sexual offense occurring in the restricted pass areas of the Dublin Community Recreation Center and Community Pools, areas that may be accessed only after presentation of a membership pass or other photo identification and that are monitored by City staff. The restricted pass areas of the Dublin Community Recreation Center include the multi-purpose pool, leisure pool, locker rooms, gymnasium, fitness area, and other areas where children regularly gather and may be in vulnerable situations.

It is not the objective of this Policy or the City to harass, embarrass or humiliate a sex offender. It is also not the objective of this Policy to cause panic or make false accusations. The primary focus is to reduce the risk of harm to children by limiting the ability of sex offenders to be in contact with children who may be in vulnerable situations within the restricted pass areas of the Dublin Community Recreation Center and Community Pools.

DEFINITIONS

Sex Offender: For purposes of this Policy, a sex offender means any person who is convicted of or pleads guilty to an offense that requires the offender to register personally with the sheriff, or the sheriff’s designee, pursuant to Ohio Revised Code Chapter 2950, or any person who is required to register with any other official state or federal registered sex offender listing maintained by either the United States Department of Justice or any state.

Restricted Pass Areas of the Dublin Community Recreation Center: For purposes of this Policy, restricted pass areas of the Dublin Community Recreation Center means areas that may be accessed beyond the check-in desk only after payment of the appropriate fee and presentation of a membership pass or photo identification to City staff. Restricted pass areas include, but are not limited to, the multi-purpose pool, leisure pool, locker rooms, gymnasium, fitness area, and jogging/walking track.

Restricted Pass Areas of the Community Pool: For purposes of this Policy, restricted pass areas of the Community Pools means the entire pool complex that is accessed only after payment of the appropriate fee and presentation of a season pass or photo identification to City staff.

PROHIBITION

No person who is a sex offender, as defined in this Policy, shall enter, either as a member or a guest, the restricted pass areas of the Dublin Community Recreation Center and/or Community Pools. City staff is authorized to exclude a sex offender from restricted pass areas, in accordance with this Policy.

The Prohibition also includes any individual who has been arrested for and/or charged with a crime in a court of law or who the City of Dublin has a reasonable belief is being investigated by a law enforcement agency and that if found guilty of that crime would cause the individual to register personally with the sheriff, or the sheriff's designee, pursuant to Ohio Revised Code Chapter 2950, or register with any other official state or federal registered sex offender listing maintained by either the United States Department of Justice or any state. Any Prohibition under this subsection is subject to appeal as provided herein.

If the criminal charge is subsequently dropped or if the City of Dublin has a reasonable belief that the investigation is closed or lacked merit, the Prohibition shall be promptly rescinded and the individual shall be allowed to return to the restricted pass areas of Dublin Community Recreation Center and/or Community Pools.

IDENTIFICATION OF A SEX OFFENDER AND REMOVAL PROCESS

The process of identifying a sex offender who has entered or is seeking entry into a restricted pass area is a two (2) step process. The first step is identification of a sex offender via the list of sex offenders posted on the Franklin County Sheriff's website or other registration list of any other county sheriff, state or the United States Department of Justice. The second step is communicating such information to the City of Dublin Division of Police.

Upon identification of a possible sex offender in the restricted pass areas of the Dublin Community Recreation Center and/or Community Pools, the City employee making such identification shall discreetly and immediately report such fact to the Manager on Duty or other person in charge of the Dublin Community Recreation Center and/or Community Pools. The City employee shall not prohibit access, but all reasonable actions shall be taken to monitor the location of the possible sex offender.

The Manager on Duty or other person in charge shall then confirm the information provided by the City employee and communicate such information to the Division of Police. Upon confirmation of a sex offender by the Division of Police, the Director of Recreation Services or the Director's designee shall discreetly inform the sex offender of the Prohibition contained in this Policy and request that such individual leave the restricted pass areas of the Dublin Community Recreation Center and/or Community Pools. If the sex offender refuses to voluntarily leave, the Director of Recreation Services or the Director's designee shall contact the Division of Police for assistance and no further action shall be taken by the Director or the Director's designee.

Upon positive identification of a sex offender on the current Dublin Community Recreation Center and/or Community Pools list, the City Manager or the City Manager's designee shall be immediately notified. The City Manager or the City Manager's designee shall freeze the membership account of such individual. The Law Director shall send written correspondence to the individual informing him or her that their access to the restricted pass area has been denied. In the event a sex offender is a guest of a member or a daily guest, the Law Director shall send written correspondence to the individual informing him or her that future access is prohibited.

Upon termination, a refund request may be submitted to the City Manager or the City Manager's designee for consideration.

REPORTING

All identifications of a sex offender shall be forwarded to the City Manager in the form of a report. A copy of the report shall be forwarded to the Law Director and the Police Chief.

All verbal requests for removal of a sex offender from the membership pass areas shall be documented by the completion of a report, which shall be forwarded to the City Manager.

APPEAL PROCESS

Any individual who claims that he or she was wrongly identified as a sex offender, may appeal any termination or access denial by submitting a written letter of appeal to the City Manager within ten (10) calendar days of the date of the Law Director's notice of termination correspondence. In the event of an appeal, the City Manager or the City Manager's designee shall hold a hearing within twenty (20) calendar days of receipt of the letter of appeal or such other mutually agreeable date. During the appeal process, the individual shall not be granted access to the restricted pass areas.

SEX OFFENDER LIST LOCATION

A copy of the Franklin County Sheriff's and/or other applicable County's sex offender list shall be made available from the website and maintained in the restricted pass areas monitored by City staff. The list shall be updated on a regular basis and maintained in a location that is out-of-view from residents and guests utilizing the Dublin Community Recreation Center and/or Community Pools.

POSTING OF SIGNS

City staff shall post signs at each entry to the restricted pass areas of the Dublin Community Recreation Center and Community Pools notifying users that sex offenders are prohibited in the restricted pass areas. Notification of the prohibition shall also be included on the Dublin Community Recreation Center and Community Pools membership and program application.

SEX OFFENDER INCIDENT

If an alleged incident occurs within the Dublin Community Recreation Center and/or Community Pools, the City of Dublin Police shall be immediately notified.

EMPLOYEE TRAINING

All employees of the Dublin Community Recreation Center and Community Pools shall receive a copy of this Policy and shall acknowledge receipt and understanding of this Policy. A copy of such acknowledgement shall be retained in the personnel file of such employees. The Director of Recreation Services and the Director's designee(s) shall consult with the City Manager, the Law Director, and the Police Chief, as necessary, on the identification of a sex offender and removal process.

POLICY REVIEW AND AMENDMENT

The City Manager, with the assistance of the Police Chief and the Law Director, shall review this Policy on an annual basis or more frequently as the City Manager shall determine is necessary. This Policy may be amended by the City Manager provided that the Prohibition is not removed. The City Manager is also authorized to issue rules and regulations relating to the Policy.

SEVERABILITY

If any provision of this Policy is held invalid or unenforceable, such provision shall be deemed deleted from this Policy and the remaining provisions of this Policy shall continue in full force and effect.