



September 26, 2006
Special Meeting Minutes

OFFICERS PRESENT:

PRESIDENT.....ARCHI MUNOZ
1ST VICE..... LAMBERTO MONTANO
TREASURER.....NATANLE ANGELMAN
FUNDRAISING.....BOB GORE
PUBLIC RELATIONS.....JOHAN SCHILLING
HEAD COACH.....ED PRECIADO
HEAD REFEREE.....DAVE CHANCE
SNACK BAR.....ALLAN ANGELMAN

COACH.....DOLON STEVENS
COACH.....ROBERT SPERRY

CALLED TO ORDER:

-MEETING CALLED TO ORDER BY PRESIDENT AT 7:14 PM

OPEN DISCUSSION

-ARCHI STARTED THE SPECIAL MEETING TO CLARIFY THE LIVE SCAN MOTION THAT WAS MADE AT THE AUGUST BOARD MEETING, CLARIFY WHO THE CLUB BOARD MEMBERS ARE AND TO SET THE FEE FOR THE CURRENT LATE REGISTERING PLAYERS WHO HAVE ALREADY MISSED PART OF THE SEASON.

-ROBERT OBJECTED STATING THAT THIS MEETING WAS IN VIOLATION OF OUR CLUB BY LAWS AND COULD NOT TAKE PLACE BECAUSE IT WAS NOT POSTED WITH 7 DAYS PRIOR NOTICE.

-LAMBERTO READ THE CLUB BY LAWS SECTION WHICH EXPLAINS HOW THE CLUB IS TO INFORM THE PUBLIC OF AN UPCOMING MEETING. THIS MEETING WAS CALLED BY THE PRESIDENT AS A SPECIAL MEETING, THEREFORE IT WAS NOT REQUIRED UNDER OUR BY LAWS TO BE POSTED WITH 7 DAYS PUBLIC NOTICE. THE MEETING WAS ANNOUNCED AT THE GENERAL BOARD MEETING HELD ON SEPTEMBER 19. *SEE CLUB BY LAWS P.3, MEETINGS, SECTIONS 1-4.*

-ROBERT THEN STATED THAT THIS MEETING WAS IN VIOLATION OF THE BROWN ACT. HE ALSO STATED THAT WE COULD NOT ENFORCE THE LIVE SCAN MOTION THAT WAS APPROVED AT THE AUGUST MEETING BECAUSE THE MINUTES HAD NOT BEEN APPROVED AT THE SEPTEMBER MEETING.

-BOB STATED THAT THIS MEETING WAS NOT IN VIOLATION OF THE BROWN ACT DUE PARTLY TO THE FACT THAT WE (CLUB BOARD) WERE NOT AN ELECTED BODY. THIS IS A VOLUNTEER BOARD. AFTER FURTHER DISCUSSION, THE BOARD MEMBERS FELT THAT THIS MEETING WAS NOT IN VIOLATION OF THE BROWN ACT AND/OR CLUB BY LAWS. THE FOLLOWING PROVIDES AN EXPLANATION ON THE BROWN ACT.
http://www.cfac.org/Law/BrownAct/Text/ba_text.html

-ARCHI INFORMED THE BOARD THAT THE MEETING WOULD CONTINUE AS SCHEDULED. HE ADVISED THE BOARD THAT WE COULD NOT ENFORCE WHAT WAS APPROVED IN THE AUGUST MEETING BECAUSE WE DID NOT HAVE THE MINUTES. HE DID NOT KNOW WHEN AND IF THE AUGUST MINUTES WERE GOING TO BE COMPLETED AND MADE AVAILABLE FOR APPROVAL. THE SECRETARY, ALISA WAS UNABLE TO COMPLETE THE MINUTES BECAUSE OF AN INJURY AND PERSONAL ISSUES. THE GROUP DISCUSSED WHAT ACTION COULD BE TAKEN TO ATTEMPT TO RESOLVE THIS PROBLEM. IT WAS DISCUSSED THAT WE COULD MAKE ANOTHER LIVE SCAN MOTION, HAVE A DISCUSSION AND VOTE ON THE MOTION. THIS MOTION WOULD REPLACE THE ORIGINAL LIVE SCAN MOTION.

-ARCHI INFORMED THE BOARD THAT WE HAVE VACANT POSITIONS ON THE BOARD DUE TO RESIGNATIONS (REGISTRAR, 2ND VICE AND POSSIBLY SECRETARY). HE IS STILL UNCERTAIN ABOUT THE SECRETARY POSITION BECAUSE HE HAS NOT HAD A CHANCE TO SPEAK WITH ALISA.

-BOB MADE A MOTION TO APPOINT LAMBERTO AS THE ACTING SECRETARY AND REGISTRAR UNTIL FURTHER NOTICE. DAVE SECONDED THE MOTION. **DISCUSSION:** LAMBERTO WAS ASKED IF HE WOULD BE ABLE TO PERFORM THE ADDITIONAL DUTIES OF THE SECRETARY AND REGISTRAR. HE STATED THAT HE WOULD DO BOTH JOBS. A VOTE WAS TAKEN: 6 YES, 1 ABSTAIN(LAMBERTO). MOTION PASSED

LIVE SCAN

-ARCHI INFORMED THE BOARD THAT WE HAVE ALREADY RECEIVED A \$300 DONATION FROM A PARENT TO BE USED TO OFF-SET SOME OF THE COSTS FOR CONDUCTING THE LIVE SCAN SCREENING.

-LAMBERTO MADE A MOTION TO REQUIRE ALL BOARD MEMBERS, HEAD COACHS AND ASST. COACHES TO SUBMIT TO A LIVE SCAN CHECK BY OCTOBER 16, 2006. IF THE BOARD MEMBERS AND/OR COACHES DO NOT SUBMIT TO THE LIVE SCAN CHECK, THEY WILL BE REMOVED FROM THEIR POSITION. ANGELMANS NOTARY WILL BE THE COMPANY THAT WILL CONDUCT THE LIVE SCAN SERVICE. THE LIVE SCAN SERVICE WILL COST THE CLUB \$10 PER PERSON. THE SERVICE WILL ONLY LOOK FOR PEOPLE WHO HAVE BEEN CONVICTED OF A SEXUAL OFFENSE. IF A PERSON COMES BACK POSITIVE ON THE CHECK, NATALIE AND THE CLUB REGISTRAR WILL BE RESPONSIBLE FOR TAKING ACTION AND INFORMING THE PERSON THAT THEY WILL NO LONGER BE ABLE TO PARTICIPATE WITH THE CLUB. WE HAVE SEVERAL BOARD MEMBERS WHO WOULD HELP COACH A TEAM IF THE NEED AROSE. DAVE SECONDED THE MOTION. **DISCUSSION:** NATALIE READ FROM A LENGTHY DOCUMENT THAT SHE PREPARED WHICH EXPLAINED LIVE SCAN POLICY AND THE BACKGROUND BEHIND IT. *SEE ATTACHED DOCUMENT FOR DETAILS.*

A VOTE WAS TAKEN: 6 YES, 1 ABSTAIN(NATALIE). MOTION PASSED

LATE REGISTRATION FEES:

-ARCHI STATED THAT DUE TO KIDS BEING INJURED, MOVING AWAY OR JUST QUITTING, SOME TEAMS HAVE BEEN LEFT SHORT HANDED. IN ORDER TO HELP RECRUIT THE MUCH NEEDED PLAYERS, HE REQUESTED THAT WE LOOK INTO LOWERING THE REG FEES.

-NATALIE MADE A MOTION TO LOWER THE PLAYER REGISTRATION FEES TO \$40 PER PLAYER, ONLY FOR THE PLAYERS THAT WILL HELP THE TEAMS IN NEED. DAVE SECONDED THE MOTION. **DISCUSSION:** IT WAS CLARIFIED THAT IF A TEAM OTHER THEN THE ONE'S WHO WERE SHORT RECRUITED MORE PLAYERS, THEY WOULD HAVE TO PAY THE REGULAR LATE FEES.

A VOTE WAS TAKEN: ALL VOTED IN FAVOR. MOTION PASSED.

ADJOURNMENT

ED MADE A MOTION TO ADJOURN THE MEETING, SECONDED BY JOHAN. ALL VOTED IN FAVOR. MOTION PASSED. MEETING ADJOURNED AT 8:35 PM.

Dixon Soccer Club Livescan Fingerprinting Policy

What is Livescan?

Livescan fingerprinting systems capture your fingerprints optically and electronically without the use of ink or paper forms. Effective July 1, 2005 Penal Code Section 11077 mandates the Department of Justice to only accept electronically transmitted images from regulatory entities.

Who Has to Get Livescanned?

The Dixon Soccer Club falls under the guidelines of volunteers and working with minors. The State of California, Department of Justice has also established guidelines for any agency to obtain State summary criminal information for volunteers other than those covered under the Education Code Section 109115.5 Public Resource Code 5164 and Penal Code 11105.3. Under these regulation we fall under the category of must be fingerprinted due to the classification “all those who are involved in the care, security of children or contact with children” “volunteer or coaches”.

Background Information Being Released

Penal Code Section 11105 and 13300 identifies who may have access to criminal history information and under what circumstances it may be released. Penal Code Section 13101 has a statutory provision relating to youth organizations providing limited information dissemination to convictions for a specific offense. This includes arrest information for certain narcotic and sex crimes.

Background Check Timing

Livescan fingerprinted have to be submitted within 24 hours of being taken. Once the electronic submission has occurred from the provider to the Department of Justice receive this information within minutes. From this point the criminal background check is usually processed within 72 hours.

Livescan Requirements

- You need the following items to be fingerprinted.
1. Request for Livescan Form BCII 8016
 2. ORI Code
 3. Valid Photo ID (Expired identification is not accepted)
 - State Drivers License
 - State Identification Card
 - Passport / Immigration Documentation
 4. Submission fees for background check and rolling fee
 5. Valid Social Security Number or Worker Number
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Dixon Soccer Club Livescan Fingerprinting Policy,

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**Checking
Status of
Fingerprint
Submission**

Allow a minimum of seven days before a status inquiry. After this period please contact the Department of Justices 24 hour automated telephone service center at 916.227.4557. You must have your ATI number which is located on the bottom of form BCII 8016, Request for Livescan Form. You will be promoted for the necessary information to complete this processes.

**Custodian of
Records**

The approved designated person to receive this information. You must go through the approval processes with the DOJ and or FBI. Complete the DOJ Livescan Non Profit & DOJ Live Scan Processing Packet and submit the designated fee. After they have received the necessary information the DOJ will forward you the necessary documents to get fingerprinted to proceed with the background checks. Once approved you must carry a one million dollar professional liability policy and Errors & Omissions Policy.

**Authorized
Access of
Information**

(CORI) Criminal Offender Record Information shall only be accessible by the Records Custodian. Staff/ Volunteer with access CORI have received training and counseling on the handling of the CORI and have signed a statement form of acknowledgement and understanding of the criminal penalties for the misuse of CORI. Penal Code Section 502, 11142 and 11143. These individuals have also completed the necessary background check through the DOJ and FBI. Volunteers must be back grounded to pursuant to Section 45125. (I) of the Education Code. Background checks conducted pursuant to Penal Code Section 11105.03 does not meet the Education Code requirements for Volunteer Organizations or State and Local Agency requirements.

**Sharing
Information**

The sharing of information is strictly prohibited and infringes upon the right of privacy as defined in the California Constitutions as defined in Loder v. Municipal Court (1976) 17 Cal. 3d 859. This also precludes the DOJ to control dissemination of CORI as outlined in Section 11105 of the Penal Code.

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Privacy of Information

State summary criminal background information is officially known as Criminal Offender Record Information (CORI). The California constitution grants California citizens absolute rights to privacy, any individual or agencies violating these privacy rights by the unauthorized release of this information places themselves at both criminal and civil liability. Even when a criminal background checks produces a response that no criminal record exists. This information is confidential.

No Longer Interested Notification

Once the volunteer is no longer affiliated with the designated organization it is the responsibility of that organization to submit the No Longer Interested form to the DOJ and or FBI for processing. At this time the designated Request for Livescan Form BCII 8016 and corresponding background report must be cross shredded and disposed of per the guidelines of the DOJ and or FBI. This is including having the shredded paperwork destroyed by an approved vender.

Storage of Information

All record information that is retained by the applicant agency must be stored in a secure and confidential file. This person and area is subject to inspection and record reviews on as needed bases and or yearly by the Department of Justice. All this information shall be under lock and key and only accessible by the Custodian of Records.

Notification

After completion of being fingerprinted the applicant that does not pass the background check will receive a letter in the mail indicating why. The Custodian of Records will also receive a notice indicating that this individual did not pass the background check. The Custodian of Records will have to speak with the applicant in regards to the finding.

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Dixon Soccer Club Livescan Fingerprinting Policy, Continued

STATEMENT REGARDING THE USE OF CRIMINAL JUSTICE INFORMATION

As the Registrar of the Dixon Soccer Club, it may be necessary for you to have access to confidential criminal record information in making decisions. Access to such criminal record information is controlled by statute. Misuse of such information may adversely affect the civil rights of prospective volunteers and violates the law. Penal Code Section 502 prescribes the penalties relating to computer crimes. Penal Code 11105 and 1300 identify who I permitted access to criminal history information and under what circumstances information may be released. Penal Code Section 11140 – 11144 and 13301-13305 prescribes penalties for misuse of criminal history information. Government Code Section 6200 prescribes the felony penalties for misuse of public records and California Law Enforcement Telecommunications Systems (CLETS) information. Labor Code Section 432.7 prescribes penalties for misuses of certain criminal record information in volunteer decisions.

Penal Code Section 11142 and 13303 state:

Any person authorized by law to receive a record or information obtained from a record who knowingly furnishes the record or information to a person not authorized by law to receive the record or information is guilty of a misdemeanor.

Any volunteer who is responsible for such misuse of criminal record information may be subject to discipline up to and including immediate termination. Violation of this may also result in criminal and or civil action.

I HAVE READ AND UNDERSTAND THE ABOVE AND DIXON SOCCER CLUB POLICY FOR CRIMINAL BACKGROUND CHECKS AND SECURING RECEIVED CRIMINAL HISTORY INFORMATION. I AM AWARE OF THE STATUES AND POLICIES PERTAINING TO THE MISUSE OF CRIMINAL RECORD INFORMATION.

The duration of this agreement is based valid per board year. This agreement expires after the election of a new board even though the person may retain the same position.

Signature

Typed / Printed Name

Date

Dixon Soccer Club Livescan Fingerprinting Policy,

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WHICH AGENCIES ARE REQUIRED TO OBTAIN BACKGROUND INFORMATION

Education Code, Section 10911.5 and Public Resource Code 5164 clearly require agencies that operate recreational areas, programs or centers to obtain State summary criminal information on employees and volunteers, existing or new, who have specific contact with minors. Education Code, Section 10911.5 and Public Resource Code 5164 allow agencies that operate recreational areas, programs or centers to obtain State summary criminal information on independent contractors and their employees who have specific contact with minors.

The State of California, Department of Justice has also established guidelines for any agency to obtain State summary criminal information on employees and volunteers other than those covered under Education Code Section 10911.5, Public Resource Code 5164 and Penal Code Section 11105.3. The following, also taken from the Penal Code, provides the basis for those guidelines.

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MUST BE The following table can be used as a guide by your agency to help determine which employees, volunteers, and/or applicants can, and must be fingerprinted.

Must Be Fingerprinted

Test:
Must Fingerprint

Classifications:
All who are, or will be, involved in the care and security of children, the elderly, or the handicapped or mentally impaired. Can be full or part-time; paid or volunteer; or independent contractors and their employees.

Settings:
Preschool
School
After School
Camps
Sports Centers
Recreation Centers/Leagues
Adult Centers
Recreational Trips

Types:
Teachers
Coaches
Camp Staff
Recreational Staff
Senior Staff
Chaperones
Drivers
Child Care Staff
Volunteers
Non-Licensed Staff

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Dixon Soccer Club Livescan Fingerprinting Policy, Continued

Should Be

Test:

Should Fingerprint

Classifications:

Those who would be at sites, recreational centers or facilities, and do not have specific contact with children, the elderly, or the handicapped or mentally impaired.

Settings:

Schools
Camps
Pools
Beaches and Lakes
Sports Centers
Recreation Centers
Museums
Adult Centers

Types:

Lifeguards
Docents
Other Volunteers
Custodians
Building Attendants
Groundskeepers
Special Events Staff

Test:

At Discretion of Agency ⁽¹⁾

Classifications:

Those who could be at sites, recreational centers or facilities, and do not have specific contact with children, the elderly, or the handicapped or mentally impaired.

Settings:

All

Types:

Office Staff
Equipment Distributors
Performers
Sports Officials
Adult-Only Events Staff
Adult-School Teachers
Adult-Sports Coaches
General Employees
General Volunteers

⁽¹⁾ A Code, statute or regulation must exist, containing specific reference to, and include requirements and/or exclusions, expressly based upon specific criminal conduct. See Exhibit B for example of policy statement that meets this requirement.

