### Youth Athletic Association Use of Spartanburg County Parks

#### 2018 - Spring Season

| **Address:** | Parks Operations Team  
|             | Tyger River Park  
|             | 179 Dillard Road  
|             | Duncan, SC 29304 |
| **Phone:**  | 864-804-5814       |
| **Fax:**    | 864-249-3229       |
| **Email:**  | __________________ |

| **Youth Athletic Association (YAA):** |                          |
| **Leader Name:** |                          |
| **Leader Title:** |                          |
| **Secondary (Emergency) Contact:** |                        |
| **Secondary Email & Phone:** |                             |
| **Address:** |                          |
| **City, State, Zip:** |                           |
| **Phone:** |                              |
| **Fax:** |                                  |
| **Email:** |                                |

| **Spring Season Start Date:** |                          |
| **Spring Season End Date:** |                            |
| **Number of Teams:** |                                 |
| **Number of Participants:** |                                |

1. **Introduction:** This permit outlines the terms and conditions under which volunteer sports leagues and associations may utilize sports facilities owned and/or managed by the Spartanburg County Parks Department, hereinafter called “SCPD.” The SCPD recognizes the contributions and valuable service of organized youth athletic associations or programs (hereinafter called “YAA”) which provides its own leadership and administration. Provided that the YAA complies with the requirements of this permit, the SCPD allows YAA use of the public parks owned and/or managed by the SCPD. The SCPD reserves the right to refuse to allow utilization of public parks by YAAs that refuse to sign this permit, who do not file required information or who do not pay required fees, which are established annually by County Council.
2. Park Scheduling: Parks owned or managed by SCPD are public parks and are not for the exclusive use of any one YAA. When scheduling park and field usage, SCPD will make every effort to accommodate the desires of YAA to play in a particular park or field. However, natural conditions, competition for limited field space, the possibility of scheduling tournaments that will benefit the economy of Spartanburg County and construction activity may require periodic relocations. SCPD will give the maximum possible notice to YAA in the event of required relocations.

3. Term: In order to utilize parks owned and/or managed by the SCPD, each YAA must sign this permit not later than January 31 prior to the upcoming spring season. The permit is valid from the second Monday of February to the succeeding third Friday in June. (February 12th – June 15th)

4. Responsibilities of SCPD
   a. Facility Maintenance: The SCPD will provide facility maintenance of roughly equivalent scope and quality at all facilities owned or managed by the SCPD. However, the SCPD must give priority maintenance consideration to facilities that receive the highest level of use. SCPD is dedicated to improving the overall quality of sports and athletics in the County and reserves the right to close any field, at any time, for maintenance purposes or poor field conditions. Fields that are closed due to poor conditions, maintenance, safety issues, etc. are off limits to use by anyone. Failure to comply with this procedure may result in complete termination of present and/or future field use. Individual teams or participants using closed facilities will be considered representatives of the league in which they participate.

   During normal weekday hours (Monday-Friday 7:00 am - 4:00 pm), SCPD staff will monitor and determine the playing condition of all sports fields. If SCPD staff determines that field conditions are not suitable for play or are otherwise unsafe, SCPD will provide notifications regarding field or facility closings by 4 pm eastern via Rainedout.com.

   b. Promotion: The SCPD will actively promote YAA programs and activities utilizing the SCPD website: www.spartanburgparks.org. SCPD will periodically post information of interest on the SCPD website. When items are posted, YAA leaders will be notified by email.

   c. Legal Compliance. The SCPD must comply with the Americans with Disabilities Act of 1990, Public Law 101-336 (ADA), which prohibits discrimination on the basis of disability. The ADA, as applied to cities, counties, and other local government entities, requires that no qualified individual with a disability shall, on the basis of a disability, be denied the benefits of local government services, programs, or activities.

   d. Customer Service and Information. The SCPD will designate one staff member to serve as the single point of contact for the YAA. The SCPD will treat all YAA members with courtesy and respect.

   e. Partnerships and Cooperation: The SCPD will organize and facilitate operation of one or more Advisory Committees to provide a forum for discussion of issues and joint
problem-solving. Each Advisory Committee shall elect a Chairman from among its members to organize and manage meetings, with assistance from the SCPD. YAA leaders are required to attend, at a minimum, the season-opening Advisory Committee meeting.

f. **Oversight:** SCPD must review and approve alterations, changes or additions to facilities owned or managed by Spartanburg County. Upon reasonable notice, SCPD reserves the right to audit YAA records for compliance with the requirements of this permit.

5. **Responsibilities of YAA**

   a. **Purpose:** The YAA agrees to provide recreational programs and activities to primarily benefit the residents of Spartanburg. The YAA agrees to promote their program to the citizens of Spartanburg and that a minimum of 80% of their participants must be residents of Spartanburg County. If the 80% target is not being satisfied, the group may submit a plan to achieve this goal or an alternative that must be approved by the SCPD.

   b. **Legal Compliance.** The YAA, during the performance of its respective duties and responsibilities as related to the execution of this agreement, shall not discriminate on the basis of race, creed, color, age, national origin, religion, sex or disability in accordance with current state or federal laws.

   c. **Leadership.** The YAA will provide competent leadership for its sports program. Each YAA must adopt by-laws to guide operation of the YAA. Each YAA will have a board of directors, a majority of which must live within Spartanburg County. The Board of Directors will conduct its program in the best interests of its participants, and in compliance with the policies, regulations and procedures of Spartanburg County. The YAA must designate its leaders and must communicate with the designated SCPD liaison only through those leaders. A leader from each YAA is required to attend Athletic Advisory Committee meetings.

   d. **Hold Harmless:** The YAA agrees that it will indemnify and hold SCPD harmless in the event of negligent acts of YAA staff, volunteers or agents or on account of the negligent acts of YAA staff, volunteers or agents of the facilities.

   e. **Insurance:** The YAA agrees to carry liability insurance, in the amounts shown below; and add Spartanburg County (or other entities as requested by SCPD) to its insurance policy as an additional insured. The YAA will ensure that any teams not covered by this agreement, but which play games at a facility owned or managed by SCPD, also must provide evidence of liability insurance, in the amounts shown below, and that these teams add Spartanburg County to their insurance policy as an additional insured. The SCPD reserves the right to reduce the amount of fundraiser tournaments allowed by the YAA (as referenced in Section g. iv) if a YAA allows any teams not covered under this agreement or their insurance policy utilize County owned facilities without prior approval of the SCPD.

   f. **Professionalism and Communications:** The YAA will maintain a positive relationship with the SCPD and Spartanburg County by:
i. Obtaining prior approval for any activities that are not on the regular game/practice or use schedule. (See Exhibit A: “YAA Field Request.”)

ii. Obtaining prior approval for any field or facility improvements.

iii. Providing all requested information and paying all fees on time.

iv. Informing the Parks Operations staff of field problems or schedule changes.

v. Enforcing and abiding by all County laws, rules and policies as well as SCPD regulations and procedures.

vi. Informing members of all County laws, rules and policies as well as SCPD regulations and procedures.

vii. Assisting SCPD in protecting public safety by evacuating teams from fields whenever a lightning detection warning sounds.

viii. Providing the Parks Operations staff with current registration and promotional materials.

ix. Requiring all coaches to obtain NAYS (National Alliance for Youth Sports) certification or, equivalent or greater certification, prior approved by SCPD.

x. Requiring all YAA staff, coaches, volunteers and agents of the YAA to conduct themselves as good role models exemplifying good sportsmanship, cooperation and appropriate behavior.

xi. Reporting to SCPD persons who commit vandalism or otherwise damage public property or who utilize sports fields for unauthorized purposes.

xii. Refraining from publically airing – through the news media, social media or other channels - perceived issues and grievances before making an attempt to resolve the perceived issues and grievances with the Park Operations Manager, Parks and Recreation Director or County Administration.

g. Behavior Expectations:

i. The YAA will act as a good caretaker and custodian of all Spartanburg County property by avoiding any activity that may damage the facilities, by cleaning up trash after each use, by enforcing the “no smoking” policy, by utilizing lights only when needed and turning them off after use.

ii. The YAA will validate the quality of adult leadership by conducting and/or authorizing annual criminal background checks on all persons acting as head coaches, assistant coaches, board members and any person acting in an official capacity with any organization directly overseeing the YAA’s youth activities. The YAA shall also adopt and publish a criminal background check policy to be used for determining an individual’s eligibility to coach. These checks shall be
conducted prior to the beginning of each playing season and shall remain valid for the duration of this permit. The YAA shall employ a reputable company to conduct such checks. The YAA shall establish a policy as to how its criminal background checks will be processed and will pay for the cost of each check. Should an individual be disqualified as a result of the check, the Association must prohibit that individual from serving in any official capacity with the Association’s activities and notify the SCPD Parks Operations staff of said applicant disqualification. By signing this permit, the YAA agrees to establish and implement background check procedures outlined herein and understands that the SCPD may perform periodic audits of the YAA’s compliance with this section.

iii. Upon receiving permission to do so, the YAA may use SCPD-owned concession stands but must honor any outstanding SCPD agreements in place at these stands. The YAA is responsible for maintaining the stands to the standards established by the Spartanburg County Department of Health.

iv. If space is available, the YAA is allowed two (2) fundraising event per calendar year (tournament, clinic or camp) provided that the activities do not conflict with the tournament-promotion activities of SCPD. YAA are not permitted to provide county owned field space to any individuals or teams (i.e. travel teams) that are not covered under this agreement. Any additional tournaments, clinics, and/or camps will be charged at the current SCPD athletics fee structure. If any fundraising event is scheduled outside of the terms of the permit, the YAA must receive SCPD’s approval prior to organizing the event, accepting registrations, and advertising to the public.

v. Facilities constructed by the YAA i.e. press boxes, concession stands, batting tunnels, etc., will be maintained by the YAA. Failure to maintain these facilities in a manner acceptable to the SCPD may result in their removal.

vi. Schedules submitted by the YAA must accurately depict field/facility use and any changes must be approved before they are implemented. All make up schedule changes/make up games must be submitted to the Parks Operations Office by Thursday at 9 A.M. the week preceding the makeup games. The SCPD reserves the right to revise or revoke schedules of facilities based on inappropriate use or non-use by the YAA. The SCPD also reserves the right to assign fields or facilities to others if use by the YAA is not substantiated. This permit is a privilege for the benefit of the YAA only and may not be assigned in whole or in part by the YAA to any other person or entity. The YAA understands that the SCPD must serve many groups and that the YAA’s use of the facilities is nonexclusive.

vii. The YAA and all its invitees must abide by all County policies when using County facilities, including those policies which state that the consumption of tobacco products or alcoholic beverages on property owned or managed by SCPD is prohibited.
viii. The YAA further agrees to make no unlawful, improper, or offensive use of the facilities.

ix. The YAA may not assign this permit to others without the written consent of the SCPD.

x. The YAA will treat public employees with courtesy and respect.

h. **Risk Management for YAA:** Leaders who sign this permit and who allow participation in practices, camps, clinics, tournaments or interleague play by teams from other communities should protect themselves from legal liability by obtaining hold harmless agreements, certificates of insurance naming the YAA as an additional assured or other risk management techniques. SCPD is not liable for the actions or inactions of YAA in this regard.

i. **Required Submittals:** The YAA must provide the following information and payments to the SCPD, in the form specified and according to the deadline established by the SCPD:

   i. Current team roster (listing of participants), except as defined in Exhibit D, “Required Submittals Checklist”:

   ii. Payment for participants assessed will be per team, per sport. This fee is established annually by the Spartanburg County Council. (Payment is to be made within ten days of receiving the invoice from SCPD. If, after 14 days of receiving the invoice and payment has not been received by SCPD, fields will be omitted from the field schedule until payment is received by SCPD.)

   iii. An accurate facility and or field schedule, depicting actual use i.e. games, practices, meets, tournaments, and events scheduled within the allocated timeframe of the seasonal YAA permit.

   iv. A complete list of the Board of Directors, with contact information, including mailing addresses, phone numbers and email addresses. Persons holding leadership positions must be identified.

   v. **A copy of the YAA Articles of Incorporation (if the YAA is incorporated) and/or By-Laws.**

   vi. A copy of the Certificate of Insurance from any licensed insurance provider, naming Spartanburg County as an additional insured, with minimum coverage limits as follows:

       1. Comprehensive General Liability Insurance on an “occurrence, $1,000,000 aggregate.

       2. Business, Automobile Liability Insurance for any motor vehicle owned by, hired by, used by, or used on behalf of a Co-Sponsor Group, providing Bodily Injury Liability and Property Damage Liability covering
any injury or damage with limits no less than $1,000,000 per occurrence, $1,000,000 aggregate.

3. Worker’s Compensation Insurance applicable to its employees, if any, for statutory coverage limits in compliance with South Carolina laws.

4. Property Insurance, if available, as a tenant or user of County facilities with limits no less than $1,000,000 per occurrence, $1,000,000 aggregate.

vii. An Emergency Action Plan to include participant accident reporting procedures.

6. **Violations of rules:** Any person violating the existing rules and regulations or, in the opinion of a park staff, constituting a public nuisance or potential hazard to persons or property, or exhibiting disorderly conduct, shall be served notice by the Parks staff and expelled from the park property. Such violations can be subject to prosecution in accordance with state and local laws and ordinances.

7. **Resolution of Disputes:** In the event of questions, disputes or perceived grievances arising out of use of the facilities by the YAA, such questions, dispute or perceived grievance must be documented in writing by the YAA leadership and addressed to the SCPD Park Operations Manager. If the question, dispute or grievance cannot be resolved with that official, the leadership of the YAA may elevate the problem to the Parks and Recreation Director.

8. **Penalties:** All members of a YAA are expected to take reasonable measures to ensure compliance with policies, regulations and procedures established by Spartanburg County Council and/or promulgated by the SCPD. Criminal behavior and/or severe violations of established rules and regulations may result in the revocation of the permit, denial of a future permit or prosecution.

9. **Vendor Permit:** All vendors who are providing services or selling products within Spartanburg County public parks must complete a Vendor Permit which may be obtained from SCPD staff.

10. **Special Conditions.** If special conditions or issues need to be clarified they will be covered in Exhibit B (i.e. maintenance issues, payment of fees, special needs), and attached hereto and made a part hereof.

**ACCEPTED AND AGREED TO:**

Print Name: ____________________________________________________________

YAA Title: ______________________________________________________________

Name of YAA: __________________________________________________________

Signature: _____________________________________________________________

Date: __________________________________________________________________
EXHIBIT A
YAA Facility Request

YAA Name: __________________________________________________________

Brief Description of Program: __________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________

Specific Dates of Program: __________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________

Requested Facility/Field: ____________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________

Requested Special Event Dates (Tournaments, Clinics, Camps, Etc.): ______________________________
________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________

Scheduling Contact: _________________________________________________________________________________________________

E-mail: __________________________________ Phone #: ______________________________

Submitted By: __________________________________ Date: __________________________

Approved By: __________________________________ Date: __________________________
EXHIBIT B

Special Conditions/Issues

This section will be used as needed.
EXHIBIT C

Sample Criminal Background Investigation Policy
For Adult Volunteers in Youth Sports

The goal of the Spartanburg County Parks Department (SCPD) is to provide a safe, family-oriented environment for play. Recognizing the nation-wide incidence of crimes against children requires proactive steps to provide protection to children participating in organizations involving sports and athletic competition.

The SCPD requires that all adults, 18 years or older, that utilize the athletic facilities owned or managed by the County as part of any youth sports or athletic activities sponsored by a Youth Athletic Association (YAA) shall be required to submit themselves to undergo a criminal background investigation prior to their participation as a head coach, assistant coach, board member or any other position acting in an official capacity with any YAA directly overseeing any youth sports or athletics activities occurring on property owned or managed by Spartanburg County.

Procedure

In order to screen all volunteers, board members, coaches and officials, the YAA must verify and implement the following procedures:

1. **Criminal Background Investigation**: Criminal background investigations must be made of all adults volunteering to serve as coaches, board members or any other position acting in an official capacity with any organization directly overseeing any County sponsored youth sports or athletic activities.

   a. After initial compliance and every twelve (12) months thereafter, all volunteers, as stated above, must undergo a criminal background investigation.

   b. Criminal background investigations must be performed prior to the volunteer being assigned any duties or responsibilities at any County sports or athletic facilities. The County may determine the time of year the investigations are to be conducted depending on the beginning of their practice season(s) or events.

   c. Game officials used who are not affiliated with the County are not subject to the County’s criminal background investigation policy; however the County may choose to require those officials to submit to a criminal background investigation.

2. **Grounds for Disqualification**: An individual convicted of any of the following criminal offenses provided shall be disqualified from participation as a volunteer in any YAA-sponsored sports or athletic activities utilizing County sports or athletic facilities.

   a. Aggravated kidnapping.

   b. Indecent exposure.

   c. Aggravated robbery.
d. Injury to elderly or disabled.
e. Aggravated sexual assault.
f. Intoxication offenses.
g. *Arson.
h. Kidnapping.
i. Assault.*
j. Marijuana possession.*
k. Any violation of the law intended to control the possession or distribution of any controlled substance or illegal drug.
l. Obscenity.
m. Prohibited sexual conduct.
n. Prostitution (including promotion of, aggravated promotion of, solicitation)
o. Crimes against children.
p. Criminally negligent homicide.
q. Rape.
r. Deadly conduct.
s. Sexual Abuse.
t. Delivery of marijuana.
u. Theft.*
v. DUI.*
w. Voluntary Manslaughter.
x. Murder.

*NOTE: Assault /DUI/Intoxication offenses/Marijuana possession/Theft – Eligibility depends on the severity and length of time passed since the offense occurred. In misdemeanor convictions for these offenses, the disqualification will occur with a second misdemeanor conviction.

y. This list of offenses is not intended to be all-inclusive and in no way sets limits on the offenses that are deemed grounds for disqualifying an individual from affiliation with
the YAA. Decisions on all other crimes or offenses not otherwise described above will be made at the sole discretion of the YAA.

z. If a volunteer is determined eligible for affiliation and is later arrested or convicted of any of the above crimes, he/she is required to notify the YAA immediately. He/she will be removed immediately from his/her volunteer position until the case has been finally adjudicated. Failure to notify the YAA of any arrests or convictions from the list above will result in the volunteer being immediately removed from all YAA volunteer duties for a minimum of twelve (12) months beginning on the date the failure to notify was discovered.
## EXHIBIT D
### YAA Submittal Checklist

<table>
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<tr>
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<th>Deadline for Submittal</th>
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<tbody>
<tr>
<td>1.</td>
<td>Current team roster (listing of participants on each team roster):</td>
<td>March 16</td>
</tr>
<tr>
<td>2.</td>
<td>Payment for participants assessed will be per team, per sport. This fee is established annually by the Spartanburg County Council.</td>
<td>Within 10 days of Receiving Invoice. After 14 days and payment is not received by SCPD fields will not be set up for games/practices until payment is received</td>
</tr>
<tr>
<td>3.</td>
<td>An accurate facility and or field schedule, depicting actual use i.e. games, practices, meets, tournaments, and events.</td>
<td>One Full week before fields are needed</td>
</tr>
<tr>
<td>4.</td>
<td>A complete list of the Board of Directors, with contact information, including mailing addresses, phone numbers and email addresses. Persons holding leadership positions must be identified.</td>
<td>January 31</td>
</tr>
<tr>
<td>5.</td>
<td>A complete list of all coaches, with contact information, including mailing addresses, phone numbers and email addresses. The certification of each coach must be available upon request.</td>
<td>March 16</td>
</tr>
<tr>
<td>6.</td>
<td>A copy of the YAA Articles of Incorporation and/or By-Laws.</td>
<td>January 31</td>
</tr>
<tr>
<td>7.</td>
<td>A copy of the Certificate of Insurance naming Spartanburg County as additionally insured, with minimum coverage limits as follows:</td>
<td>February 9 (Prior to start of practices, cannot start using fields until this is on file)</td>
</tr>
<tr>
<td></td>
<td>a. Comprehensive General Liability Insurance on an “occurrence,” $1,000,000 “aggregate.”</td>
<td></td>
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<tr>
<td></td>
<td>b. Business, Automobile Liability Insurance for any motor vehicle owned by, hired by, used by, or used on behalf of a Co-Sponsor Group, providing Bodily Injury Liability and Property Damage Liability covering any injury or damage with limits no less than $1,000,000 per occurrence, $1,000,000 aggregate.</td>
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<td>c. Worker’s Compensation Insurance applicable to its employees, if any, for statutory coverage limits in compliance with South Carolina laws.</td>
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<td></td>
<td>d. Property Insurance, if available, as a tenant or user of County facilities with limits no less than $1,000,000 per occurrence, $1,000,000 aggregate.</td>
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<td>8.</td>
<td>An Emergency Action Plan to include participant accident reporting procedures.</td>
<td>January 31</td>
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<tr>
<td>9.</td>
<td>Signed and Complete Copy of YAA Permit</td>
<td>January 31</td>
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