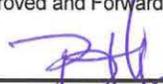




STAFF REPORT

Date: June 21, 2016
To: Bryan H. Montgomery, City Manager
From: Chris Thorsen, Chief of Police
SUBJECT: **Resolution Authorizing Access to State and Federal Level Summary Criminal History Information for Employment, Licensing and/or Certification**

Approved and Forwarded to the City Council:


Bryan Montgomery, City Manager

Summary:

The City of Oakley utilizes "Livescan" fingerprints in the hiring, licensing and certification process in several areas of the City. Prospective employees, massage therapists, peddlers, solicitors, and potential concealed weapons licensees are some examples of those individuals who, by policy, must be finger printed prior to hiring or the issuance of a certificate/license to operate in the City of Oakley. The Department of Justice requires a Resolution by the City Council to allow access to criminal history information via the "Livescan" process for these purposes.

Background/Analysis:

Access to Department of Justice (DOJ) information is critical to our internal process. The Municipal Code requires that certain individuals obtain a permit prior to conducting specific businesses within the City of Oakley. Examples are door to door sales, the sale of firearms, or operating a massage therapy business. In many cases, the type of business requires a background/criminal history check prior to the permit being issued.

The DOJ requires the City Council to pass a specific Resolution to allow access to the criminal history information for the purposes of hiring, licensing or certification. Further the DOJ requires that each specific position and title be designated in the resolution.

In years past, this function was handled locally, however access to the DOJ information was authorized via the Sheriffs Office DOJ approvals.

FINANCIAL IMPACT:

There is no fiscal impact to the City of Oakley. As part of the application process, fees for the "Livescan" process are borne by the applicant.

RECOMMENDATION:

Approve the Resolution allowing access to the DOJ system for the purposes of hiring, certification and licensing.

Attachments:

1. Resolution

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF OAKLEY**

**Allowing Access to the Department of Justice Data Bases for the Purposes of
Hiring, Licensing and Certification for Specific Positions**

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) authorize cities, counties, districts and joint powers authorities to access state and local summary criminal history information for employment, licensing or certification purposes; and

WHEREAS, Penal Code Section 11105(b)(11) authorizes cities, counties, districts and joint powers authorities to access federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation; and

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require that there be a requirement or exclusion from employment, licensing, or certification based on specific criminal conduct on the part of the subject of the record; and

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require the city council, board of supervisors, governing body of a city, county or district or joint powers authority to specifically authorize access to summary criminal history information for employment, licensing, or certification purposes.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the Oakley are hereby authorized to access state and federal level summary criminal history information for employment (including volunteers and contract employees), licensing of taxi drivers, firearms dealers, secondhand dealers, massage therapists, peddlers, solicitors, mobile food vendors, or the certification for taxi driver, firearms dealers, second hand dealers, massage therapists, peddlers, solicitors or mobile food vendors, and may not disseminate the information to a private entity.

The foregoing resolution was introduced at a regular meeting of the Oakley City Council held on the 28th day of June, 2016, by Councilmember _____, who moved its adoption, which motion was duly seconded by Councilmember _____, was upon voice vote carried and the resolution adopted by the following vote.

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

Kevin Romick, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date