



## **CITY OF SALINAS COUNCIL STAFF REPORT**

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**DATE:** June 20, 2017

**DEPARTMENT:** CITY ATTORNEY'S OFFICE

**FROM:** Christopher A. Callihan, City Attorney

**TITLE:** ACCESS TO SUMMARY CRIMINAL HISTORY INFORMATION  
FOR EMPLOYMENT, CERTIFICATION, AND LICENSING  
PROGRAMS

### **RECOMMENDED MOTION:**

A motion to approve a Resolution allowing the City of Salinas to access the State of California's Department of Justice Live Scan system for local, state, and federal level criminal history information for employment, certification, and licensing programs.

### **RECOMMENDATION:**

It is recommended that the City Council approve the proposed Resolution. The authority granted through this Resolution will allow the City to complete background checks on prospective commercial cannabis business permittees.

### **EXECUTIVE SUMMARY:**

In order for the City to help ensure that the interests of the City, its employees, and members of the public are protected, and to help minimize potential liability, it is necessary for the City to access summary criminal history information regarding prospective employees, volunteers, independent contractors, and license and permit holders. Initially, the authority granted through this Resolution will be used to complete background checks on prospective commercial cannabis business permittees.

### **BACKGROUND:**

The Salinas Police Department conducts criminal background checks; however, their access is primarily for criminal investigative purposes. California Penal Code 11105 allows cities, when access is specifically authorized by Resolution of the City Council, to access State summary criminal history information from the Department of Justice and information from the Federal Bureau of Investigation, to assist in fulfilling employment, certification, or licensing duties. California Penal Code section 13300 allows cities, when authorized in the same manner, to access local summary criminal history information for the same purpose. Once this Resolution is approved, the City departments requiring this information may submit individual applications to

the Department of Justice for access to criminal history background information, referred to as “Livescan” access. This authority will initially be used to complete the background checks on the applicants for commercial cannabis permits. None of the applicants may receive a permit unless they have successfully completed a background check.

CEQA CONSIDERATION:

**Not a Project.** The City of Salinas has determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CEQA Guidelines Section 15378).

STRATEGIC PLAN INITIATIVE:

Approving the proposed Resolution is consistent with the City Council’s goal of an effective and efficient government.

FISCAL AND SUSTAINABILITY IMPACT:

No impact to the City’s General Fund is anticipated with the recommended actions.

ATTACHMENTS:

Resolution

**RESOLUTION NO. \_\_\_\_\_ (N.C.S.)**

**A RESOLUTION OF THE CITY COUNCIL OF SALINAS APPROVING AN  
APPLICATION FOR AUTHORIZATION TO ACCESS STATE AND FEDERAL LEVEL  
SUMMARY CRIMINAL HISTORY INFORMATION FOR EMPLOYMENT,  
VOLUNTEERS, AND CONTRACTORS, LICENSING OR CERTIFICATION  
PURPOSES**

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 1105(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 or record; and

WHEREAS, Penal Code Sections 1105(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 COUNCIL OF SALINAS that the City of Salinas is hereby authorized to access state and federal level summary criminal history information for employment (including volunteers and employees) and licensing for commercial cannabis businesses and their owners and employees and may not disseminate the information to a private entity.

PASSED AND APPROVED this 20<sup>th</sup> day of June, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

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Joe Gunter, Mayor

ATTEST:

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Patricia M. Barajas, City Clerk