



DATE: December 17, 2008

TO: Honorable Mayor and City Councilmembers

FROM: Human Resources Department

SUBJECT: **ADOPTION OF A RESOLUTION AUTHORIZING THE CITY OF OCEANSIDE TO ACCESS STATE- AND FEDERAL-LEVEL SUMMARY CRIMINAL HISTORY INFORMATION FOR EMPLOYMENT PURPOSES**

SYNOPSIS

Staff recommends that the City Council adopt the attached resolution authorizing the City of Oceanside to access state- and federal- level summary criminal history information for employment purposes.

BACKGROUND

The City is mandated to obtain criminal history information for employment purposes from the California Department of Justice (DOJ) and the Federal Bureau of Investigation (FBI) on all prospective employees and volunteers with the potential to work with children in the course of their duties. Criminal history information is obtained on all prospective employees and volunteers from the DOJ Livescan fingerprint submission system. We are also required to obtain records from the FBI on any individuals who will be working with children in the Parks and Recreation Department.

Previously FBI criminal history information was obtained through an incorrect system code during the Livescan fingerprint process. In order to obtain the correct system code, the DOJ requires an agency's governing board to adopt a resolution authorizing the City to obtain criminal history information for employment purposes.

ANALYSIS

The key purpose of the request is to correct a system coding error and allow for future criminal history reports to be obtained and billed through the correct processes at the State level.

FISCAL IMPACT

Does not apply.

COMMISSION OR COMMITTEE REPORT

Does not apply.

CITY ATTORNEY'S ANALYSIS

The resolution has been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

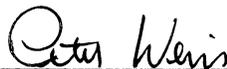
Staff recommends that the City Council adopt the attached resolution authorizing the City of Oceanside to access state- and federal- level summary criminal history information for employment purposes.

PREPARED BY:



Brian J. Kammerer
Human Resources Director

SUBMITTED BY:



Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager



1 RESOLUTION NO.

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 OCEANSIDE AUTHORIZING THE CITY OF OCEANSIDE TO
4 ACCESS STATE AND FEDERAL LEVEL SUMMARY
5 CRIMINAL HISTORY INFORMATION FOR EMPLOYMENT
6 PURPOSES.

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

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

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

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

21 NOW, THEREFORE, the City Council of the City of Oceanside does resolve as follows:

22 SECTION 1. That the City of Oceanside is hereby authorized to access state and federal
23 level summary criminal history information for employment (including volunteers and contract
24 employees), licensing, or certification purposes and may not disseminate the information to a
25 private entity; and

26 SECTION 2. That the City of Oceanside shall not consider a person who has been
27 convicted of a felony or misdemeanor involving moral turpitude eligible for employment
28 (including volunteers and contract employees), or licensing, except that such conviction may be
disregarded if it is determined that mitigating circumstances exist, or that the conviction is not

1 related to the employment, volunteer or license in question.

2 PASSED AND ADOPTED by the City Council of the City of Oceanside, California,
3 this _____ day of _____, 2008, by the following vote:

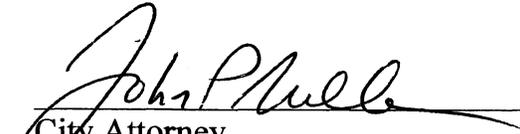
4 AYES:
5 NAYS:
6 ABSENT:
7 ABSTAIN:
8

9 MAYOR OF THE CITY OF OCEANSIDE

10
11 ATTEST:

APPROVED AS TO FORM:

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13 _____
14 City Clerk


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City Attorney