



AGENDA REPORT

Meeting Date: May 20, 2008
Item Number: F-7
To: Honorable Mayor & City Council
From: David L. Snowden
Subject: RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
AUTHORIZING ACCESS TO STATE CRIMINAL HISTORY
INFORMATION
Attachments: 1. Resolution

RECOMMENDATION

It is recommended that the City Council adopt this resolution which would permit the City of Beverly Hills to access both State and Federal Criminal History Systems when processing applicants for licensing, employment, or certification, including volunteers.

INTRODUCTION

In 1989, the City Council passed Resolution 89R7863 which authorized the City Manager or his designee access to the California Dept of Justice Criminal History System when processing applicants for licensing, employment or certification. In 1992, as second resolution was passed, 92-R8552, which slightly revised the 1989 resolution, but again only permitted access to the California Criminal History System. California Penal Code Sections 11105(b)(10) and 13300(b)10 authorizes such access once the City has enacted the required resolution and submitted it to the State. At that time, access to the Criminal History system maintained by the FBI was not authorized as California State law did not permit it. California State law has recently been amended authorizing local governmental entities access to the Criminal History System maintained by the FBI, for employment, licensing, or certification. As before, the City must pass a resolution authorizing the access to include the FBI Criminal History System.

DISCUSSION

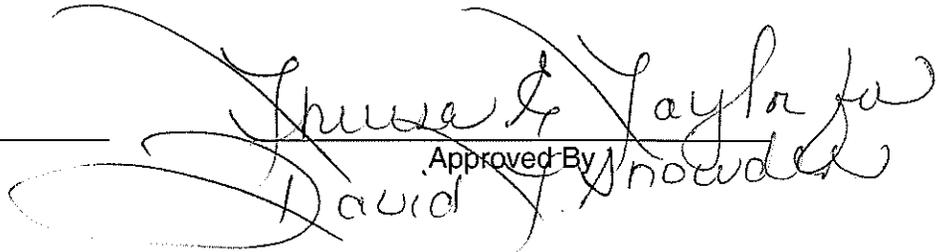
At present, the City of Beverly Hills can only process most applicants for employment, licensing or certification through the California Dept of Justice Criminal History System. As society has become increasingly mobile, a majority of applicants have resided outside the State of California making it imperative that the City process all applicants through the Federal database in order to obtain thorough background information to properly evaluate the applicant for employment, licensing, or certification. For business licenses and permits, many applicants maintain residences as well as business in other States and return to California intermittently. Without this proper and legal authorization, neither the FBI nor outside agencies can respond to direct inquiries for criminal history information that may be uncovered during the initial background process on license or permit applicants.

FISCAL IMPACT

The fee for processing applicants through the FBI is \$19 for employees and \$15 for volunteers. It estimated that the cost for City employee processing will increase by \$3,800 next fiscal year. The additional cost for business licensees will be paid by the applicant so the City will not incur any additional cost for them.



Finance Approval



Approved By

RESOLUTION NO. 08-R-_____

RESOLUTION OF THE COUNCIL OF THE CITY OF
BEVERLY HILLS AUTHORIZING ACCESS TO STATE
CRIMINAL HISTORY INFORMATION

WHEREAS, Penal Code Sections 11105(b)(10) and 13300(b)(10) authorize cities, counties and districts to access state and local summary criminal history information for employment, licensing or certification purposes; and

WHEREAS, Penal Code Section 11105(b)(10) authorizes cities, counties and districts 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;

WHEREAS, Penal Code Sections 11105(b)(10) and 13300(b)(10) 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)(10) and 13300(b)(10) require the city council, board of supervisors, or governing body of a city, county or district to specifically authorize access to summary criminal history information for employment, licensing or certification.

NOW THEREFORE, the City Council of the City of Beverly Hills hereby finds, resolves and determines as follows:

Section 1. The City of Beverly Hills is hereby authorized to access state and federal level summary criminal history information for employment (including volunteers and contract

employees), licensing, or certification purposes and may not disseminate the information to a private entity.

Section 2. The City of Beverly Hills shall not consider a person who has been convicted of a felony or misdemeanor involving moral turpitude eligible for employment (including volunteer 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 related to the employment, volunteer or license in question.

Section 3. The City Clerk shall send copies of this resolution to the California Department of Justice.

Section 4. The City Clerk shall certify to the adoption of this Resolution and shall cause this Resolution and his certification to be entered in the Book of Resolutions and his certification to be entered in the Book of Resolutions of the Council of the City.

Adopted:

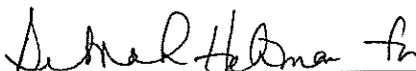
BARRY BRUCKER
Mayor of the City of Beverly Hills,
California

ATTEST:

Seal

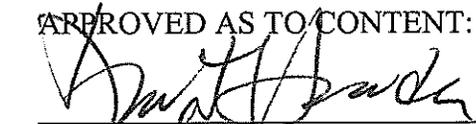
BYRON POPE
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:



DAVID SNOWDEN
Chief of Police



SCOTT G. MILLER
Director of Administrative Services/CFO



SANDRA OLIVENCIA
Assistant Director of Administrative
Services/Human Resources