

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CHULA VISTA APPROVING AUTHORIZED STAFF ACCESS
TO FEDERAL LEVEL SUMMARY CRIMINAL HISTORY
INFORMATION FOR EMPLOYMENT PURPOSES,
INCLUDING VOLUNTEERS AND INDEPENDENT
CONTRACTORS

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, prior to extending conditional offers of employment, the City requires candidates to complete and pass a criminal background check conducted through the State of California Department of Justice; and

WHEREAS, the City is currently authorized to receive State and local-level summary criminal history information for potential employees, volunteers and independent contractors through the State of California DOJ; and

WHEREAS, staff recommends approving a resolution authorizing staff to receive Federal-level summary criminal history information for employment purposes from the Federal Bureau of Investigation (FBI) which will allow the City to receive information on convictions obtained outside the state of California; 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, that the City Council of the City of Chula Vista approves authorized staff to access Federal level summary criminal history information (in addition to the currently authorized State level summary criminal history information) for employment purposes (including volunteers and independent contractors) and may not disseminate the information to a private entity.

Presented by

Approved as to form by

Courtney Chase
Director of Human Resources

Glen R. Googins
City Attorney