



# City of Chula Vista

## Legislation Details (With Text)

**File #:** 17-0442      **Name:** Authorization to Access Federal Level Summary Criminal History Information for Employment Purposes

**Type:** Consent Item      **Status:** Passed

**In control:** City Council

**On agenda:** 10/10/2017      **Final action:** 10/10/2017

**Title:** RESOLUTION NO. 2017-186 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

**Sponsors:**

**Indexes:** 1. Operational Excellence

**Code sections:**

**Attachments:** 1. Resolution

| Date       | Ver. | Action By    | Action  | Result |
|------------|------|--------------|---------|--------|
| 10/10/2017 | 1    | City Council | approve | Pass   |

RESOLUTION NO. 2017-186 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

**RECOMMENDED ACTION**  
Council adopt the resolution.

**SUMMARY**  
The City of Chula Vista is currently authorized to receive State-level summary criminal history information for potential employees, volunteers and independent contractors through the State of California Department of Justice (DOJ) Live Scan Fingerprint Submission System.

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).

### ENVIRONMENTAL REVIEW

#### Environmental Notice

The activity is not a "Project" as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required.

#### Environmental Determination

The Director of Development Services has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as

defined under Section 15378 of the State CEQA Guidelines; therefore, pursuant to Section 15060(c) (3) of the State CEQA Guidelines, the activity is not subject to CEQA. Thus, no environmental review is required.

## **BOARD/COMMISSION RECOMMENDATION**

N/A

## **DISCUSSION**

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. Additionally, 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. Furthermore, 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.

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 fingerprint-based background check. 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 Department of Justice (DOJ) Live Scan Fingerprint Submission System.

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.

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). This will allow the City to receive information on convictions obtained outside the state of California.

## **DECISION-MAKER CONFLICT**

Staff has determined that the action contemplated by this item is ministerial, secretarial, manual, or clerical in nature and, as such, does not require the City Council members to make or participate in making a governmental decision, pursuant to California Code of Regulations Title 2, section 18702.4 (a). Consequently, this item does not present a conflict under the Political Reform Act (Cal. Gov't Code § 87100, et seq.). Staff is not independently aware, and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision maker conflict of interest in this matter.

## **LINK TO STRATEGIC GOALS**

The City's Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy Community, Strong and Secure Neighborhoods and a Connected Community. The position changes support the City-wide strategic goal of Operational Excellence by providing assurance that persons employed by the City of Chula Vista will adhere to the highest standards of integrity, professionalism, and community service.

**CURRENT YEAR FISCAL IMPACT**

The fee for receiving Federal level summary criminal history information is an additional \$17 per fingerprint submission for potential employees and \$15 per fingerprint submission for potential volunteers. The total net cost is estimated to be \$5,400 for the remainder of the fiscal year. There is anticipated salary savings projected in the Human Resources Department to absorb the additional cost, resulting in no net impact to the General Fund.

**ONGOING FISCAL IMPACT**

The ongoing costs associated with this proposed change will be incorporated into the baseline salary budget of the Human Resources Department in future fiscal years.

**ATTACHMENT**

N/A

*Staff Contact: Courtney Chase*