

TO: James L. App, City Manager
FROM: Marlaine Sanders, Human Resources Manager
SUBJECT: Department of Justice Originating Agency Identifier – Modified Resolution
DATE: May 18, 2010

NEEDS: For the City Council to rescind a previously approved resolution and adopt a new resolution with amended language to authorize the Human Resources Manager to obtain a Department of Justice Originating Agency Identifier (ORI) number.

- FACTS:**
1. On May 4, 2010, the City Council adopted Resolution 10-055 which authorized the Human Resources Manager to obtain an ORI number from the State Department of Justice (DOJ).
 2. After filing the ORI application and resolution with the State, the DOJ notified the City that there were specific verbiage modifications necessary to the resolution in order for them to continue processing the application.
 3. To implement the DOJ's directive it will be necessary to rescind Resolution 10-055 through resolution action, and then adopt a new/separate resolution with the specific language amendment.
 4. The proposed amendment is to delete text as shown in strike-through font as follows:

“NOW THEREFORE, BE IT RESOLVED, that the City of Paso Robles is hereby authorized to access state and federal level summary criminal history information for employment in ~~Emergency Services~~ (including volunteer and contract employees) ~~licensing, or certification~~ purposes and may not disseminate the information to a private entity; and
 5. A Department of Justice ORI number is required to receive criminal history and subsequent arrest information.
 6. Emergency Medical Technician (EMT) certified employees undergo a state criminal background check as part of their initial hiring process.
 7. New state regulations will require EMT certified employees to complete both a state and federal criminal background check.
 8. Human Resources holds an ORI number that limits access to state criminal history information. A new application and ORI number will be required to receive both state and federal criminal history information.

ANALYSIS &

CONCLUSION: Emergency Services' employees undergo a rigorous background investigation prior to hire. Background investigation includes “live scan” fingerprint process to determine criminal history. This check has been limited to criminal history collected at the state level.

New state regulations will require all California EMT's to undergo a criminal background check that includes both state and federal sources. Obtaining a designated ORI number will allow criminal background results and subsequent arrest notifications at the state and federal levels to be provided directly to Human Resources.

The proposed resolution amendment is required by the State DOJ to allow the continued processing of an ORI number as described within this report.

POLICY

REFERENCE: None.

FISCAL

IMPACT: None.

OPTIONS:

- a. For the City Council to: 1) Adopt Resolution No. 10-xxx rescinding Resolution No. 10-055, and; 2) Adopt Resolution No. 10-xxx with amended language authorizing Human Resources to obtain an Originating Agency Identifier from the Department of Justice; or
- b. Amend, modify or reject above option.

Attachments: authorize the Human Resources Manager to obtain a Department of Justice Originating Agency Identifier (ORI) number.

1. Resolution 10-xxx Rescinding City Council Resolution No. 10-055 approved May 4, 2010
2. Resolution 10-xxx with amended language to authorize the Human Resources Manager to obtain a Department of Justice Originating Agency Identifier (ORI) number.

RESOLUTION NO. 10-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES TO RESCIND RESOLUTION 10-055 WHICH APPROVED THE HUMAN RESOURCES DEPARTMENT'S REQUEST FOR AN ORI (ORIGINATING AGENCY IDENTIFIER) NUMBER FROM THE DEPARTMENT OF JUSTICE (DOJ).

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 Investigations; 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, 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; and

WHEREAS, on May 4, 2010 the City Council adopted Resolution 10-055 authorizing the Human Resources Manager to obtain an ORI number from the State Department of Justice (DOJ); and

WHEREAS, after filing the ORI application and resolution with the State, the DOJ notified the City that there were specific verbiage modifications necessary to the resolution in order for them to continue processing the application; and

WHEREAS, to implement the DOJ's directive it will be necessary to rescind Resolution 10-055 and then adopt a new and separate resolution with the required specific language amendment.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles hereby rescinds Resolution 10-055 (Attached as Exhibit A) which authorized the Human Resources Manager to process a request through the State Department of Justice for a modified Originating Agency Identifier to access state and federal level summary criminal history information for employment purposes.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 18th day of May 2010 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Duane Picanco, Mayor

ATTEST:

Lonnie Dolan, Deputy City Clerk

Exhibit A

RESOLUTION NO. 10-055

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES APPROVING THE HUMAN RESOURCES DEPARTMENT'S REQUEST FOR AN ORI (ORIGINATING AGENCY IDENTIFIER) NUMBER FROM THE DEPARTMENT OF JUSTICE (DOJ).

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 Investigations; 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 of the record; 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 of Paso Robles is hereby authorized to access state and federal level summary criminal history information for employment in Emergency Services (including volunteer and contract employees), licensing, or certification purposes and may not disseminate the information to a private entity; and

BE IT FURTHER RESOLVED, that the City of Paso Robles shall not consider a person who has been convicted of a violent or serious felony or misdemeanor 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.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 4th day of May 2010 by the following vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco
NOES:
ABSENT:
ABSTAIN:



Duane Picanco, Mayor

ATTEST:



Lonnie Dolan, Deputy City Clerk

RESOLUTION NO. 10-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES APPROVING THE HUMAN RESOURCES DEPARTMENT'S REQUEST FOR AN ORI (ORIGINATING AGENCY IDENTIFIER) NUMBER FROM THE DEPARTMENT OF JUSTICE (DOJ).

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 Investigations; 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, 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 of Paso Robles is hereby authorized to access state and federal level summary criminal history information for employment (including volunteer and contract employees) purposes and may not disseminate the information to a private entity; and

BE IT FURTHER RESOLVED, that the City of Paso Robles shall not consider a person who has been convicted of a violent or serious felony or misdemeanor 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.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 18th day of May 2010 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Duane Picanco, Mayor

ATTEST:

Lonnie Dolan, Deputy City Clerk