

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA RESCINDING RESOLUTION NO. 12-067 AND ADOPTING A RESOLUTION AUTHORIZING THE CITY OF SANTA BARBARA TO HAVE ACCESS TO STATE AND FEDERAL LEVEL SUMMARY CRIMINAL HISTORY INFORMATION THROUGH THE CALIFORNIA DEPARTMENT OF JUSTICE FOR EMPLOYMENT PURPOSES FOR ALL REGULAR EMPLOYEES AND HOURLY EMPLOYEES FOR SPECIFIC POSITIONS AND STATE LEVEL SUMMARY CRIMINAL HISTORY INFORMATION FOR ALL OTHER HOURLY EMPLOYEES

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) authorize cities, counties, districts and joint powers authority 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 fingerprinting 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 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, 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 records; and

WHEREAS, Santa Barbara Municipal Code Section 3.16.070.5 provides for authorized officers of the City of Santa Barbara to access and use criminal history information for employment purposes, pursuant to Penal Code Section 11105.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Santa Barbara that:

(1) Resolution No. 12-067 and Resolution No. 12-063 are rescinded; and

(2) The City of Santa Barbara is hereby authorized to access state and federal level summary criminal history information for employment purposes of any and all employees (including volunteers, hourly, and contract employees); and

(3) The City of Santa Barbara Fire Department is hereby authorized to access state and federal level summary criminal history information for the purposes of EMT licensing and/or certification; and

(4) The City may not disseminate the information to a private entity.