



CITY COUNCIL AGENDA REPORT

MEETING DATE: FEBRUARY 7, 2017 ITEM NUMBER: CC-6

SUBJECT: A RESOLUTION AUTHORIZING THE CITY TO ACCESS STATE AND LOCAL SUMMARY CRIMINAL HISTORY INFORMATION FOR LICENSING PURPOSES AND FEDERAL LEVEL CRIMINAL HISTORY INFORMATION

DATE: January 26, 2017

FROM: City Manager's Office/City Attorney's Office

PRESENTATION BY: Richard L. Francis, Assistant City Manager

FOR FURTHER INFORMATION CONTACT: Brenda Green, City Clerk, (714) 754-5221

RECOMMENDATION:

Staff recommends that the City Council adopt the attached resolution in order to be able to access both local summary criminal history information and federal level criminal history information as required to process applications for Medical Marijuana Business Permits pursuant to Measure X.

BACKGROUND:

The people of Costa Mesa approved Measure X, the Costa Mesa Medical Marijuana Measure, at the November 8th, 2016 election. Measure X requires that owners, managers and all employees undergo a criminal background check prior to a business being issued a Medical Marijuana Business Permit. Applicants are required to submit fingerprints and other information to the Costa Mesa Police Department.

Penal Code section 11105(b)(11) authorizes a city, county or special district to request criminal record information from the Department of Justice (DOJ) in order to assist in fulfilling employment, certification, or licensing duties, and if the access is specifically authorized by the city council, board of supervisors, or governing board of the city, county, or district if the criminal history information is required to implement a statute, ordinance, or regulation that expressly refers to specific criminal conduct applicable to the subject person of the state summary criminal history information, and contains requirements or exclusions, or both, expressly based upon that specified criminal conduct. In addition to state level summary criminal history information, a city, county or special district may request federal level summary criminal history information from the Federal Bureau of Investigation (FBI).

Accordingly, the attached resolution is based on the template provided by the DOJ, and will provide the required authorization from the City Council as required by Penal Code section 11105(b)(11).

FISCAL REVIEW:

There is no cost to the City to submit this resolution to the DOJ. Applicants for Medical Marijuana Business Permits are required to pay the cost of the Livescan procedures.

LEGAL REVIEW:

The City Attorney's Office has drafted the attached resolution and approves it as to form.

CONCLUSION:

Staff recommends that the City Council adopt Resolution No. XX in order to enable the Police Department to complete background investigations as required by Measure X.

RICHARD L. FRANCIS
Assistant City Manager

ATTACHMENTS: 1. [Resolution No. xx](#)