

## REPORT TO THE CITY COUNCIL

**DATE:** OCTOBER 28, 2009

**TO:** HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

**FROM:** GREG RAMIREZ, CITY MANAGER *GR*

**BY:** NATHAN HAMBURGER, ASSISTANT CITY MANAGER *NH*  
CELESTE BIRD, ADMINISTRATIVE ANALYST *CB*

**SUBJECT:** APPROVE RESOLUTION NO. 09-1556; AUTHORIZING THE CITY TO ACCESS STATE AND FEDERAL LEVEL SUMMARY CRIMINAL HISTORY INFORMATION FOR EMPLOYMENT PURPOSES

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The State of California Penal Code Sections 11105(b)(11) and 13300(b)(11) authorizes cities to access local, state, and federal level summary criminal history information for employment purposes. In January of 1999 the City adopted Resolution No. 99-1096, that authorized access to state and local level summary criminal history information, but not federal. With today's sophisticated and widespread level of criminal activity, it was suggested by the Los Angeles County Sheriff's Department and the Joint Powers Insurance Authority that the City be thorough in efforts to obtain detailed background information on potential employees and volunteers. Access to federal level criminal history information will enable the City to obtain important information on applicants who have lived out of state, thereby providing another tool to make educated and effective hiring decisions and to provide greater protection for the City.

If approved, the access to federal level criminal history information will begin from this point forward for any new full or part-time employees, and/or volunteers. Currently the City pays a \$10 livescan fee and a \$32 criminal history fee for each full-time, part-time employee and non-Park and Recreation volunteer. Park and Recreation volunteers are only charged the \$10 livescan fee. Federal level criminal history information will add an additional \$19 to the current \$32 criminal history fee for each full-time, part-time employee and non-Park and Recreation volunteer. There will be no additional charge for Park and Recreation volunteers. Even with these additional costs, there is no need for any further appropriations for personnel related expenses for this current fiscal year.

The City Attorney has reviewed and approved as to form the attached resolution.

### RECOMMENDATION

It is respectfully recommended the City Council approve Resolution No. 09-1556, authorizing the City to access state and federal level summary criminal history information.

Attachment: Resolution No. 09-1556

**RESOLUTION NO. 09-1556**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, AUTHORIZING THE CITY TO ACCESS STATE AND FEDERAL LEVEL SUMMARY CRIMINAL HISTORY INFORMATION FOR EMPLOYMENT PURPOSES**

**WHEREAS**, Penal Code Sections 11105(b)(11) and 13300(b)(11) authorize cities, counties and districts to access state and local summary criminal history information for employment purposes; and

**WHEREAS**, Penal Code Sections 11105(b)(11) authorizes cities, counties and districts 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 Section 11105(b)(11) and 13300(b)(11) require that there be a requirement or exclusion from employment 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, or governing body of a city, county or district to specifically authorize access to summary criminal history information for employment purposes.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Agoura Hills is hereby authorized to access state and federal level summary criminal history information for employment (including volunteers and contract employees) purposes and may not disseminate the information to a private entity; and

**BE IT FURTHER RESOLVED**, that the City of Agoura Hills shall not consider a person who has been convicted of a violent or serious felony or misdemeanor eligible for employment (including volunteers and contract employees) 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 or volunteer in question.

**PASSED, APPROVED, AND ADOPTED** this 28<sup>th</sup> day of October, 2009, by the following vote to wit:

AYES: (0)  
NOES: (0)  
ABSENT: (0)  
ABSTAIN: (0)

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Denis Weber, Mayor

ATTEST:

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Kimberly M. Rodrigues, City Clerk