

RESOLUTION NO. 19-147

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING THE MENDOCINO COUNTY DISTRICT ATTORNEY AND THE MENDOCINO COUNTY SHERIFF TO ACCESS STATE, FEDERAL AND LOCAL SUMMARY CRIMINAL HISTORY INFORMATION FOR LICENSING OR CERTIFICATION PURPOSES

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 Investigation; 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, the County of Mendocino has adopted a permit program for the cultivation of cannabis, found in Mendocino County Code Chapter 10A.17, and in order to obtain a permit, evidence must be provided that applicants and individuals engaged in such cultivation have not been convicted of certain crimes listed in section 10A.17.090 of Chapter 10A.17 of the Mendocino County Code.

WHEREAS, the County of Mendocino has adopted a business license program for cannabis facilities, found in Mendocino County Code Chapter 6.36, and in order to obtain a license, evidence must be provided that applicants and individuals engaged in such cannabis facilities businesses have not been convicted of certain crimes listed in section 6.36.060 of Chapter 6.36 of the Mendocino County Code..

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors authorize the Mendocino County District Attorney and the Mendocino County Sheriff to access state, federal and local level summary criminal history information for licensing and certification purposes related to issuing permits or business licenses for cannabis facilities or cultivation but may not disseminate the information to a private entity.


The foregoing Resolution introduced by Supervisor McCowen, seconded by Supervisor Williams, and carried this 26th day of March, 2019, by the following vote:

AYES: Supervisors Brown, McCowen, Haschak, Gjerde, and Williams
NOES: None
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board


CARRE BROWN, Chair
Mendocino County Board of Supervisors

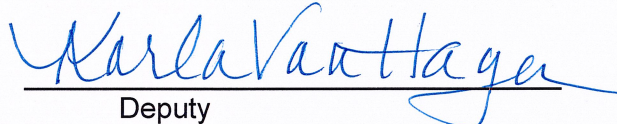

Deputy

I hereby certify that according to the provisions of Government Code section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
KATHARINE L. ELLIOTT, County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board




Deputy