

RESOLUTION NO. 17-155

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS TO AUTHORIZE 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 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 a violent felony as defined by Penal Code Section 667.5(c) or crimes that would have constituted a violent felony as so defined.

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

The foregoing Resolution introduced by Supervisor Hamburg, seconded by Supervisor Brown, and carried this 31st day of October 31, 2017, by the following vote:

AYES: Supervisors Brown, McCowen, Croskey, Gjerde, and Hamburg
NOES: None
ABSENT: None

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

ATTEST: CARMEL J. ANGELO
Clerk of the Board

JOHN MCCOWEN, Chair
Mendocino County Board of Supervisors

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

Deputy

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

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy