

RESOLUTION NO. 2007-_____
RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS
AUTHORIZING THE COUNTY OF MARIN TO ACCESS LOCAL, STATE AND FEDERAL
LEVEL SUMMARY CRIMINAL HISTORY INFORMATION

WHEREAS, The County of Marin (COUNTY) is a form of statutorily enumerated local government expressly authorized to access state and local summary criminal history information for employment, licensing or certification purposes [Penal Code sections 11105(b)(10) and 13300(b)(10)]; and

WHEREAS, The COUNTY is a form of local government expressly authorized to access federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice for transmission to the Federal Bureau of Investigation [Penal Code section 11105(b)(10)]; and

WHEREAS, the COUNTY is required to exclude from employment, licensing or certification for certain statutorily specified criminal conduct on the part of the subject of the federal, state, and local criminal history information [Penal Code sections 11105(b)(10) and 13300(b)(10)]; and

WHEREAS, the COUNTY requires access to federal, state and local criminal summary history in order to assist it and its eligible personnel in fulfilling the COUNTY employment, certification or licensing duties in those circumstances where criminal history information is required to implement a statute, ordinance or regulation that expressly refers to specific criminal conduct applicable to the subject person, and which contains requirements or exclusions, or both, expressly based on that specified criminal conduct [Penal Code sections 11105(b)(10) and 13300(b)(10)]; and

WHEREAS, the Marin County Board of Supervisors must specifically authorize the COUNTY and its eligible personnel to have summary criminal history information access for purposes of performing COUNTY's employment, licensing, or certification duties and responsibilities [Penal Code sections 11105(b)(10) and 13300(b)(10)].

NOW THEREFORE, BE IT RESOLVED, that the COUNTY OF MARIN is hereby specifically authorized to access local, state and federal level summary criminal history information for employment (including volunteers, contract employees, and independent contractors), licensing, or certification purposes and may not disseminate the information except in accord with the appropriate statutory authority.

BE IT FURTHER RESOLVED, that the COUNTY OF MARIN will not consider eligible for employment (including volunteers, contract employees and independent contractors), licensing or certification, any person who has been convicted of a felony or misdemeanor involving moral turpitude or other criminal offense which renders a person statutorily ineligible for specific employment, licensing or certification, except such conviction may be disregarded if it is determined that mitigating circumstances exist, or that the conviction is not related to the employment, volunteer situation, licensure or certification in question.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this ____th day of _____, 2007, by the following vote:

AYES: SUPERVISORS

NOES:

ABSENT:

ATTEST:

PRESIDENT, BOARD OF SUPERVISORS

CLERK