



CITY OF POMONA

COUNCIL REPORT

April 6, 2020

To: Honorable Mayor and Members of the City Council

From: James Makshanoff, City Manager

Submitted By: Anita D. Gutierrez, AICP, Development Services Director

SUBJECT: ADOPTION OF RESOLUTION AUTHORIZING THE POMONA POLICE DEPARTMENT TO ACCESS STATE AND FEDERAL LEVEL SUMMARY CRIMINAL HISTORY INFORMATION RELATED TO THE COMMERCIAL CANNABIS PERMIT PROGRAM

RECOMMENDATION:

It is recommended that the City Council approve a Resolution (Attachment No. 1) authorizing the Pomona Police Department to access State and Federal summary criminal history information related to the Commercial Cannabis Permit Program and authorizing the City Manager to file any necessary application(s) to Federal and/or State authorities related thereto.

EXECUTIVE SUMMARY:

The City of Pomona is currently accepting applications for the Commercial Cannabis Permit Program (“CCPP”). As part of the application process, applicants are required to submit for a background check/Live Scan for any individual with 10% or greater stake in the proposed commercial cannabis. This background check accesses State and Federal level summary criminal history information, which is then evaluated against the City’s regulations pertaining to the issuance of a commercial cannabis permit. In order to access such information for the CCPP, the City must authorize access to the Pomona Police Department.

FISCAL IMPACT: There is no fiscal impact that would result from the recommended action.

PREVIOUS COUNCIL ACTION: On March 16, 2020, the City Council approved at second reading the rescinding or amending of various ordinances prohibiting commercial cannabis in the City of Pomona. On March 2, 2020, the City Council adopted fees related to the CCPP and approved a contract with HdL Companies as the official third-party evaluator for commercial cannabis permit applications. On November 19, 2019, the City Council adopted a CCPP Overlay District, which established locations where various commercial cannabis related uses are permitted in the City. On April 1, 2019, the City Council adopted Ordinance No. 4257, which established Chapter 68 in the Pomona Municipal Code entitled “Commercial Cannabis Businesses.”

ANALYSIS:

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 transmitting fingerprint images and related information to the California Department of Justice to be transmitted to the Federal Bureau of Investigation. It further requires a City's City Council or governing body to specifically authorize access to such summary criminal history information for employment, licensing, or certification purposes.

As the CCPP is a new and unique program in the City of Pomona, and requires compliance with various regulations that can only be verified through criminal background checks, the City Council must authorize the Pomona Police Department access to this information, and grant the City Manager authority to file any necessary application(s) to Federal and/or State agencies to start this process.

ATTACHMENT(S):

Attachment No. 1 – Draft Resolution No. 2020-54