

RESOLUTION NO. 2020-54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF POMONA, CALIFORNIA, AUTHORIZING THE POMONA POLICE DEPARTMENT TO ACCESS STATE AND FEDERAL LEVEL SUMMARY CRIMINAL HISTORY INFORMATION FOR CANNABIS EMPLOYMENT, CONTRACTORS, 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 California 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 or 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;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pomona as follows:

SECTION 1. Pomona Police Department is hereby authorized to access state and federal level summary criminal history information for cannabis employment, including contract employees, licensing and certification of commercial cannabis operations including retail, cultivation, distribution, testing, and manufacturing purposes and may not disseminate the information to a private entity.

SECTION 2. The City Manager is hereby authorized to file any necessary application(s) to Federal and/or State authorities which would enable the Pomona Police Department to access state and federal level summary criminal history information for cannabis employment, including contract employees, licensing and certification of commercial cannabis operations including retail, cultivation, distribution, testing, and manufacturing purposes

SECTION 3. The City Clerk shall attest and certify to the passage and adoption of this Resolution.

PASSED, APPROVED AND ADOPTED THIS ____ DAY OF ____, 2020

ATTEST:

CITY OF POMONA:

Rosalia A. Butler, City Clerk

Tim Sandoval, Mayor

APPROVED AS TO FORM:

Sonia Carvahlo, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF POMONA)

I, ROSALIA A. BUTLER, CITY CLERK of the City of Pomona do hereby certify that the foregoing Resolution was considered at a regular meeting of the City Council of the City of Pomona held on the 6th day of April, 2020, and adopted on the _____ day of _____, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Rosalia A. Butler, City Clerk