

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY

DEPT: Chief Executive Office

BOARD AGENDA #: *B-12

AGENDA DATE: November 21, 2017

SUBJECT:

Approval to Adopt a Resolution Authorizing Access to State and Federal level Criminal History Information for Cannabis Permitting Activities

BOARD ACTION AS FOLLOWS:

No. 2017-663

On motion of Supervisor Olsen , **Seconded by Supervisor** DeMartini
and approved by the following vote,

Ayes: Supervisors: Olsen, Monteith, DeMartini, and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: Withrow

Abstaining: Supervisor: None

1) **Approved as recommended**

2) **Denied**

3) **Approved as amended**

4) **Other:**

MOTION:

ATTEST: 
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No.

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Chief Executive Office

BOARD AGENDA #: *B-12

Urgent Routine

AGENDA DATE: November 21, 2017

CEO CONCURRENCE: 

4/5 Vote Required: Yes No

SUBJECT:

Approval to Adopt a Resolution Authorizing Access to State and Federal level Criminal History Information for Cannabis Permitting Activities

STAFF RECOMMENDATIONS:

1. Adopt a resolution approving an application for authorization to access state and federal level summary criminal history information for employment, volunteers, and contractors, licensing or certification purposes.

DISCUSSION:

On September 26, 2017 the Board of Supervisors approved the development of a commercial cannabis allowance strategy for retail, cultivation, and other related cannabis business activities in the unincorporated area of Stanislaus County. Also approved was a 15 business day initial application interest period from October 2, 2017 through October 20, 2017. In that meeting the Board directed staff to return with an enforcement strategy. Staff are working with the affected Departments to develop a phased staffing and enforcement strategy that will be brought before the Board of Supervisors in December 2017.

During the 15 business day initial application interest period, the County received a total of 118 applications. The permit review process will require initial background investigations for approximately 250 – 300 individuals.

The adoption of the resolution (Attachment 1) will authorize the County to access state and federal level summary criminal history information for licensing or certification purposes. This resolution is needed by the Department of Justice (DOJ) to allow access to federal level criminal history information by transmitting fingerprint images and related information to the DOJ and Federal Bureau of Investigations. Once adopted, the resolution will be forwarded to DOJ and the County will be issued a specific identification for fingerprinting related to cannabis permitting activities. It is necessary that this be approved now to allow the time needed to process the DOJ application, so that the process is ready when the Sheriff's Department begins background investigations in the next few months.

Approval to Adopt a Resolution Authorizing Access to State and Federal level Criminal History Information for Cannabis Permitting Activities

POLICY ISSUE:

Board of Supervisors' approval of the resolution is required to access state and federal level summary criminal history information to conduct background investigations of applicants for commercial cannabis activity permits pursuant to Penal Code sections 11105 and 13300.

FISCAL IMPACT:

A total of 118 interest applications were received during the 15 business day period. Each application required a deposit of \$4,359, which totaled \$514,362. A review of parcel locations is currently being conducted. There is one confirmed refund due to the location being within city limits and not in the unincorporated area. Further review may identify additional corrections.

A thorough background investigation is estimated to cost \$800 per individual, which includes staff time, fingerprinting, and a comprehensive report. It is estimated that approximately 250 - 300 background investigations will need to be conducted.

BOARD OF SUPERVISORS' PRIORITY:

The recommended action supports the Boards' priorities of A Safe Community and Efficient Delivery of Public Services by enforcing cannabis policy in Stanislaus County.

STAFFING IMPACTS:

There is no staffing impact associated with the adoption of this resolution. Staff will return with additional staffing needs to perform background investigations for Cannabis permitting activities.

CONTACT PERSON:

Keith Boggs, Assistant Executive Officer

Telephone: (209) 652-1514

ATTACHMENT(S):

1. Resolution to access state and federal level summary criminal history information

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
STATE OF CALIFORNIA

Date: November 21, 2017

2017-663

On motion of Supervisor Olsen Seconded by Supervisor DeMartini
and approved by the following vote,

Ayes: Supervisors: Olsen, Monteith, DeMartini, and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: Withdraw,

Abstaining: Supervisor: None

Item # *B-12

THE FOLLOWING RESOLUTION WAS ADOPTED:

**A RESOLUTION APPROVING AN APPLICATION FOR AUTHORIZATION TO ACCESS STATE
AND FEDERAL LEVEL SUMMARY CRIMINAL HISTORY INFORMATION FOR EMPLOYMENT,
VOLUNTEERS, AND 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

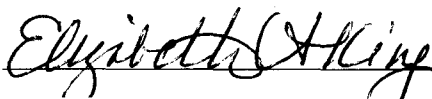
WHEREAS, Penal Code Section 11105(b)(11) authorizes cities, counties, districts, and joint powers authorities to access federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation; 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 BOARD OF SUPERVISORS OF STANISLAUS COUNTY that the County of Stanislaus is hereby authorized to access state and federal level summary criminal history information for employment (including volunteers and contract employees), licensing and certification of commercial cannabis operations including cultivation, distribution, delivery, manufacturing, retail sales, testing, and transportation purposes and may not disseminate the information to a private entity.

ATTEST: **ELIZABETH A. KING, Clerk**
Stanislaus County Board of Supervisors,
State of California



File No.