RECOMMENDED ACTION AND JUSTIFICATION:

It is respectfully recommended that your Board adopt the attached Resolution which will continue to allow the department access to fingerprinting service from the Department of Justice and the F.B.I.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

See Attached

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

See Attached

Financial Impact? ( ) Yes ( ) No Current FY Cost: $ Annual Recurring Cost: $
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded
Amount in Budget: $ Additional Funding Needed: $ Source:
Internal Transfer
Unanticipated Revenue 4/5's vote
Transfer Between Funds 4/5's vote
Contingency 4/5's vote
( ) General ( ) Other

CLERK’S USE ONLY:
Res. No.: 5101 Ord. No. ______ Vote - Ayes: 5 Noes: ______ Absent: ______
( ) Approved
( ) Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.
Date: __________

Attest: MARGIE WILLIAMS, Clerk of the Board of Supervisors
County of Mariposa, State of California

By: __________________________
   Deputy

COUNTY ADMINISTRATIVE OFFICER:
( ) Requested Action Recommended
( ) No Opinion
Comments:
Board Memo, pg 1
Resolution, pg 2
WHEREAS, Penal Code Sections 11105(b)(10) and 13300(b)(10) authorize cities, counties and districts to access state and local summary criminal history information for employment, licensing or certification purposes; and

WHEREAS, Penal Code Section 11105(b)(10) authorizes cities, counties and districts 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)(10) and 13300(b)(10) require that there be a requirement or exclusion from employment, licensing, or certification based on specific criminal conduct on the art of the subject of the record; and

WHEREAS, Penal Code Sections 11105(b)(10) and 13300(b)(10) require the city council, board of supervisors, or governing body of a city, county or district to specifically authorize access to summary criminal history information for employment, licensing, or certification purposes and many not disseminate the information to a private entity; and

NOW THEREFORE, BE IT RESOLVED, that the Mariposa County Human Services Department are hereby authorized to access state and federal level summary criminal history information for employment (including volunteers and contract employees), licensing, or certification purposes and many not disseminate the information to a private entity; and

BE IT FURTHER RESOLVED, that during the hiring process the County shall consider any felony convictions or any misdemeanor conviction which resulted in prison time in the assessment of whether to hire a prospective employee. Such convictions are subject to discussion during any interview process. In assessing the impact of the conviction the following shall be considered:
   a. There exists a nexus between the type of crime actually committed and the job function being applied for, or
   b. The crime was one of moral turpitude, or
   c. The crime was of such a nature that it would tend to bring discredit to the County if the person was employed.

PASSED AND ADOPTED by the Mariposa County Board of Supervisors this 24th day of January, 2006, by the following vote:

AYES: Stetson, Turpin, Bibby, Fritz, Pickard
NOES: None
ABSENT: None
ABSTAINED: None

[Signature]
Lee Stetson, Chairman
Mariposa County Board of Supervisors

ATTEST:

MARGIE WILLIAMS
Clerk of the Board

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

THOMAS P. GUARINO,
County Counsel
January 4, 2006

TO: Members, Board of Supervisors
FROM: Cheryle Rutherford-Kelly
RE: Human Services / Resolution to Continue to Allow Fingerprinting

Recommendation

It is respectfully recommended that your Board adopt the attached Resolution which will continue to allow the department access to fingerprinting service from the Department of Justice and the F.B.I.

Information

Human Services needs continuing access to criminal history on particular individuals from the Department of Justice and the F.B.I. All foster parents and family members are fingerprinted before a foster child is placed with them. Additionally, Human Services employees are fingerprinted due to the nature of their work with clients. Our clients include young children and vulnerable adults. In addition, other employees handle a great deal of money. The Department of Justice requires that all staff, including clerical staff, case workers, supervisors and managers, that handle or have access to the printouts be fingerprinted.

Due to a problem in Southern California, all California counties are now required to submit a Resolution to continue to access information from the F.B.I.

Financial

There is no financial impact. We have budgeted for these ongoing services. This service does reduce the department’s litigation exposure simply because screening is conducted to safeguard the clientele.