



Agenda Report

20-350

Agenda Date: 4/7/2020

REPORT TO COUNCIL

SUBJECT

Action to Adopt a Resolution Authorizing the City to Access State and Federal Summary Criminal History Background Information for New Employees and Volunteers Through the California Department of Justice and Federal Bureau of Investigation [Council Pillar: Manage Strategically Our Workforce Capacity and Resources]

BACKGROUND

On December 17, 2019, Council approved RTC - 19-1389, to adopt a resolution authorizing the City to obtain both state and federal criminal history background information through Live Scan or other fingerprinting methods, which is required for all employees (regular and as-needed), and volunteers that are assigned to work with the elderly, youth, disabled, money, or in areas designated for City of Santa Clara employees only. The Human Resources Department needs approval for a revised resolution to send to the Federal Bureau of Investigation (FBI) to review, since the original template provided by the Department of Justice (DOJ) was incorrect.

DISCUSSION

After the December 17, 2019 Council meeting, Human Resources staff submitted the approved resolution to the DOJ for review. The DOJ contacted Human Resources staff and requested a revised resolution. The original template provided to staff by the DOJ was incorrect and, before the FBI can continue their review of the City's application, the DOJ indicated that the City is required to submit a revised resolution with their required updated language.

Use of the information obtained by the City from the DOJ and FBI shall comply with Penal Code §§ 11105 and 13300, Labor Code § 432.7, 28 CFR Part 16, and all other applicable laws and regulations.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(b)(5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

FISCAL IMPACT

The cost to obtain FBI results is \$17.00 per applicant. As approved through the original RTC 19-1389, the Department will absorb the additional cost to receive the FBI results for all full-time and as-needed employees in the FY 2019/20 General Fund Operating Budget. Funding in subsequent years may be incorporated as part of the budget development process, subject to the appropriation of funds. The additional cost to LiveScan volunteers will continue to be absorbed by the respective departments.

COORDINATION

This report has been coordinated with the City Attorney's Office.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <<mailto:clerk@santaclaraca.gov>> .

RECOMMENDATION

Adopt a Resolution Authorizing the City to Access Federal Summary Criminal History Background Information for New Employees and Volunteers Through the California Department of Justice and Federal Bureau of Investigation.

Reviewed by: Aracely Azevedo, Director of Human Resources

Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

1. Resolution Criminal History Background Information for New Employees and Volunteers