



## Fire Department COUNTY OF TULARE AGENDA ITEM

### BOARD OF SUPERVISORS

ALLEN ISHIDA  
District One

CONNIE CONWAY  
District Two

PHILLIP A. COX  
District Three

J. STEVEN WORTHLEY  
District Four

MIKE ENNIS  
District Five

**AGENDA DATE:** February 27, 2007

Public Hearing Required	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Resolution, Ordinance or Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>

CONTACT PERSON: Steve Sunderland PHONE: 713-5222

**SUBJECT:** Access to state and federal level summary criminal history information for employment, licensing, or certification purposes.

**REQUEST(S):**

That the Board of Supervisors:

Approve a resolution authorizing access to state and federal level summary criminal history information for employment, licensing, or certification purposes.

**SUMMARY:**

The Tulare County Sheriff's Office runs fingerprinting scans for the Fire Department using the Live Scan system. The Live Scan System is a critical step in the Fire Department's background check of new employees. The Tulare County Sheriff's Department sends the fingerprints to the Department of Justice (DOJ) for a database scan against those with a known criminal history. The results would normally be returned to the authorized department for their own use in the associated background investigation. Currently, the Tulare County Fire Department is not authorized to receive said confidential information.

**FISCAL IMPACT/FINANCING:**

At this time, there are no known costs associated with the approval process. No Net County Cost.

**LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:**

The County's five-year strategic plan includes the Organizational Performance

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Initiative to improve and promote organizational effectiveness. It also includes the Safety and Security Initiative that provides for the safety and security of the public. The authorization of access to state and federal level summary criminal history information for employment, licensing, or certification purposes would fulfill both initiatives by helping to ensure the Fire Department hired qualified employees and that such employees did not impose a threat to the public or their fellow co-workers.

**ALTERNATIVES:**

N/A

**INVOLVEMENT OF OTHER DEPARTMENTS OR AGENCIES:**

N/A

**ADMINISTRATIVE SIGN-OFF:**



Steven K. Sunderland  
Fire Chief

SKS:je

c: Auditor/Controller  
County Counsel  
County Administrative Office (2)

**BEFORE THE BOARD OF SUPERVISORS  
COUNTY OF TULARE, STATE OF CALIFORNIA**

ACCESS TO STATE AND FEDERAL LEVEL )  
SUMMARY CRIMINAL HISTORY INFORMATION )  
FOR EMPLOYMENT, LICENSING OR )  
CERTIFICATION PURPOSES )

Resolution No. \_\_\_\_\_

**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 part 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.

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

**BE IT FURTHER RESOLVED**, that the Tulare County Fire Department shall not consider a person who has been convicted of a felony or misdemeanor involving moral turpitude eligible for employment (including volunteers and contract employees), or licensing; except that such conviction may be disregarded if it is determined that mitigating circumstances exist, or that the conviction is not related to the employment, volunteer or license in question.

UPON MOTION OF SUPERVISOR \_\_\_\_\_, SECONDED BY SUPERVISOR \_\_\_\_\_,  
THE FOREGOING WAS ADOPTED BY THE BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING  
HELD February 27, 2007, BY THE FOLLOWING VOTE:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST: C. BRIAN HADDIX  
COUNTY ADMINISTRATIVE OFFICER/  
CLERK, BOARD OF SUPERVISORS

BY: \_\_\_\_\_  
Deputy Clerk