



City of Culver City

Staff Report

File #: 18-0639, **Version:** 1

Item #: A-1.

CC - Adoption of a Resolution Authorizing Access to State and Federal Level Summary Criminal History Information of Applicants for Commercial Cannabis Business Permits

Meeting Date: January 8, 2018

Contact Person/Dept: Jesse Mays/Assistant to the City Manager

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Fiscal Impact: Yes No

General Fund: Yes No

Public Hearing: **Action Item:** **Attachments:**

Commission Action Required: Yes No **Date:**

Public Notification: (E-Mail) Meetings and Agendas - City Council (01/02/2018); GovDelivery "Cannabis" (12/21/17)

Department Approval: John Nachbar, City Manager (01/03/18)

RECOMMENDATION

Staff recommends that the City Council adopt a resolution authorizing access to state and federal level summary criminal history information of applicants for commercial cannabis business permits.

BACKGROUND/DISCUSSION

The City's Commercial Cannabis Regulation and Safety Ordinance ("the Ordinance") requires a background check of every applicant, owner, manager and responsible person of the commercial cannabis business (CCMC 11.17.110(E)). The Ordinance requires these individuals to submit fingerprints and other information deemed necessary by the Chief of Police for a background check by the Culver City Police Department. The ultimate application process will be approved by future City Council resolution. However, the Police Department has advised that a Live Scan background check that includes state and federal level criminal histories, should be a required part of the background check. Most other cities that permit commercial cannabis, as well as the state permitting process, include a requirement for Live Scan with state and federal criminal histories. The Ordinance identifies specific criminal conduct that may be grounds for the City to

reject a commercial cannabis permit application, or deny a subsequent renewal application (see CCMC 11.17.115 and 11.17.125).

California Penal Code section 11105(b)(11) authorizes a city to request criminal record information from the California Department of Justice (DOJ) in order to assist in fulfilling employment, certification, or licensing duties, and if the access is specifically authorized by the city council of the city, if the criminal history information is required to implement a statute, ordinance, or regulation that expressly refers to specific criminal conduct applicable to the subject person of the state summary criminal history information, and contains requirements or exclusions, or both, expressly based upon that specified criminal conduct. In addition to state level summary criminal history information, a city may request federal level summary criminal history information from the Federal Bureau of Investigation (FBI). Accordingly, the adoption of this resolution establishes the City's authority to receive the state and federal criminal history information required for the purposes of completing background checks and processing permits for commercial cannabis businesses.

FISCAL ANALYSIS

There are no fiscal impacts associated with this item. Any costs incurred by the City in processing criminal background checks on commercial cannabis permit applicants will be recovered through the fees charged to the applicant.

ATTACHMENTS

1. 2018-01-08 - ATT Proposed Resolution 2018-RXXX

MOTION

That the City Council:

Adopt a resolution authorizing access to state and federal level summary criminal history information of applicants for commercial cannabis business permits.