

2015 JAN -8 PM 2:10


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

A RESOLUTION AUTHORIZING THE CITY OF OAKLAND, THROUGH THE CITY ADMINISTRATOR, TO ACCESS SUMMARY CRIMINAL HISTORY RECORD INFORMATION FOR EMPLOYEES AND VOLUNTEERS IN THE CITY OF OAKLAND SENIOR COMPANION PROGRAM AND FOSTER GRANDPARENT PROGRAM IN ORDER TO COMPLY WITH THE FUNDING REQUIREMENTS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICES FOR THESE PROGRAMS

WHEREAS, pursuant to Resolution No. 85033 C.M.S., the City Council authorized the City Administrator to apply for and accept grant funds from the Corporation for National and Community Services (CNCS) for the Fiscal Year 2014-2015 Senior Companion Program (SCP) and the Foster Grandparent Program (FGP); and

WHEREAS, the City of Oakland SCP and FGP provide meaningful part-time volunteer opportunities for income eligible older persons who provide supportive assistance to the elderly, children and youth, and their family members; and

WHEREAS, the CNCS requires that all volunteers and employees working with the SCP and the FGP undergo a criminal history background check and CNCS prohibits the City from hiring employees and training volunteers before they have been approved for service; and

WHEREAS, Penal Code Sections 11105(b) (11) and 13300(b) (11) authorize cities 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 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 based on specific criminal conduct on the part of the subject of the record; and

WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require the City Council, governing body of the City to specifically authorize access to summary criminal history information for employment, licensing or certification purposes; and

WHEREAS, CNCS funds in the amount of \$3,239 are designated to obtain the criminal history background checks for the SCP and FGP volunteers and employees; now, therefore, be it

RESOLVED: That the City of Oakland, through the City Administrator, is hereby authorized to access State and Federal summary criminal history information for prospective employees and volunteers in the City of Oakland SCP and FGP; and be it

FURTHER RESOLVED: That the cost of \$3,239 to obtain the criminal history information for SCP and FGP volunteers and employees will be funded by Federal Action Agency Fund (2120), Senior Companion Program Org (75241), SCP/Fed FY14-15 and FGP/Fed FY14-15 Projects (G464250 & G464340).

FURTHER RESOLVED: That the City of Oakland shall not disseminate the summary criminal history information to any private entity.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, AND REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council of the
City of Oakland, California