

ORDINANCE NO. ____

AN ORDINANCE OF THE NAPA COUNTY BOARD OF SUPERVISORS,
STATE OF CALIFORNIA, AMENDING SECTION 2.100.181 OF THE NAPA
COUNTY CODE AS IT RELATES TO FINGERPRINTS AND BACKGROUND
CHECKS FOR EMPLOYEES AND CONTRACTORS WHO SERVE MINORS,
THE ELDERLY AND THE DISABLED AND EMPLOYEES WHO HAVE
ACCESS TO FEDERAL TAX INFORMATION

The Board of Supervisors of Napa County, State of California, ordains as follows:

SECTION 1. Section 2.100.181 (**Fingerprints and background checks.**) of Chapter

2.100 (**Personnel**) of the Napa County Code is amended to read in full as follows:

2.100.181— Fingerprints and background checks.

A.— Fingerprints of new employees and certain categories of current employees of the county shall be taken as a condition of County employment as permitted by Penal Code Sections 11105(b)(11) and 11105.3. Those persons who are required to submit to fingerprinting as a condition of employment include the following:

1.— New employees (including regular and extra help employees and interns and volunteers); and

2.— ~~Current employees (including regular and extra help employees~~ All personnel hired after July 1, 1975, having access to criminal offender record information, as required by the California Department of Justice and interns and volunteers) who serve in, transfer, demote, or who are promoted to 11 California Code of Regulations Section 703(d).

B. In addition to submitting to fingerprinting, certain positions which require an Federal Bureau of Investigation ("FBI") background check and the employee has not previously submitted checks. Those persons required to submit to an FBI background check, shall include:

3.— ~~Current~~ 1. New employees and current employees (including regular and extra help employees and interns and volunteers), who serve in or are transferred, demoted, or promoted into a classification, ~~and individual independent contractors,~~ where the employees or contractors would care for or would have supervisory or disciplinary power over minors, the elderly, the handicapped, or the mentally impaired as provided in Penal Code Section 11105.3. The positions that require fingerprinting and FBI background checks pursuant to this section are described in Section 37Y of the Policy Manual. However, background checks on this category of individuals shall be limited to those records of convictions specified in Penal Code Section 11105.3, as that statute may be amended from time to time. Such persons shall not be allowed to work in positions where they will care for or have supervisory or disciplinary power over minors, the elderly, the handicapped, or the mentally impaired until a background check has been completed and the ~~human resources director~~ Director of Human Resources or ~~his or her~~ the Director of Human Resources -designee has approved the individual for the particular job after consideration of any criminal offender record information; and

4.— ~~All personnel hired after July 1, 1975;~~ 2. Current employees (including regular and extra help employees and interns and volunteers) having direct access to criminal offender

record information, ~~as required by~~ including custodians and maintenance workers assigned to the California Department Sheriff and District Attorney Departments; and

3. New employees and current employees (including regular and extra help employees and interns and volunteers), who serve in or are transferred, demoted, or promoted into a classification that includes access to Federal Tax Information ("FTI"). FTI includes tax returns or return information received directly from the IRS or obtained through an authorized secondary source. The positions that require fingerprinting and FBI background checks and a renewal of Justice and 11 California Code of Regulations Section 703(d), an FBI background check every 10 years pursuant to this section.

B. ~~C.~~ Fingerprints shall be taken by the ~~sheriff's~~ Sheriff's Deartment prior to the person receiving payment for performance of duties, or as soon thereafter as practicable.

~~C.~~ D. Except as hereinafter provided, no person who has been convicted of any crime which renders the person unsuitable for a position in a classification shall be eligible for employment in that classification; provided, however, that the human resources director and/or the appointing authority may disregard such conviction if ~~he or she~~ the Director of Human Resources and/or the appointing authority determines that mitigating circumstances exist, such as, but not limited to, evidence of rehabilitation, the length of time that has elapsed since such conviction, the age of the person at the time of the conviction, or that the conviction is not reasonably related to qualifications, duties or functions of the classification in question.

~~D.~~ E. The ~~human resources director~~ Director of Human Resources, or ~~his or her~~ the Director of Human Resources designee, is hereby appointed to be the records security officer, and shall, in consultation with county counsel, adopt policies and procedures for the safeguarding of criminal offender record information (also known as state summary criminal history information).

~~E.~~ F. The ~~County Executive Officer~~, the ~~human resources director~~ Director of Human Resources, the ~~S~~heriff, and the ~~C~~ounty ~~C~~ounsel, their respective designees, and each appointing authority of the county, are hereby authorized to have access on a need-to-know basis to information from the state summary criminal history information as provided for in Sections 11105 and 11105.3 of the California Penal Code so long as they each have a fingerprint clearance record/background check completed.

~~F.~~ G. No one shall be shown a copy of the state summary criminal history information unless authorized by the ~~human resources director~~ Director of Human Resources or ~~his or her~~ the Director of Human Resources designee. A record of said authorization shall be maintained by the human resources division.

~~G.~~ H. All state summary criminal history information shall be destroyed once a decision is made on whether an individual will be employed in a particular position with the county. Such destruction shall occur not later than thirty working days from the date that such decision is made, unless authorized by law or court order to be retained for a longer period of time.

SECTION 2. If any section, subsection, sentence, clause, phrase or word of this chapter is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors of Napa County hereby declares it would have passed and adopted this ordinance and each and all

provisions hereof irrespective of the fact that any one or more of said provisions be declared invalid.

SECTION 3. This ordinance shall be effective thirty (30) days from and after the date of its passage.

SECTION 4. A summary of this ordinance shall be published at least once five days before adoption and at least once before the expiration of 15 days after its passage in the Napa Valley Register, a newspaper of general circulation published in the Napa County, together with the names of members voting for and against the same.

The foregoing ordinance was introduced and read at a regular meeting of the Board of Supervisors of Napa County, State of California, held on _____, and passed at a regular meeting of the Board of Supervisors of Napa County, State of California, held on the ____ day of _____, 2019, by the following vote:

AYES: SUPERVISORS _____

NOES: SUPERVISORS _____

ABSTAIN: SUPERVISORS _____

ABSENT: SUPERVISORS _____

NAPA COUNTY, a political subdivision of the
State of California

RYAN GREGORY, Chair of the
Board of Supervisors

APPROVED AS TO FORM Office of County Counsel By: _____ County Counsel Date: _____	APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS Date: _____ Processed By: _____	ATTEST: JOSE LUIS VALDEZ Clerk of the Board of Supervisors By: _____
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	_____ Deputy Clerk of the Board	
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I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD STREET, ROOM 310, NAPA, CALIFORNIA ON _____, 2019.

_____, DEPUTY
JOSE LUIS VALDEZ, CLERK OF THE BOARD