



BOARD OF SUPERVISORS  
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Department Name:** Community Services  
**Department No.:** 052  
**For Agenda Of:** April 10, 2018  
**Placement:** Administrative  
**Estimated Tme:** N/A  
**Continued Item:** No  
**If Yes, date from:** N/A  
**Vote Required:** Majority

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**TO:** Board of Supervisors  
**FROM:** Department  
Director: George Chapjian, Community Services Director (805) 568-2467  
Contact Info: Brian Yanez, Deputy Parks Director (805) 568-2475  
**SUBJECT:** **Authorize the Community Services Department To Access Summary Criminal History Information for Those Applicants and Volunteers Hired Into Positions Having Supervisory or Disciplinary Authority Over a Minor**

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: Yes

**Risk Management**

As to form: Yes

**Recommended Actions:**

That the Board of Supervisors:

- A. Approve the Resolution in Attachment A authorizing the Community Services Department to access summary criminal history information for those applicants and volunteers hired into positions having supervisory or disciplinary authority over a minor.
- B. Determine that the above action is not a project under the California Environmental Quality Act (CEQA) pursuant to Section 15378(b)(5) of the CEQA Guidelines, because the actions consist of administrative activities of government that will not result in direct or indirect physical changes in the environment.

**Summary Text:**

The Community Services Department's (CSD) Parks Division oversees all County parks, beaches, trails, pools and facilities that welcome over 7,500,000 annual visitors. The CSD Parks Division employs full-time/part-time employees and volunteers that come in direct contact with the public and particularly minors who access our facilities and parks. The Department currently does not have express authority to check a new employee's background for past criminal activity. In an effort to provide the safest possible environment for the public, CSD is seeking authorization to conduct fingerprint-based background checks through the DOJ, which includes a criminal records and sexual offender registry check for all

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employees and volunteers who are in positions that may have supervisory or disciplinary authority over a minor. Most public agencies that have staff directly interacting with the public and minors perform this level of background check.

**Background:**

Public Resources Code § 5164 specifies that a county shall not hire an person for employment or hire a volunteer to perform services at a county operated park, playground, recreational center, or beach used for recreational purposes, in a position having supervisory or disciplinary authority over a minor, if that person has been convicted of any offense specified in Section 5164(a)(2). There are over fifty (50) different criminal violations listed in Section 5164(a)(2) that CSD must screen for. The CSD currently uses a third party to perform background checks which does not provide the Department will all relevant criminal history. In addition, CSD provides applicants and volunteers with a questionnaire asking applicants to self-identify if they have ever been convicted of any of the enumerated offenses. CSD is seeking authorization to utilize fingerprint-based background checks through California's Department of Justice (DOJ). Fingerprint-based background checks will allow CSD to receive more comprehensive criminal history information which has the effect of ensuring extra protection for vulnerable clients, reducing County liability and allowing the Department to make more informed hiring decisions.

The Parks Division staff and volunteers provide year round service at our County beaches, parks, camping parks, trails, open spaces and aquatic facilities. These employees work directly with the public and often come in daily contact with over 7,500,000 annual visitors including minors. In order to maintain a safe work environment and reduce liability, CSD seeks authorization to conduct fingerprint-based background checks which will include a criminal records check and sexual offender registry check for all employees and volunteers who are in positions that may have supervisory or disciplinary authority over a minor. The Department seeks to bolster its current background check practice in accordance with the law. Fingerprint-based background checks is a tool in a comprehensive hiring practice of background checks that will assist the County in maintaining a safe work environment and mitigate liability.

Penal Code Sections 11105(b)(11) and 13300(b)(11) authorize a county to request criminal record information from the DOJ in order to assist in fulfilling employment requirements if (1) the access is specifically authorized by the Board of Supervisors and if (2) the criminal history information is required to implement a statute that expressly refers to specific criminal conduct applicable to the subject person of the summary criminal history information. CSD is requesting that your Board of Supervisors specifically authorize access to summary criminal history information so that it can comply with the hiring requirements of Public Resources Code Section 5164.

**Fiscal and Facilities Impacts:**

Budgeted: Yes

**Special Instructions:**

Please send an electronic copy of the Minute Order to Brian Yanez at [byanez@sbparks.org](mailto:byanez@sbparks.org)

**Attachments:**

A) Resolution