



# *CITY COUNCIL AGENDA REPORT*

MEETING DATE: MARCH 15, 2016

ITEM NUMBER: **NB-5**

**SUBJECT: INCLUSION OF FINGERPRINTING (LIVESCAN) REQUIREMENT FOR COMMITTEE/COMMISSION APPOINTEES**

**DATE: MARCH 8, 2016**

**FROM: CHIEF EXECUTIVE OFFICE**

**PRESENTATION BY: KATRINA FOLEY, CITY COUNCILMEMBER**

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## **RECOMMENDATION:**

Councilmember Foley is requesting City Council approval of a condition to require current and future City Council appointees to the City's commissions and committees to submit to a fingerprinting procedure, via Livescan screening, prior to them taking their respective positions.

## **BACKGROUND:**

Councilmember Foley is seeking City Council approval to implement a new procedure for existing and future commission and committee member appointments. Consistent with how the City presently screens volunteer applicants, this additional layer of vetting will determine whether or not disqualifying factors exist in appointees' backgrounds. Presently, City volunteer applicants submit to Livescan fingerprinting and volunteers that will work with children must also submit to a Tuberculosis test. The Livescan procedure is more akin to a criminal history check and is different in scope than the formal background process that City employees are subjected to. Similar to the process in place for volunteers, potential commission/committee appointees with felony convictions in their background may be disqualified. Other factors that may result in disqualification include: the nexus of a criminal conviction to the specific duty of a volunteer; the temporal proximity of a past arrest or conviction; the age of the subject in question when an incident occurred; the depth and scope of an incident or incidents; and additional incidents that may show a pattern of questionable conduct. Presently, the Human Resources Division reviews Livescan results and determines if candidates should be disqualified. This procedure should remain intact to ensure confidentiality is maintained. Livescan results are not subject to public disclosure pursuant to California Penal Code §13300 et seq.

Commission/Committee members are essentially volunteers (although some receive a stipend). As such, they should be subject to the same degree of examination of their background to ensure that the City mitigates potential risk.

**ANALYSIS:**

Should the additional background requirement become part of the commission/committee appointment process, potential appointees may be disqualified, and in that event, a new appointment process must take place. There is also the potential for some interested commission/committee applicants not to apply to commission/committee positions with this new procedure in place.

City staff polled surrounding public agencies to determine if any others have implemented a similar procedure. Of the five agencies that responded, none of them have adopted this practice.

**ALTERNATIVES CONSIDERED:**

The City Council can decide to maintain the current appointment process.

**FISCAL REVIEW:**

Livescan tests conducted through the City have an average cost of \$49 per scan. The City currently has twelve commissions/committees comprising 103 members. Individuals who do not choose to test with the City will be subject to a fee determined by the agency they utilize.

**LEGAL REVIEW:**

None.

**CONCLUSION:**

Should the City Council approve the additional fingerprinting requirement for commission and committee appointees, staff will develop an appropriate policy to govern the process.

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RICHARD FRANCIS  
Assistant Chief Executive Officer

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THOMAS R. HATCH  
Chief Executive Officer

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THOMAS DUARTE  
City Attorney