

CITY OF ADAIR VILLAGE, OREGON

Relating to Criminal Background Check)
Policies Concerning Applicants for)
Employment, Appointed Volunteers, and Others)
And Declaring an Emergency)

ORDINANCE NO. 2013-04

THE CITY OF ADAIR VILLAGE CITY COUNCIL ORDAINS AS FOLLOWS:

WHEREAS, ORS 181.555 and OAR 257-010-0025 establish procedures for access to criminal record information; and

WHEREAS, ORS 181.555(1) provides access to criminal offender information by criminal justice agencies and by other state and local agencies; and

WHEREAS, OAR 166-200-0090 provides for retention of employment selection information for a period of three years; and

WHEREAS, in order for the City government to operate effectively, persons selected for employment, public service volunteers, contracted tow truck drivers, liquor license applicants, and certain other non-profit volunteers, must have the highest degree of citizen and public trust and confidence; and

WHEREAS, all City employees and public service volunteers represent the City to its citizens; many City employees and volunteers have responsibilities to regulate and maintain public health and safety; and some City Employees have the ability and authority to bind the City contractually, have access to public funds and property, and possess access to privileged and proprietary information submitted to City in confidence; and

WHEREAS, there is a need to protect youths from harmful or dangerous encounters, and to that end a review of the criminal records of those who volunteer with youth in the City is necessary and appropriate; and

WHEREAS, tow truck drivers interact with the public in stressful situations in which the public can be taken advantage of by the tow truck driver, such that it is

necessary and appropriate that the tow truck driver's criminal record history is reviewed; and

WHEREAS, taxi operators and drivers interact with the public in situations where public safety can be placed at risk and members of the public can be taken advantage of, such that it is necessary and appropriate that taxi operators' and drivers' criminal record history is reviewed; and

WHEREAS, liquor license applicants are required to apply to the City for recommendation to the Oregon Liquor Control Commission (OLCC) in their licensing process, such that it is necessary and appropriate that such applicants' criminal record history is reviewed in the City's recommendation process; and

WHEREAS, the City Council finds that it is in the public interest to access criminal offender information, for applicants for employment, and public service volunteers with the City, contracted tow truck drivers, liquor license applicants and certain other non-profit volunteers; NOW, THEREFORE,

THE CITY OF ADAIR VILLAGE ORDAINS AS FOLLOWS:

Section 1. All applicants for employment, contracted tow truck drivers, taxi operators and taxi drivers, and liquor license applicants with the City, and all persons for whom a non-profit organization authorized to request criminal background checks on volunteers under Section 4 has requested a criminal background check, shall authorize the City to conduct a criminal background check. The City may require that volunteers for public service with the City authorize a criminal background check, based on criteria for requiring such requests adopted by the City Administrator or adopted by the departments of the City and approved by the City Administrator.

Section 2. The City will establish a contract with a private provider to perform criminal background checks and will conduct the check on the prospective employee, volunteers, contracted tow truck driver, taxi operator or taxi driver, or liquor license applicant, and orally report to the City Administrator that the applicant's records indicates "no criminal record" or "criminal record." If the applicant's record is reported as "criminal record", the City Administrator will, under OAR 257-010-0025, request a written criminal history report from the OSP Identification Services Section. The City Administrator shall take into account the written criminal background record available to the City Administrator for consideration in making whatever decision the City has been asked to consider.

Section 3. The written criminal background record on persons that are not hired or appointed as a contractor, employee, contracted tow truck driver, taxi operator or taxi driver, or volunteer, or not recommended for approval as a liquor licensee, will be retained in accordance with the requirements of OAR 166-200-0090 for a period of three years and thereafter will be destroyed. The criminal background record of applicants and volunteers with a criminal history that are hired, appointed or recommended will become

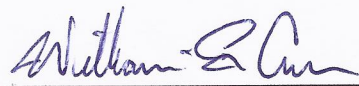
a part of the confidential personnel files of that individual. Access to confidential personnel files shall be limited to only authorized persons who have an official need to access such files that is sanctioned by law or regulation.

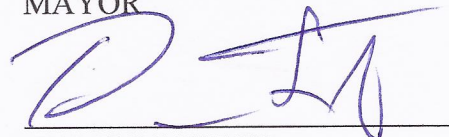
Section 4. Non-profit organizations that serve youth in the community, may submit a request to the City Administrator that the City perform criminal background checks. Such checks shall be at the sole discretion of the City Administrator, who confirm only if a criminal record exists, without any detail of such record.

Section 5. Pursuant to the Adair Village Charter, this Ordinance shall, upon majority vote of the City Council, and approval by the Mayor, be enacted at a single meeting of the Council. This ordinance being necessary for the imminent and pending conduct of business and the protection of the citizens of Adair Village, an emergency is hereby declared to exist and this Ordinance shall be effective upon passage by the City Council and approval by the Mayor.

City of Adair Village, Oregon, September 3, 2013


CITY OF ADAIR VILLAGE



MAYOR


CITY RECORDER

Approved as to Form:



City Attorney

First Reading: September 3, 2013

Second Reading: September 3, 2013
By Title Only