

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
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1 RESOLUTION NO. RES-18-0115

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE CITY
4 OF LONG BEACH AUTHORIZING STATE AND FEDERAL
5 LEVEL SUMMARY CRIMINAL HISTORY INFORMATION FOR
6 LICENSING OF ADULT-USE CANNABIS BUSINESSES
7 UNDER CHAPTER 5.92 OF THE LONG BEACH MUNICIPAL
8 CODE, AND AUTHORIZING THE CITY MANAGER, OR
9 DESIGNEE, TO EXECUTE ALL NECESSARY DOCUMENTS
10 AND AMENDMENTS, IF ANY, REQUIRED FOR ACCESS TO
11 SUCH INFORMATION

12
13 WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) authorize
14 cities to access state and local summary criminal history information for employment,
15 licensing or certification purposes; and

16 WHEREAS, Penal Code Section 11105(b)(11) also authorizes cities to
17 access federal level criminal history information by transmitting fingerprint images and
18 related information to the Department of Justice to be transmitted to the Federal Bureau
19 of Investigation; and

20 WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require
21 that there be a requirement or exclusion from employment, licensing, or certification
22 based on specific criminal conduct on the part of the subject of the record; and

23 WHEREAS, Penal Code Sections 11105(b)(11) and 13300(b)(11) require
24 the governing body, such as a city council, to specifically authorize access to summary
25 criminal history information for employment, licensing, or certification purposes; and

26 WHEREAS, Chapter 5.92 of the Long Beach Municipal Code ("LBMC")
27 allows for the licensing of adult-use cannabis businesses for operation in the City of Long
28 Beach; and

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1 WHEREAS, in order for an adult-use cannabis business to be issued and/or
2 maintain an adult-use cannabis business license, Chapter 5.92 of the LBMC requires all
3 business owners to undergo Live Scan fingerprint imaging, of which results shall be
4 provided to the City of Long Beach Police Department; and

5 WHEREAS, Section 5.92.265.A.5 of the LBMC specifically prohibits adult-
6 use cannabis business owners from being convicted of any offense within the previous
7 ten (10) years that is at is substantially related to the qualifications, functions, or duties of
8 the operation of a Commercial Cannabis Business and conducting commercial cannabis
9 activity, which includes any violent or serious felony as specified in Sections 667.5(c) and
10 1192.7(c) of the Penal Code, having any felony conviction involving fraud, deceit, or
11 embezzlement; and

12 WHEREAS, Section 5.92.265.A.6 of the LBMC, specifically prohibits adult-
13 use cannabis business owners from being convicted of any offense that is at is
14 substantially related to the qualifications, functions, or duties of the operation of a
15 Commercial Cannabis Business, and conducting commercial cannabis activity, which
16 includes a felony conviction for hiring, employing, or using a minor in transporting,
17 carrying, selling, giving away, preparing for sale, or peddling, any controlled substance to
18 a minor; or selling, offering to sell, furnishing, offering to furnish, administering, or giving
19 any controlled substance to a minor and a felony conviction for drug trafficking with
20 enhancements pursuant to California Health and Safety Code Section 11370.4 or
21 11379.8.

22 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
23 follows:

24 Section 1. The City of Long Beach is hereby authorized to access state
25 and federal level summary criminal history information for all adult-use cannabis business
26 license applicants/owners for the purposes of licensing adult-use cannabis businesses
27 under LBMC Chapter 5.92.

28 Section 2. The City of Long Beach is hereby authorized to access state

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1 and federal level summary criminal history information for all

2 Section 4. The City of Long Beach may not disseminate any of the
3 criminal history information to a private entity.

4 Section 5. This resolution shall take effect immediately upon its adoption
5 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

6 I hereby certify that the foregoing resolution was adopted by the City
7 Council of the City of Long Beach at its meeting of August 7, 2018,
8 by the following vote:

9
10 Ayes: Councilmembers: Gonzalez, Pearce, Price,
11 Supernaw, Andrews, Uranga,
12 Austin, Richardson.

13
14 Noes: Councilmembers: None.

15
16 Absent: Councilmembers: Mungo.

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19 
20 City Clerk

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