



CITY OF LONG BEACH

C-15

OFFICE OF THE CITY MANAGER

333 West Ocean Boulevard • Long Beach, CA 90802 • (562) 570-6711 FAX (562) 570-7650

August 7, 2018

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Adopt a Resolution authorizing access to State and Federal level summary criminal history information for licensing of adult-use cannabis businesses under Chapter 5.92 of the Long Beach Municipal Code (LBMC), and authorizing the City Manager, or designee, to execute all necessary agreements and amendments. (Citywide)

DISCUSSION

On July 10, 2018, the Long Beach City Council voted to approve Chapter 5.92 (Adult-Use Cannabis Businesses and Activities) of the LBMC, which permits and regulates adult-use cannabis businesses in the City of Long Beach (City). Chapter 5.92 allows for licensed adult-use cannabis dispensaries, manufacturers, cultivators, distributors, and testing laboratories to operate in the City.

For an adult-use cannabis business to be issued a cannabis business license, Chapter 5.92 requires all business owners to undergo Live Scan fingerprint imaging, and to provide criminal history information to the Long Beach Police Department.

Chapter 5.92 specifically prohibits adult-use cannabis business owners from being convicted of any offense that is substantially related to the qualifications, functions, or duties of the operation of a Commercial Cannabis Business, and conducting commercial cannabis activity, which includes:

- (1) A felony conviction for hiring, employing, or using a minor in transporting, carrying, selling, giving away, preparing for sale, or peddling, any controlled substance to a minor; or
- (2) Selling, offering to sell, furnishing, offering to furnish, administering, or giving any controlled substance to a minor, and having a felony conviction for drug trafficking with enhancements pursuant to California Health and Safety Code Section 11370.4 or 11379.8; or
- (3) Any violent or serious felony as specified in Sections 667.5(c) and 1192.7(c) of the Penal Code, or having any felony conviction involving fraud, deceit, or embezzlement within the last ten years.

HONORABLE MAYOR AND CITY COUNCIL

August 7, 2018

Page 2

For the City to verify that adult-use cannabis business applicants satisfy these conditions, the Police Department will require access to State and Federal level summary criminal history information. To receive this level of access from the Department of Justice, the City Council must formally authorize the Police Department access to summary criminal history information for employment, licensing, or certification purposes.

This matter was reviewed by Deputy City Attorney Taylor M. Anderson on July 20, 2018 and by Budget Management Officer Rhutu Amin Gharib on July 19, 2018.

TIMING CONSIDERATIONS

City Council action is requested on August 7, 2018, to facilitate the opening of the application process for adult-use cannabis licenses on August 13, 2018.

FISCAL IMPACT

There is no fiscal impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



PATRICK H. WEST
CITY MANAGER

AK

Attachment: Resolution

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RESOLUTION NO.

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

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

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

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

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

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

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

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Lona Beach, CA 90802-4664

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 _____, 2018,
8 by the following vote:

9
10 Ayes: Councilmembers: _____
11 _____
12 _____
13 _____

14 Noes: Councilmembers: _____
15 _____

16 Absent: Councilmembers: _____
17 _____

18
19 _____
20 City Clerk

21
22
23
24
25
26
27
28