

**ORDINANCE NO. 1961**

(An ordinance adding Chapter 2.10—Applicant Criminal History Information and declaring an emergency to the Hood River Municipal Code)

WHEREAS, ORS 181.555 and OAR 257-010-0025 establish procedures for access to criminal record information possessed by the Oregon State Police (OSP) through the Law Enforcement Data System (LEDS);

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

WHEREAS, OAR 257-010-0025(1)(a) permits a Criminal Justice Agency access to OSP criminal offender information required to implement a local ordinance;

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

WHEREAS, OAR 166-200-0010 provides for retention of licensing records for a period of two years;

WHEREAS, the City Council of the City of Hood River finds for the reasons recited below that it is in the public interest to access OSP criminal offender information through the LEDS system, for all applicants for employment, public service volunteers with the City of Hood River, licensees and liquor license applicants;

WHEREAS, an emergency exists necessitating the immediate effectiveness of this ordinance upon passage because the City is currently not in compliance with applicable law regarding criminal history checks and because the public health, safety and welfare are at risk so long as applicants and volunteers for City positions cannot be appropriately screened.

NOW, THEREFORE, THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

Chapter 2.10 is added to the Hood River Municipal Code:

**CHAPTER 2.10—APPLICANT CRIMINAL HISTORY INFORMATION**

✓  
BY *BJM* CODIFIED  
Date *11/10/08*

SECTIONS:

- 2.10.010 Purpose
- 2.10.020 Applicants for Employment and Volunteer Positions
- 2.10.030 Process for Obtaining Criminal History
- 2.10.040 Retention of Criminal Records
- 2.10.050 Criminal History Checks Provided to Other Entities
- 2.10.060 Criminal History Checks for Tow Truck Drivers and Liquor License Applicants

2.10.010 Purpose. In order for the City government to operate effectively, persons selected for employment or as a public service volunteer with the City of Hood River must have the highest degree of public trust and confidence. Similarly, applicants for licenses issued by the City where a criminal record history review is required must also have the highest degree of public trust and confidence. 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. 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 the City in confidence. 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. City licensee, such as taxi cab owners and operators and tow truck drivers interact with the public in stressful situations (accidents, disabled vehicles, etc.) and in situations in which they can be taken advantage of. Therefore, it is necessary and appropriate that these licensee's criminal record histories are reviewed prior to issuing a license. Liquor license applicants are required to apply to the City for recommendation to the Oregon Liquor Control Commission (OLCC) in their licensing process. It is necessary and appropriate that such applicants' criminal record history is reviewed in the City's recommendation process. Transient merchants and special event coordinators

2.10.020 Applicants for Employment and Volunteer Positions. All applicants for employment and volunteer positions with the City for whom a criminal offender information check is required will be required to sign a written authorization authorizing the City to conduct a criminal offender information check through the Oregon State Police (OSP) Law Enforcement Data System (LEDS).

2.10.030 Process for Obtaining Criminal History. A member of the Police Department trained and authorized to perform criminal history checks through LEDS will conduct the check on the prospective employee or volunteer and orally report to the Personnel Director that the applicant's record indicates "no criminal record" or "criminal record". If the applicant's record is reported as "criminal record", the Personnel Director will, under OAR 257-010-0025, request a written criminal history report from the OSP Identification Services Section. The Personnel Director will provide the written criminal history record available to the hiring Department Head.

2.10.040 Retention of Criminal History Records. The written criminal history record on persons that are not hired or appointed as a volunteer 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 history record of applicants and volunteers with a criminal history that are hired or appointed will become a part of the confidential personnel files of that employee or volunteer. Unless required to do so by law, the City will under no circumstances release the criminal history record or information contained therein to any person, including the applicant. This statement will be included on the written authorization required in Section 2.10.020 above.

2.10.050 Criminal History Checks Provided to Other Entities. Non-profit organizations serving youth in the community, including, but not limited to youth baseball, youth basketball, youth soccer and youth football organizations may request that the Police Department perform criminal history checks. Subject to workload priorities and staff availability, the Police Department may perform such criminal record checks on the prospective youth volunteers. The Police Department shall confirm only if a criminal record exists, without any detail of such record. The youth volunteer organization may request criminal record history directly with the Oregon State Police pursuant to state statute and administrative rule.

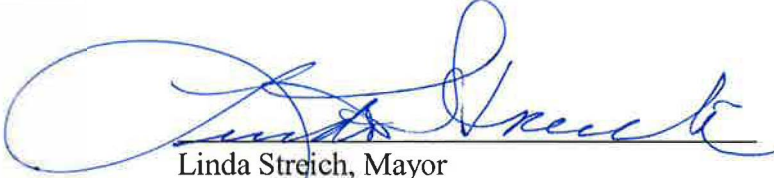
2.10.060 Criminal History Checks for Tow Truck Drivers and Liquor License Applicants. Criminal history checks of contracted tow truck drivers and liquor license applicants shall be performed by the Police Department.

This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist and this Ordinance shall take effect immediately upon its passage.

Read for the first time: October 27<sup>th</sup>, 2008.

Read for the second time and passed: November 10<sup>th</sup>, 2008, to become effective immediately.

Signed 11-10-08, 2008.

  
Linda Streich, Mayor

ATTEST:

  
Jennifer McKenzie, City Recorder