



Legislation Details (With Board Report)

**File #:** 20-092      **Name:** 02112020\_Originating Agency Identifier\_final (002)  
**Type:** General Agenda Item      **Status:** Passed - County Administrative Office  
**File created:** 1/31/2020      **In control:** Board of Supervisors  
**On agenda:** 2/11/2020      **Final action:** 2/11/2020  
**Title:** Consider adopting a resolution authorizing the Monterey County Cannabis Program to access state and federal level summaries of criminal history for the issuance and monitoring of the Cannabis Business Permit. (ADDED VIA ADDENDA)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. Attachment A - Draft Resolution\_final (002), 3. Item No. 28.1 Completed Board Order & Resolution, 4. Item No. 28.1 Revised Board Order and Resolution

Date	Ver.	Action By	Action	Result
2/11/2020	1	Board of Supervisors	adopted - county administrative office	Pass

Consider adopting a resolution authorizing the Monterey County Cannabis Program to access state and federal level summaries of criminal history for the issuance and monitoring of the Cannabis Business Permit. (ADDED VIA ADDENDA)

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- 1) Adopt a resolution authorizing the Monterey County Cannabis Program to access state and federal level summaries of criminal history for the issuance and monitoring of the Cannabis Business Permit; and
- 2) Provide direction to staff as appropriate.

SUMMARY/DISCUSSION:

Chapter 7.90 of the Monterey County Code require operators to obtain a Cannabis Business Permit to operate. As a part of the application process and ongoing monitoring of the cannabis business permit, all property owners, supervisors, employees, and persons having a twenty percent or more financial interest in the commercial cannabis activity must not have been convicted of a felony or drug related misdemeanor within the past ten years.

The Cannabis Business Permit process was managed by the Resource Management Agency (RMA) and transferred to the Cannabis Program (Program) in April 2019. Since that time, the Program has made continuous improvement efforts to outline process steps, revise and enhance the application and packet, conduct training to County staff, and draft procedures for the reconciliation of the deposit.

In late 2019 and in January 2020, the Program met with the Office of the County Counsel, Sheriff’s Office, and District Attorney’s Office to discuss the overall Live Scan/fingerprint process. In our efforts to continuously improve our internal processes including resource utilization, the departments recommend the Program pursue their own Originating Agency Identifier (OIR).

Currently, the Sheriff’s Office collects fingerprints through the Live Scan system located at the Sheriff’s Office.

Those finger prints are electronically submitted to the DOJ with a request for criminal history information. The DOJ also transmits the fingerprint images and related information to the Federal Bureau of Investigation (FBI). After the DOJ and FBI gather the criminal history information, a summary of criminal history is provided to the Sheriff's Office using ORI mailbox.

Pursuant to above and FBI requirements, the Program would like to request access permission to specifically obtain criminal history information for evaluation in issuing Cannabis Business Permits. The DOJ has provided a sample resolution containing the language and wording desired to obtain approval for summary criminal history information under the relevant Penal Codes. The attached resolution reflects the DOJ sample resolution. The resolution must be adopted by the Board of Supervisors and accepted by the DOJ in order to obtain necessary permissions to receive criminal history information needed to fulfill permitting duties pursuant to Chapter 7.90 of the Monterey County Code.

OTHER AGENCY INVOLVEMENT:

The Sheriff's Office and the District Attorney assisted the Program in preparation of this report and the report has been reviewed by the Office of County Counsel.

FINANCING:

Monterey County's Cannabis Program is funded in County Administrative Office - Department 1050, Intergovernmental and Legislative Affairs Division - Unit 8054, Cannabis. There is a cost related to the ORI application which should not exceed \$158.00 and can be absorbed in the Cannabis Program FY 19-20 budget.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The Cannabis Business Permit and its internal processes enhance the ability for the Cannabis Program to meet the Board of Supervisors expectations, the Cannabis Program Strategic Plan and Goals while supporting our Cannabis industry in sustaining legal and responsible operators.

Mark a check to the related Board of Supervisors Strategic Initiatives:

- X Economic Development
- X Administration
- X Health & Human Services
- X Infrastructure
- X Public Safety

Prepared by: Myles Echenique, x3032

With assistance from: Joann Iwamoto, Cannabis Program Manager, x3017

This report was reviewed by Kelly Donlon, Deputy County Counsel, x5313

Approved by: Nicholas E. Chiulos, Assistant CAO, x 5145

Attachments

A: Resolution