

AN ORDINANCE ESTABLISHING OREGON CRIMINAL HISTORY RECORD CHECK POLICIES CONCERNING CONTRACTORS, LICENSEES, AND FOR NON-POLICE CITY APPLICANTS; AND DECLARING AN EMERGENCY.

WHEREAS, all proceedings pursuant to this Ordinance shall be conducted in accordance with ORS 181.555(1) and OAR 257-010-0025(1)(b) that establish procedures for access to criminal conviction record information possessed by the Oregon State Police (OSP) through the Law Enforcement Data System (LEDS); and

WHEREAS, the City Council authorizes the Albany Police Department to access OSP criminal offender information through LEDS on the City's behalf for contractors, licensees, and non-police City applicants to determine their suitability to work in City facilities or to receive a City-recommended license; and

WHEREAS, a member of the Albany Police Department trained and authorized to perform an Oregon criminal history checks through the LEDS system will conduct the criminal history record check on a prospective contractors, licensees, and non-police City applicants. Albany Police may only report to the requesting City department that the applicant has a "criminal record" or "no criminal record."

NOW THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1. Upon the request of a City Department Director or designee, an Oregon criminal history record check may be conducted through OSP/LEDS to determine whether a proposed City contractor or licensee has a criminal record and to determine their suitability for the contract or license in question. In addition, at the request of the City Manager and/or Human Resources Director, applicants for non-police positions may have an Oregon criminal history record check performed to determine their suitability to work for the City or to have access to City facilities and equipment.

Section 2. Savings. If any section, subsection, provision, clause or paragraph of this Ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this Ordinance; it is hereby expressly declared that every section, subsection, provision, clause or paragraph of this Ordinance enacted, irrespective of the enactment or validity of the portion hereof declared to be unconstitutional or invalid is valid.

Section 3. Severability. Invalidation of a section or part of a section of this Ordinance shall not affect the validity of the remaining section or parts of sections.

Section 4. Emergency Clause. Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the citizens of the city of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect immediately upon its passage by the Council.

Passed by Council: June 24, 2009

Approved by Mayor: June 24, 2009

Effective Date: June 24, 2009



Mayor

ATTEST:


