

R 79-588
OCT 2 1978

RESOLUTION NO. 221877

WHEREAS, by ordinance, the City Council adopted Section 27.3104c of the San Diego Municipal Code providing for police and credit checks of applicants for appointment to fill a vacancy in an elective office; and

WHEREAS, California Penal Code Sections 11105 and 13300 provide that Summary Criminal History Information may be given members of the Council pursuant to the above Municipal Code section when specifically authorized by the Council and when required to implement a regulation that expressly refers to specific criminal conduct applicable to the applicant and contains requirements or exclusions or both expressly based upon such specified criminal conduct; and

WHEREAS, the City Council should adopt the aforesaid regulation; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego that the Council hereby adopts the following regulation:

1. Except as otherwise hereinafter provided, no applicant convicted of a felony or a misdemeanor involving moral turpitude shall be considered for appointment to an elective office of the City of San Diego; provided, however, that the City Council may disregard such conviction if it finds and determines that mitigating circumstances exist, such as, but not limited to, evidence of rehabilitation, length of time elapsed since conviction or the age of such person at the time of conviction, and does not involve such crimes as are

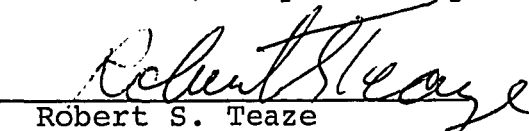
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specified in Section 8, Article VII of the California Constitution.

2. In considering applications for appointment to an elective office, all members of the City Council, the City Attorney, the City Manager and the City Clerk or their designees are hereby authorized to have access to the "State Summary Criminal History Information" as provided for in Section 11105 of the California Penal Code and to "Local Summary Criminal History Information" as provided for in Section 13300 of the California Penal Code.

APPROVED: JOHN W. WITT, City Attorney

By 
Robert S. Teaze
Assistant City Attorney

RST:rb 011 X-930
Orig.Dept.: City Attorney

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Passed and adopted by the Council of The City of San Diego on OCT 2 1978,
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

By Gayne Bauman, Deputy.

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Office of the City Clerk, San Diego, California

Resolution Number 221877 Adopted OCT 2 1978

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