4-1

ACTION

**RESOLUTION 2025-013**
**Final Amendment to Authorization and Appointment of DOJ Custodian Applicant for Criminal Offender Records**

Prepared and presented by:
CalVans Staff
Georgina Landecho, Executive Director

**SUBJECT:**

**ACTION:** Approval of Resolution for Final Amendment 2025-013 Department of Justice (DOJ)

**INFORMATION:**
The California Vanpool Authority (CalVans) is mandated to conduct pre-employment background checks for positions involving access to sensitive information, public safety, or fiduciary responsibilities. Staff is actively working to secure a Billing Account Number (BAN) with the California Department of Justice (DOJ) to facilitate fingerprint and pre-employment checks and all required security clearances prior to employment. All necessary paperwork has been submitted and is currently pending final approval from the DOJ.

A previous resolution missed language and was rejected by the DOJ, causing delays in the process. The resolution has since been revised to address the DOJ's concerns and ensure full compliance with both all requirements. CalVans remains committed to meeting all regulatory standards and ensuring a secure, compliant onboarding process for future employees.

**RECOMMENDED ACTION:**
Compliance includes background investigations, drug and alcohol testing, pre-employment DOT physical examinations, and other federally required screenings. Failure to comply with DOT regulations may result in significant liability exposure for CalVans, compromised public safety, and fines and penalties from regulatory agencies. These checks are governed by the regulations established by the Federal Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration (FMCSA) for safety-sensitive roles. These background checks are essential to mitigate the risk of accidents, injuries, and fatalities, and to uphold CalVans' commitment to safe and responsible operations.

Board action is recommended to reaffirm support for full compliance with DOT and FMCSA hiring requirements and to ensure all necessary procedures are in place.

**FISCAL IMPACT:**
CalVans has allocated funding in the FY 25–26 Adopted Budget to cover the costs associated with pre-employment background checks, including the Live Scan fingerprinting process required for DOJ security clearance. This ensures that all compliance-related hiring procedures can be carried out without additional fiscal impact.

**ATTACHMENT(S):**
Exhibit A. Resolution for Final Amendment 2025-013 Department of Justice (DOJ)

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EXHIBIT A

**CALIFORNIA VANPOOL AUTHORITY**
**RESOLUTION NO. 2025-013**

**AUTHORIZING THE APPOINTMENT OF DOJ CUSTODIAN APPLICANT**
**for Criminal Offender Records**

***CERTIFIED COPY*** of a resolution duly passed by the board of directors of the California Vanpool Authority on the 14th of August 2025.

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**WHEREAS,** Penal Code Sections 11105(b)(11) and 13300(b)(11) authorize cities, counties, districts and joint powers authorities to access state and local summary criminal history information for employment purposes; and

**WHEREAS,** Penal Code Section 11105(b)(11) authorizes cities, counties, districts and joint powers authorities 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 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 city council, board of supervisors, governing body of a city, county or district or joint powers authority to specifically authorize access to summary criminal history information for employment.

**NOW THEREFORE, BE IT RESOLVED**, that the California Vanpool Authority is hereby authorized to access state and federal level summary criminal history information for employment "including volunteers and contract employees" with the California Vanpool Authority and may not disseminate the information to a private entity.

**BE IT FURTHER RESOLVED** that the California Vanpool Authority shall not consider a person who has been convicted of a violent or serious felony or misdemeanor eligible for employment (including volunteers and contract employees, if applicable).

The Clerk of the Board of the California Vanpool Authority shall certify as to the adoption of this Resolution.

AYES:_____ NOES:_____ ABSTAIN:_____ ABSENT:_____

PASSED, APPROVED, AND ADOPTED this August 14, 2025.

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**Robert Poythress, Chairperson**
California Vanpool Authority Board of Directors
*Chair of the California Vanpool Authority, a Joint Powers Authority, a public transit agency existing under the authority of California Government Code § 6500 et seq.*

**CALIFORNIA VANPOOL AUTHORITY**
**RESOLUTION NO. 2025-013**

**AUTHORIZING THE APPOINTMENT OF DOJ CUSTODIAN APPLICANT**
**for Criminal Offender Records**

IN WITNESS WHEREOF, I have set my hand on this 14th day of August 2025. I, Georgina Landecho, Secretary of the CalVans Board of Directors, do hereby certify that the foregoing is a full, true, and correct copy of a resolution passed and adopted by the CalVans Governing Board at its regularly called and conducted meeting held on the 14th day of August 2025, and that such resolution is now in full force and effect.

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Georgina Landecho, Executive Director
Secretary of the CalVans Board of Directors
California Vanpool Authority