

ORDINANCE NO.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 2, ARTICLE III - OFFICERS AND EMPLOYEES, DIVISION 1 - GENERALLY OF THE GLENDALE CITY CODE REGARDING RETENTION OF FINGERPRINTS OF APPLICANTS.

WHEREAS, A.R.S. § 41-1750 (a)(4), the State Librarian's record retention schedule and Department of Public Safety ("DPS") policy concerning Criminal History Record Information (CHRI) provide certain time frames for retention of fingerprints; and

WHEREAS, certain provisions of the Glendale City Code must be updated to be consistent with retention schedule in State law for public records and the DPS Policy.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That Chapter 2 – Administration, Article III – Officers and Employees, Division 1 – Generally is hereby amended as follows:

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Sec. 2-51. - Applicants for positions to be fingerprinted.

- (a) All applicants being considered for selection for positions as city employees and all prospective volunteers under the direction of the city ~~whose duties include interaction with juveniles~~, upon application for temporary or permanent employment for an indefinite period of time or upon application to volunteer, shall appear at the offices of the police department and submit to having copies of their fingerprints made by a police officer. The human resources department shall forward the fingerprints of eligible applicants to the Arizona Department of Public Safety for the purpose of obtaining a state and federal criminal records check pursuant to A.R.S. section 41-1750 and P.L. 92-544. The Arizona Department of Public Safety is authorized to exchange this fingerprint information with the Federal Bureau of Investigation.
- (b) For the purpose of this section, the term "city employees" shall include all persons who are on the city's payrolls and receive either salary or wages from the city.
- (c) For the purpose of this section, the term "volunteer" shall include any person who performs or gives service to the city on his own free will, without any form of compensation by the city in exchange for services rendered. At the discretion of designated staff, any volunteer involved in community service projects less than eight (8) hours in duration and supervised by city staff, may be exempt from the provisions of this section.
- (d) One (1) copy of the fingerprints shall be maintained by the city in accordance with the Arizona State Library, Archives and Public Records retention schedule. ~~police~~

[Additions are indicated by underline; deletions by ~~strikeout~~.]

~~department so long as the person remains a city employee and for a period of five (5) years thereafter.~~

- (e) One (1) copy of the fingerprints taken under the provisions of this article shall be transmitted to the Federal Bureau of Investigation, United States Department of Justice, United States of America, for the purpose of securing a report from the records of the Federal Bureau of Investigation.

SECTION 2. Whereas the immediate operation of the provisions of this Ordinance is necessary for the preservation of the public peace, health, and safety of the City of Glendale, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect from and after its passage, adoption, and approval by the Mayor and Council of the City of Glendale, and it is hereby exempt from the referendum provisions of the Constitution and laws of the State of Arizona.

SECTION 3. The City Clerk is instructed and authorized to forward a certified copy of this ordinance for recording to the Maricopa County Recorder's Office.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this day of , 2017.

Mayor Jerry P. Weiers

ATTEST:

Julie K. Bower, City Clerk (SEAL)

APPROVED AS TO FORM:

Michael D. Bailey, City Attorney

REVIEWED BY:

Kevin R. Phelps, City Manager