

***WARREN COUNTY
BOARD OF COMMISSIONERS***

April 22, 2015

5:30 pm – Special Meeting

5:45 pm – Public Hearing

6:00 pm -WORK SESSION

***WARREN COUNTY
ARMORY CIVIC CENTER
COMMISSIONERS' MEETING ROOM
WARRENTON, NC***

*April 22, 2015 - Public Hearing
For
Ordinance Regulating Criminal Background Searches
for Non-Criminal Purposes*

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- 1 - Chairman or designee call Public Hearing
to order at 5:45 pm**
- 2 - Clerk Read Notice of Public Hearing**
- 3 – Comments by County Manager Worth and County Attorney**
- 4 – Clerk Read Rules of Citizen Comments**
- 5 – Comments from Board of Commissioners**
- 6 - Adjourn Public Hearing**

April 22, 2015
Public Hearing

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5:45 pm

**Chairman or designee call
Public Hearing to order**

April 22, 2015
Public Hearing

Item # 2

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Clerk Read Notice of
Public Hearing

NORTH CAROLINA
WARREN COUNTY

I, JANIE MILLER, Office Manager of
The Warren Record, a weekly
newspaper publication in the town of
Warrenton, Warren County, and state of
North Carolina, do so solemnly swear
that a legal action entitled:

notice of
public hearing

a true copy of which is made a part of
this affidavit, did appear in the said The
Warren Record in the following
consecutive issues:

4/8, 2015

Janie Miller
Office Manager

Sworn to and subscribed before me this
9 day of April, 2015.

Lucille Lee Weldon
Notary Public

My commission expires: 12-6-19.

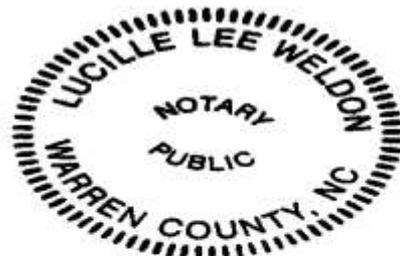
Notice of Public Hearing

Notice is hereby served that the Warren County Board of Commissioners will hold a public hearing on Wednesday April 22, 2015 at 5:45 PM in the Warren County Armory Civic Center - Meeting Room, 501 US Hwy 158 Business-East, Warrenton, NC 27589. The purpose of this hearing is to receive citizens' comments regarding adoption of a proposed Ordinance Regulating Criminal Background Searches for non-criminal purposes, i.e. applicants for employment and pawn shop license applicants.

For additional information contact Linda T. Worth, Warren County Manager at 252-257-3115, by email at lindaworth@warrencountync.gov or 602 West Ridgeway Street Warrenton, NC 27589.

All interested citizens are encouraged to attend this public hearing.

Barry Richardson, Chairman
Warren County Board of Commissioners



April 22, 2015
Public Hearing

Item # 3

Comments

By

**County Manager, Linda T. Worth
and**

County Attorney, Karlene Turrentine

**WARREN COUNTY
CRIMINAL HISTORY CHECK ORDINANCE**

SECTION 1: TITLE.

This Ordinance shall be known and may be cited as the “Warren County Criminal History Check Ordinance.”

SECTION 2: PURPOSE.

The purpose of this Ordinance is to provide the County with policy and procedures for conducting criminal history checks through SBI/DCI for specific statutorily-authorized purposes. This Ordinance is adopted pursuant to the authority vested in Warren County by the General Assembly of the State of North Carolina in Sections 153A-11, 153A-12, and 153A-323 of the North Carolina General Statutes.

In order to protect the public health, safety and welfare of the citizens of Warren County and their properties, the procedures herein are established to provide for fingerprinting and state-wide criminal history checks under the following circumstances:

SECTION 3: CHECKS FOR EMPLOYMENT APPLICANTS.

- a) Pursuant to N.C.G.S. § 143B-945, the County Manager, or his/her designee, by and through the Warren County Sheriff, may conduct an investigation of any final candidate for a full-time or part-time position with the county government and, it shall be a precondition of employment that an applicant for such a position shall, upon request, provide fingerprints and all other necessary personal identifying information including a birth certificate, social security and driver’s license or state or federal identification card, if available. If a driver’s license or state or federal identification card is unavailable, the applicant may be required to produce a passport or military identification. Such personal identifying information shall be used by the Sheriff to make a thorough search of local and state-wide criminal records to determine if the applicant has a history of criminal convictions by use of the Division of Criminal Information Network (DCI).
- b) The Sheriff shall provide the findings from the use of the DCI to the County Manager, or his/her designee, provided that all necessary agreements with the NC State Bureau of Investigations Division of Criminal Information have been executed.
- c) Employment may be denied to those persons convicted of any crime against a person, or crimes against property where intent is an element, or any drug or gambling-related offense. In addition, employment may also be denied to those persons convicted of a DUI/DWI who has applied for any county position that would require the candidate to drive a county vehicle and/or to transport persons on behalf of the county.
- d) An evaluation of any crime for the purposes of employment will take into account the nature and the circumstances of the offense and the time frame of the offense as it relates to the essential job functions or the position applied for.
- e) Prior to denial or termination of employment based upon criminal history record information (CHRI) received by the Sheriff, the County Manager (or his/her designee) shall verify the

existence of the record by either obtaining a certified public record or by submitting a fingerprint card of the individual to the criminal information and identification section for verification that the CHRI record belongs to the individual.

SECTION 4: CHECKS FOR PAWN SHOP APPLICANTS.

- a) Pursuant to N.C.G.S. § 66-390(b)(5), upon receipt of an applicant's fully completed Warren County Petition for Pawn Broker Permit, the Sheriff shall conduct an investigation of any and all person/s applying for a pawnbroker license/permit and it shall be a precondition of a pawnbroker license/permit being issued that an applicant therefore shall, upon request, provide fingerprints and all other necessary personal identifying information including a birth certificate, social security and driver's license or state or federal identification card, if available. If a driver's license or state or federal identification card is unavailable, the applicant may be required to produce a passport or military identification. Such personal identifying information shall be used by the Sheriff to make a thorough search of local and state-wide criminal records to determine if the applicant has a history of criminal convictions by use of the Division of Criminal Information Network (DCI).
- b) The Sheriff shall provide the findings from the use of the DCI to the County Manager or designee, provided that all necessary agreements with the NC State Bureau of Investigations Division of Criminal Information have been executed.
- c) A pawnbroker license/permit may be denied to those persons convicted of any crime against a person, or crimes against property where intent is an element, or any drug or gambling related offense.
- d) An evaluation of any crime for the purposes of issuing a pawnbroker license/permit will take into account the nature and the circumstances of the offense and the time frame of the offense as it relates to the pawnbroker license.
- e) Prior to denial or termination of a pawnbroker license/permit based upon criminal history record information (CHRI) received from the Sheriff, the County Manager (or his/her designee) shall verify the existence of the record by either obtaining a certified public record or by submitting a fingerprint card of the individual to the criminal information and identification section for verification that the CHRI record belongs to the individual.

SECTION 5: MISCELLANEOUS PROVISIONS.

- a) If this Ordinance or the application thereof to any person or circumstance is held to be invalid, such invalidity shall not affect other provisions or other applications of the Ordinance which can be given separate effect and, to that end the provisions of this Ordinance are declared to be severable.
- b) Any Warren County Ordinance or any part of a Warren County Ordinance that is found to conflict with this Ordinance, to the extent of such conflict, is hereby repealed.
- c) This Ordinance is adopted in the interest of public health, safety, and the general welfare of the citizens and inhabitants of Warren County, North Carolina.

SECTION 6: EFFECTIVE DATE.

This Ordinance shall be effective upon adoption.

Adopted the ____ day of _____ 2015.

WARREN COUNTY BOARD OF COMMISSIONERS

Barry Richardson, Chairman

ATTEST: _____
Angelena Kearney-Dunlap, Clerk to the Board

April 22, 2015
Public Hearing

Item # 4

Citizen Comments

PUBLIC HEARING PROCEDURES

This public hearing is being held to hear citizens' comments regarding a proposed Ordinance Regulating Criminal Background Searches for Non-Criminal Purposes.

RULES:

- **Please sign up to speak.**
- **The maximum time allotted to each speaker will be five (5) minutes. The Clerk to the Board will keep time.**
- **Any group of people who support or oppose the same position should designate a spokesperson.**
- **Please address only those items which might not have been addressed by a previous speaker**
- **Order and decorum will be maintained during this hearing.**
- **Two questions are permitted by each speaker.**

*Warren County
Board of Commissioners*

April 22, 2015
Public Hearing

Item # 5

**Comments
by
Board of Commissioners**

April 22, 2015
Special Work Session Agenda

Item # 6

Adjourn
Public Hearing