City of Joplin City Council Agenda Item

REQUESTED COUNCIL MEETING DATE: June 4, 2018
ITEM: Council Bill No. 2018-021 amending Chapter 90, Peddlers and Solicitors, Division 2, Registration Certificate, by repealing Sec. 90-62, Application; and enacting a new Section 90-62, Application.

ORIGINATING DEPARTMENT: Legal Department
ATTACHMENTS: Council Bill No. 2018-021

DEPARTMENT HEAD:	Peter C. Edwards	**DATE:**
CTY MANAGER:	Samuel L. Anselm	**DATE:**
FINANCE DIRECTOR:	Leslie Haase	**DATE:**
POLICE CHIEF:	Matt Stewart	**DATE:**

INTRODUCTION:

This Council Bill amends Chapter 90, Peddlers and Solicitors, Division 2, Registration Certificate, by repealing Sec. 90-62, Application, and enacting a new Section 90-62, Application.

DISCUSSION:

Sec. 90-62 currently provides that "The police department shall perform a background check for the finance department on each applicant for a solicitor's license prior to the issuance of a license."

The Missouri State Highway Patrol recently completed an audit of the City of Joplin. The MSHP recommended that Sec. 90-62 be amended to explicitly authorize FBI and Missouri state background checks, including fingerprinting pursuant to § 43.535, RSMo., as an aspect of criminal background checks for solicitors.

The Council previously approved Ordinance No. 2007-152, authorizing FBI and Missouri state background checks, including fingerprinting pursuant to § 43.535, RSMo. as an aspect of criminal background checks for licensing, among others, security guards, cab drivers, liquor license managers, private investigators, and pawn brokers operating within the City of Joplin.

RECOMMENDATION:

Staff recommends that this Council Bill be placed on First Reading.

Attachments

COUNCIL BILL NO. 2018-021 ORDINANCE NO.

AN ORDINANCE amending Chapter 90, Peddlers and Solicitors, Division 2, Registration Certificate, by repealing Sec. 90-62, Application; and enacting a new Section 90-62, Application.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

WHEREAS, the current version of Sec. 90-62 does not explicitly authorize fingerprinting pursuant to § 43.535, RSMo., as an aspect of criminal background checks for solicitors.

WHEREAS, the Missouri State Highway Patrol recommends that Sec. 90-62 be amended to explicitly authorize fingerprinting pursuant to § 43.535, RSMo. as an aspect of criminal background checks for solicitors.

WHEREAS, this amendment explicitly authorizes fingerprinting pursuant to § 43.535, RSMo. as an aspect of criminal background checks for solicitors.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That Chapter 90, Peddlers and Solicitors, Division 2, Registration Certificate, by repealing Sec. 90-62, Application, and a new Section 90-62, Application, is enacted in lieu thereof, as follows:

"Sec. 90-62. Application.

(a) Any person desiring a certificate required by this division shall file an application therefor with the director of finance, supplying all of the information required by the director, such information to include but not be limited to:

(1) The name and date of birth of the applicant.

(2) The address of the applicant.

(3) Home telephone number.

(4) Business address and telephone number.

(5) Physical description of the applicant.

(6) Record of any convictions other than minor traffic violations.

(7) Employer's name, address, and telephone number.

(8) Name and description of the item to be sold, or solicited for sale, and if a product is to be sold, whether it is to be delivered immediately or at a later date.

(9) If sale of a product is to be solicited, whether the product is to be mailed to the purchaser or delivered to the applicant, and if the product is to be mailed, the originating point of the product.

(b) The police department shall perform an FBI and Missouri state background check, including fingerprinting for the purpose of receiving criminal history record information pursuant to § 43.535, RSMo., for the finance department on each applicant for a solicitor's license prior to the issuance of a license.

STATE LAW REFERENCE: § 43.535, RSMo. Municipal and county government, MULES criminal record review permitted, fee – fingerprinting, when – confidentiality."

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this _____ day of _____, 2018, by a vote of _____.

_____
Gary L. Shaw, Mayor

ATTEST:

_____
Barbara J. Gollhofer,
City Clerk

APPROVED AS TO FORM:

_____
Peter C. Edwards,
City Attorney