

ORDINANCE NO. 2013-06

**AN ORDINANCE RELATING TO CRIMINAL HISTORY BACKGROUND
APPLICANTS FOR CITY EMPLOYMENT & CITY LICENSES**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TRIMONT,
MARTIN COUNTY, MINNESOTA:

Section 1. That the Trimont City Code shall be amended by adding Section 2.07 to the administrative provisions and Section 4.05 to Business Regulations to read as follows:

Section 1. Trimont City Code is amended by adding Section 2.07 to read as follows:

Subd. 1 Applicants for City Employment.

Purpose: The purpose and intent of this section is to establish regulations that will allow law enforcement access to Minnesota's computerized criminal history information for specified non-criminal purposes of employment background checks for the positions described in subdivision 2.

Subd. 2. Criminal History Employment Background Investigations:

The Trimont Police Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on applicants for the following positions within the City:

Employment Position: All regular, parttime, or fulltime employees of the City of Trimont, or other positions that work with children or vulnerable Adults

In conducting the criminal history background investigation in order to screen employment applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions computerized criminal history information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Police Department under the care and custody of the Chief Law Enforcement official, or his or her designee. A summary of the results of the computerized criminal history data may be released by the Police Department to the hiring authority including the City Council of the City of Trimont or other staff involved in the hiring process.

Before the investigation is undertaken, the applicant must authorize

the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of M.S. Chapter 13 regarding the collection, maintenance and use of information. Except for the position set forth in M.S. 364.09, the City will not reject an applicant for employment on the basis of the applicant's prior conviction unless the conviction is directly related to the position of employment sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant's request on this basis, the City shall notify the applicant in writing of the following:

- A. The grounds and reasons for the denial;
- B. The applicant complaint and grievance procedure set forth in M.S. 364.06;
- C. The earliest date the applicant may reapply for employment;
- D. That all competent evidence of rehabilitation will be considered upon reapplication.

Section 2. The Trimont City Code will be amended by adding a new Section, 4.05, License Background Checks.

Section 2. Trimont City Code Section 4.05 will read as follows:

Section 4.05 License Background Checks; Applicants for City Licenses

Subd. 1. Purpose. The purpose and intent of this Section is to establish regulations that will allow enforcement access to Minnesota's computerized criminal history information for specified non-criminal purposes of licensing background checks.

Subd. 1. Criminal History License Background Investigations:

The Trimont Police Department is hereby required, as an exclusive entity within the City, to do a criminal history background investigation on the applicant's for the following licenses within the City: City licenses, peddlers, fireworks, 3.2 percent malt liquor licenses, on-sale intoxicating liquor licenses, including on-sale licenses, special club licenses, on-sale wine licenses, and off-sale licenses.

In conducting the criminal history background investigation in order to screen license applicants, the Police Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions computerized criminal history information system in accordance with BCA policy. Any data

that is accessed and acquired shall be maintained at the Police Department under the care and custody of the chief law Enforcement official or his or her designee. A summary of the results of the computerized criminal history data may be released by the Police Department to the licensing authority including the City Council of the City of Trimont, or other staff involved in the licensing approval process.

Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to undertake the investigation. The written consent must fully comply with the provisions of M.S. Chapter 13 regarding the collection, maintenance and use of the information. Except for the position set forth in M.S. 364.09, the City will not reject an applicant for a license on the basis of the applicant's prior conviction unless the crime is directly related to the license sought and the conviction is for a felony, gross misdemeanor, or misdemeanor with a jail sentence. If the City rejects the applicant's request on this basis, the City shall notify the applicant in writing of the following:

- A. The grounds and reasons for the denial;
- B. The applicant complained in grievance procedures set forth in M.S. Section 364.06;
- C. The earliest date the applicant may reapply for the license;
- D. That all competent evidence of rehabilitation will be considered upon reapplication.

Section 3. This ordinance shall take effect upon its passage and publication.

Adopted by the City Council of the City of Trimont this 20th day of May, 2013.

Thomas Eckmann
Mayor

ATTEST:

Melissa Flohrs
City Clerk

Introduced April 15, 2013
Adopted May 20, 2013
Published May 29, 2013

