

ORDINANCE NO. 7 4th SERIES

AN ORDINANCE OF THE CITY OF EAST GRAND FORKS, MINNESOTA, REVOKING IN ITS ENTIRETY TITLE IX, CHAPTER 99: BACKGROUND CHECKS; MUNICIPAL EMPLOYEES AND APPOINTEES AND REPLACING IT WITH CHAPTER 99 ORDINANCE RELATING TO CRIMINAL HISTORY BACKGROUND FOR APPLICANTS FOR CITY EMPLOYMENT AND CITY LICENSES;

AND BY ADOPTING BY REFERENCE CITY CODE CHAPTER 10 AND SECTION 10.99 WHICH, AMONGST OTHER THINGS CONTAINS PENALTY PROVISIONS.

THE CITY OF EAST GRAND FORKS ORDAINS AS FOLLOWS:

Section 1. That the East Grand Forks City Code shall be amended by replacing the current Title IX, Chapter 99 and adding a new Chapter 99, as follows:

CHAPTER 99

CRIMINAL HISTORY BACKGROUND FOR APPLICANTS FOR CITY EMPLOYMENT AND CITY LICENSES

SECTION 99.01:

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 Section 99.02.

SECTION 99.02

CRIMINAL HISTORY EMPLOYMENT BACKGROUND INVESTIGATIONS: The East Grand Forks Police Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on the applicants for the following positions within the city, unless the city's hiring authority concludes that a background investigation is not needed:

Employment positions "all regular part-time or full-time employees of the City of East Grand Forks and 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 (Chief of Police) 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, the City Administrator, or other city 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 Minn. Stat. Chap. 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 364.09, the city will not reject an applicant for employment on the basis of the applicant's prior conviction unless the crime 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 Minnesota Statutes Section 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: 99.03

APPLICANTS FOR CITY LICENSES

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 licensing background checks.

SECTION 99.04

CRIMINAL HISTORY LICENSE BACKGROUND INVESTIGATIONS: The East Grand Forks Police Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on the applicants for the licenses required in the within the city as set forth in Tile XI BUSINESS REGULATIONS.

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, the City Administrator, or other city staff involved the license 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 Minn. Stat. Chap. 13 regarding the collection, maintenance and use of the information. Except for the positions set forth in Minnesota Statutes Section 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 complaint and grievance procedure set forth in Minnesota Statutes 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 2. City Code Title 1 General Provisions, Chapter 10 entitled General Provisions are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 3. This ordinance shall take effect and be in force after its passage, publication and then beginning on March 5, 2013. It shall be given the Number 7, 4th Series.

Voting Aye: Vonasek, Buckalew, Olstad, Leigh, Grassel, and Vetter.

Voting Nay: None.

Absent: Tweten

The President declared the Ordinance passed.

ATTEST:

PASSED: March 5 , 2013

City Administrator/Clerk-Treasurer

President of Council

I hereby approve the foregoing Ordinance this 5th day March, 2013.

Mayor

Adopted by the City Council this 5th day of March, 2013.