

ORDINANCE NO. 12-08

**CITY OF FALCON HEIGHTS
RAMSEY COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER VII Sec 2-140
OF CITY CODE ORDINANCE CRIMINAL HISTORY BACKGROUND**

THE CITY COUNCIL OF FALCON HEIGHTS ORDAINS:

SECTION 1. Sec. 2-140 Purpose; procedures (1-4) of the Falcon Heights City Code is deleted

SECTION 2. Sec 2-140 of the Falcon Heights City Code is amended to provide as follows:

**ARTICLE VII. BACKGROUND CHECKS
SEC. 2-140 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 City employment background checks.

CRIMINAL HISTORY EMPLOYMENT BACKGROUND

INVESTIGATIONS: The St. Anthony Police Department is hereby required, as the exclusive entity within the City, to do a criminal history background investigation on the applicants for all regular part-time or full-time positions in the City of Falcon Heights and other positions that work with children, vulnerable adults or require a valid driver's license as an essential qualification of the position. The City's hiring authority may conclude that a background investigation is not needed.

In addition to the St. Anthony Police Department, the City is also required to access criminal data by using the services provided by the Bureau of Criminal Apprehension and paying the associated fee for positions that work with children under the Child Protection Background Check Act (Minn. Stat. 299C. 61 & 62).

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, 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 begin 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 for employment 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 3. That the Falcon Heights City code shall be amended by adding a new Sec. 2-141 as follows:

ARTICLE VII. BACKGROUND CHECKS
SEC. 2-141 LICENSE BACKGROUND INVESTIGATIONS

THE CITY COUNCIL OF FALCON HEIGHTS ORDAINS:

SECTION 1. Sec. 2-141 License Background Checks of the Falcon Heights City Code be added as follows:

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.

CRIMINAL HISTORY LICENSE BACKGROUND INVESTIGATIONS: The St. Anthony 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 licenses within the City:

City Licenses:

- Peddler, Solicitor and Transient Merchant
- Massage Therapist
- Owners of Liquor Establishments

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 in the license approval process.

Before the investigation is undertaken, the applicant must authorize the Police Department by written consent to begin 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. Effective Date. This ordinance shall take effect from and after its passage.

ADOPTED this 26th day of September, 2012, by the City Council of Falcon Heights, Minnesota.

CITY OF FALCON HEIGHTS

BY:


Peter Lindstrom, Mayor

ATTEST:


Bart Fischer, City Administrator/Clerk