

**CITY OF GEM LAKE
ORDINANCE NO. 105**

ORDINANCE RELATING TO CRIMINAL HISTORY BACKGROUND FOR
APPLICANTS FOR CITY EMPLOYMENT AND CITY LICENSES

THE CITY COUNCIL OF THE CITY OF GEM LAKE ORDAINS:

**SECTION 1. EMPLOYMENT BACKGROUND CHECKS – APPLICANTS FOR
TOWNSHIP EMPLOYMENT.**

1-1. 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 1-2.

1-2. CRIMINAL HISTORY EMPLOYMENT BACKGROUND INVESTIGATIONS. The Ramsey County Sheriff’s Department is hereby required, as the exclusive entity within the City of Gem Lake, to do a criminal history background investigation on the applicants for the following positions within the City of Gem Lake, unless the City Council concludes that a background investigation is not needed: Employment positions: all regular part-time or full-time employees of the City of Gem Lake.

1-2.1. In conducting the criminal history background investigation in order to screen employment applicants, the Ramsey County Sheriff’s 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 Ramsey County Sheriff’s Department under the care and custody of the Sheriff or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Ramsey County Sheriff’s Department to the City Council, City Clerk or other City staff involved in the hiring process.

1-2.2. Before the investigation is undertaken, the applicant must authorize the Ramsey County Sheriff’s 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:

- 1-2.2(a). The grounds and reasons for the denial.
- 1-2.2(b). The applicant complaint and grievance procedure set forth in Minnesota Statutes, Section 364.06.
- 1-2.2(c). The earliest date the applicant may reapply for employment.
- 1-2.2(d). That all competent evidence of rehabilitation will be considered upon reapplication.

SECTION 2. LICENSE BACKGROUND CHECKS – APPLICANTS FOR CITY LICENSES.

2-1. 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.

2-2. CRIMINAL HISTORY LICENSE BACKGROUND INVESTIGATIONS. The Ramsey County Sheriff's Department is hereby required, as the exclusive entity within the City of Gem Lake, to do a criminal history background investigation on the applicants for the following licenses in the City: employees/owners of liquor establishments; peddler/solicitor/transient merchant licenses; tobacco licenses.

2-2.1. In conducting the criminal history background investigation in order to screen license applicants, the Ramsey County Sheriff's Department is authorized to access data maintained in the Minnesota Bureau of Criminal Apprehensions Computerized Criminal Apprehensions Computerized Criminal History information system in accordance with BCA policy. Any data that is accessed and acquired shall be maintained at the Ramsey Sheriff's Department under the care and custody of the Sheriff or his or her designee. A summary of the results of the Computerized Criminal History data may be released by the Ramsey County Sheriff's Department to the licensing authority, including the City Council, City Clerk or other City staff involved in the license approval process.

2-2.2. Before the investigation is undertaken, the applicant must authorize the Ramsey County Sheriff's 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:

- 2-2.2(a).** The grounds and reasons for the denial.
- 2-2.2(b).** The applicant complaint and grievance procedure set forth in Minnesota Statutes, Section 364.06.
- 2-2.2(c).** The earliest date the applicant may reapply for the license.
- 2-2.2(d).** That all competent evidence of rehabilitation will be considered upon reapplication.

SECTION 3. SEVERABILITY. Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole, or of any part hereof, other than the part held to be invalid.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its passage and publication.

Passed by the City Council of the City of Gem Lake, Ramsey County, Minnesota, this 20th day of January, 2009.

Bob Uzpen, Mayor

Bill Short, City Clerk