

**AN ORDINANCE AMENDING THE PELICAN RAPIDS CITY CODE
BY ADDING SECTIOS 202.06, 202.07 AND 202.08:
REGARDING CRIMINAL HISTORY**

Ordinance No. 2025-02

THE COUNCIL OF THE CITY OF PELICAN RAPIDS DOES ORDAIN:

SECTION ONE. That the Pelican Rapids City Code be amended by adding the following:

202.06 CRIMINAL HISTORY INFORMATION.

(A) *Purpose.* It is desirable and useful in certain situations to obtain criminal history information in connection with certain city operations.

(B) *Authority to obtain criminal history information.*

(1) *Discretionary reviews.* The Police Department is authorized and may obtain criminal history information including that which is maintained in electronic form ("criminal history information") with respect to the following individuals:

(a) Individuals who provide services to vulnerable members of society such as children, senior citizens, and developmentally disabled individuals;

(b) Individuals who have access to monetary payments, public funds or accounts;

(c) Individuals who have access during the course of work for or on behalf of the city to private homes, non-public areas of city and/or private facilities, or non-public data; and

(d) Individuals who supervise individuals identified above.

(2) *Mandatory reviews.* The Police Department is authorized and shall obtain criminal history information with respect to finalist for regular, full-time or part-time employment and paid on-call fire fighter positions with the city.

(C) *FBI investigation.* In the discretion of the Police Department, an additional FBI criminal history background investigation may be conducted, at which time a fingerprint card must be submitted by the applicant.

(D) *Consent of subject required.* Criminal history information may be obtained only with the written consent of the person whose criminal history information is sought to be obtained. If the individual refuses to consent, such individual will be disqualified from work or service with the city.

(E) *Grounds for denial.* An applicant may be denied employment with the city if the background investigation discloses a prior conviction for an offense or offenses which the city determines may have a direct bearing on the hiring of the applicant, for the position sought. An application may be denied employment with the city for failure to disclose prior criminal convictions on his or her employment application, if such disclosure is required on the application. If employment is denied, the city shall notify the applicant in writing of the following:

- (1) The grounds and reason for denial;
 - (2) The applicant complaint and grievance procedure set forth in M.S. § 364.06, as may be amended from time to time;
 - (3) The earliest date the applicant may reapply for employment or a volunteer position; and
 - (4) All competent evidence of rehabilitation will be considered upon reapplication.
- (F) *Compliance with the Minnesota Criminal Rehabilitation Act, M.S. §§ 364.01-364.10.* The use of criminal history information shall be subject to the provisions of M.S. §§ 364.01-364.10.

202.07 CRIMINAL HISTORY EMPLOYMENT BACKGROUND INVESTIGATIONS.

(A) The Pelican Rapids 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:

- (1) All regular part-time or full-time employees of the city; and
- (2) Other positions that work with children or vulnerable adults.

(B) 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, the City Clerk or other city staff involved in the hiring process.

(C) 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 positions 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 crime is directly related to the position of employment sought and 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) The grounds and reasons for the denial.
- (2) The applicant complaint and grievance procedure set forth in M.S. § 364.06.
- (3) The earliest date the applicant may reapply for employment.
- (4) That all competent evidence of rehabilitation will be considered upon reapplication.

202.08 CRIMINAL HISTORY LICENSE BACKGROUND INVESTIGATIONS.

(A) The Pelican Rapids 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:

- (1) Liquor license;
- (2) Tobacco license;
- (3) Gambling license;
- (4) Peddler license; and
- (5) Tetrahydrocannabinol license.

(B) 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, the City Clerk or other city staff involved in the license approval process.

(C) 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 positions 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:

- (1) The grounds and reasons for the denial.
- (2) The applicant complaint and grievance procedure set forth in M.S. § 364.06.
- (3) The earliest date the applicant may reapply for the license.
- (4) That all competent evidence of rehabilitation will be considered upon reapplication.

SECTION TWO. That this ordinance shall take effect and be in force on May 13, 2025.

Adopted this 13th day of May, 2025.

ATTEST:

Danielle Harthun, Clerk-Treasurer

Brent E. Frazier, Mayor