

*City Council Memorandum*

To: Mayor Fasbender & City Councilmembers
From: Assistant City Administrator Kelly Murtaugh
Date: March 6, 2023
Item: Approve Second Reading of the Proposed Amendment to City Code Regarding Backgrounds

Council Action Requested:

Approve the second reading for the purposes of considering a proposed amendment to City Code Chapters 33 regarding backgrounds.

Background information:

Our current City Code designates the Police Department as the only entity that can conduct backgrounds. In 2021, the City of Hastings began using a third-party vendor to conduct background checks on its over 100 seasonal employees. Background investigations for regular employees were still conducted solely by the Police Department investigators. With only two investigators, these background investigations were only part of the already heavy workload. Recently, in coordination with the Police Department and Human Resources, it was decided to use the third-party vendor for the majority of backgrounds when hiring regular full- and part-time staff. Some positions continue to require the depth of background investigation that must be conducted by the Police Department.

This decision reduced staff time in investigations and has shortened the background process, enabling the City to be more competitive in the hiring timeline when competing for highly sought-after candidates. Amending ordinance language to allow for a designee to conduct backgrounds in addition to the Police Department enhances efficiency and does not create any adverse impact to hiring.

Financial Impact:

N/A

Committee Discussion:

N/A

Attachments:

- Ordinance Amendment

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF HASTINGS, MINNESOTA
AMENDING HASTINGS CITY CODE CHAPTER 33 – CRIMINAL HISTORY
BACKGROUND INVESTIGATIONS**

The City Council of the City of Hastings, Dakota County, Minnesota, does hereby ordain as follows:

SECTION 1. AMENDMENT. The Code of the City of Hastings, County of Dakota, State of Minnesota, Chapter 33 Criminal History Background Investigations

33.01 General Provisions

Criminal History Background Investigations. The Police Department or its designee is required to conduct criminal history background investigations on applicants for licenses and positions with the City as employees or volunteers. For employment positions, this section applied only to applicants who are finalists for all regular full or part-time, seasonal, or temporary status positions. Before the investigation is undertaken, the applicant must authorize the Police Department or its designee in writing to undertake the investigation and to release the information to the City Council, the City Administrator, and other appropriate City Staff to conduct and review the criminal history investigation. Except in the case of exceptions set forth in M.S. §364.09, as may be amended from time to time, if the City rejects an application for employment due partly or solely to the applicant’s prior conviction of a crime, the City will notify the applicant in writing of the following:

- A. the ground and reasons for denial;
- B. the applicant and grievance procedures set forth in M.S. §364.06, as may be amended from time to time;
- C. the earliest date the applicant may reapply for employment; and
- D. that all competent evidence of rehabilitation will be considered upon re-application.

SECTION 2. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this _____ day of _____, 2023.

Mary D. Fasbender, Mayor

Attest:

Kelly Murtaugh, City Clerk