



# City of Brainerd Commission/Committee/Board Application Form

## Contact Information

|                 |  |
|-----------------|--|
| Name            |  |
| Street Address  |  |
| City, State ZIP |  |
| Home Phone      |  |
| Work Phone      |  |
| E-Mail Address  |  |

**Applicants must be a resident of the City of Brainerd or have an ownership interest in a business or other property within the City of Brainerd. Please list the business or property address for verification.**

|                           |  |
|---------------------------|--|
| Brainerd Property Address |  |
|---------------------------|--|

## Interest

Commission, Committee or Board Applying for

Are you able to commit to the schedule of the Commission, Committee or Board?  Yes  No

Is there a situation that might be perceived by others as a conflict of interest based off the City's policy?  Yes  No

## Why are you interested in this position?

What knowledge, skills, or experience can you bring to this position?

## Agreement and Signature

By submitting this application, I affirm that the facts set forth are true and complete. I understand that if I am accepted as a volunteer, any false statements, omissions, or other misrepresentations made by me on this application may result in my immediate dismissal.

|           |  |
|-----------|--|
| Signature |  |
| Date      |  |

Completion and submission of this form grants the City authority to conduct a background check including a complete criminal history and driver's license check. This application is public data pursuant to M.S. 13.43.

Applications can be submitted by mail to City of Brainerd, 501 Laurel Street, Brainerd MN 56401 or email to [tgage@ci.brainerd.mn.us](mailto:tgage@ci.brainerd.mn.us).

Please contact Toni Gage with any questions at [tgage@ci.brainerd.mn.us](mailto:tgage@ci.brainerd.mn.us) or 218-828-2307.



**CITY OF BRAINERD  
Background Check  
Data Practices Advisory**

**Read this Advisory before completing the 'Consent for the Release of Information' and providing protected information on the next page.**

As an applicant for a volunteer opportunity or as a current volunteer with the City of Brainerd, you are being asked to provide information about yourself that will be used to evaluate your suitability for the volunteer opportunity you are seeking or the volunteer position you hold with the city.

The purpose and intended use of the data required on the reverse side is to conduct the background inquiries which this City uses to establish your suitability for a volunteer opportunity or a continued volunteer position with the City of Brainerd. A complete criminal history and driver's license check are conducted to determine whether there are any job-related factors that affect your suitability for the volunteer opportunity.

| <b>Data We May Request</b>  | <b>Intended Use</b>                                       |
|---|---|
| All names you are known by or have been known by (to include maiden name, previous married names, alias names, and nicknames) | To conduct a complete criminal history & background check |
| Date of Birth   | To access driver's license & criminal history data        |
| Gender  | To access driver's license & criminal history data        |
| Fingerprints  | To access criminal history data                           |
| Driver's license number(s)  | To access driver's license data                           |

This data will be used solely for the above-mentioned purposes. This data will be forwarded to the appropriate City staff and/or consultants as determined necessary for completion of the background check.

You are not legally required to provide the requested information. However, if you do not, the City of Brainerd will be unable to conduct the required background inquiries and will not be able to consider you for the volunteer opportunity. Current volunteers that fail to provide the requested information may be released from voluntary service.

I, \_\_\_\_\_, have read and understand the information stated above.  
(Full Legal Name of Applicant/Volunteer)

\_\_\_\_\_  
Applicant/Volunteer Signature

\_\_\_\_\_  
Parent/Guardian Signature  
(If Applicant/Volunteer is NOT 18 years of age or older)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

For office use only:

Processed by: \_\_\_\_\_ Date: \_\_\_\_\_

General In House:  Yes  No

Firefighter Comments: \_\_\_\_\_

Criminal Justice

New Commission Appt CCH:  Yes  No

Comments: \_\_\_\_\_



**CITY OF BRAINERD**  
**Consent for the Release of Information**  
**In Accordance with MSA 13.05, Subd. 4(d) and**  
**City of Brainerd City Code**

I, \_\_\_\_\_, authorize all requested agencies to release criminal history data relating to convictions for felonies, gross misdemeanors, and misdemeanors for which a jail sentence has been imposed, as well as driver's license and traffic record data to the Police Department and/or authorized personnel of the City of Brainerd. I understand that some of this data may be classified as private data under Minnesota Statutes and I hereby give my informed consent to the release of that private data by the authorized agency to the City of Brainerd.

This consent for the release of data is for the purpose of determining my suitability for a volunteer opportunity or continued volunteer position with the City of Brainerd. This information cannot be used for any other purposes.

This authorization may be revoked in writing by me at any time and in no event will it be valid for more than one year from the date below.

**Please complete the following information:**

Full Name (First Middle Last): \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Gender: \_\_\_\_\_

If applying for or employed in a firefighter position, have you resided in Minnesota for less than 5 years? Yes \_\_\_ No \_\_\_

Drivers License Number: \_\_\_\_\_ State of Issue: \_\_\_\_\_

Please list **all** other names you are or have been known by, to include maiden name, previous married names, alias names, and nicknames:

\_\_\_\_\_

I certify that all statements by me on this form are true and complete. I understand that any false statements or omissions on this form shall be sufficient cause for rejection of my application or dismissal if I am hired. Current volunteers that fail to provide the requested information may be released from voluntary service.

I hereby authorize the City of Brainerd to use this information to determine my suitability for a volunteer opportunity or continued volunteer position.

\_\_\_\_\_  
Applicant/Volunteer Signature

\_\_\_\_\_  
Parent/Guardian Signature (if applicant is not 18 years of age or older)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

State of MN  
Crow Wing County

State of MN  
Crow Wing County

On \_\_\_\_\_,

On \_\_\_\_\_,

\_\_\_\_\_  
personally appeared before me to be the signer of this document.

\_\_\_\_\_  
personally appeared before me to be the signer of this document.

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
My Commission Expires

\_\_\_\_\_  
My Commission Expires

# CITY OF BRAINERD

## CONFLICT OF INTEREST POLICY

### ARTICLE I

#### Purpose

The purpose of this policy is to establish a code of ethics related to conflicts of interest covering public elected and appointed officials associated with the City of Brainerd. This policy is intended to supplement but not replace any applicable laws governing conflict of interest.

The City Council hereby determines that Brainerd City government exists to serve the people of Brainerd, and in order to do so effectively, the residents of the City must have confidence and trust in the integrity of their government. The public evaluates its government by the way its elected and appointed officials conduct themselves in the posts to which they were elected or appointed. City officials hold positions of public trust under the scrutiny of public opinion and their actions must be above suspicion. The public deserves elected and appointed officials who maintain the highest ethical principles and avoid misconduct and conflicts of interest, apparent or real. The public has the right to expect that its public officials will conduct themselves in a manner that will preserve public confidence in and respect for the people they serve.

- This Conflict of Interest Policy provides an ethical guide and specific principles which reflect the ethical values of the City of Brainerd.
- This Conflict of Interest Policy is designed to promote high ethical standards and conduct, and to foster a healthy culture throughout City government. It is the benchmark for all who serve the City to assist them in fulfilling their responsibilities to the people of Brainerd.

### ARTICLE II

#### Definitions

*Appointed Officials.* Appointed Officials are those individuals appointed to a Board, Commission or Committee of the City.

*Conflict of Interest.* A conflict of interest is present when, in the discharge of official duties, an elected or appointed official participates in a governmental decision, action or transaction in which he or she has a financial interest, except for those interests when the financial interest is no greater than that of another member of his or her business classification, profession or occupation.

- Financial Interest.* A financial interest is any interest, including loans, which shall yield, directly or indirectly, a monetary or other material benefit to the elected or appointed official (other than monetary or material benefits authorized by the City). A financial interest of a local public official's employer (other than the City of Brainerd), his or her associated business, or his or her immediate family as more specifically defined below, and their employers of associated businesses shall also be considered a financial interest of the local official or volunteer.
- Exception.* The following assets shall not be considered a financial interest for

purposes of this policy: (1) ownership of shares in a diversified mutual fund; (2) membership in a pension plan or employee benefit plan; (3) de minimis ownership of bonds or publicly traded securities; (4) ownership of a whole life insurance policy.

*Immediate Family.* Immediate family shall be defined as spouse, domestic partner, parents, children, siblings, father and/or mother in-law, son and/or daughter in-law, sister and/or brother in-law, step children, step siblings and half-brother and/or sister.

### ARTICLE III Persons Covered

The City Council of the City of Brainerd determines that it is in the best interests of the residents of the City to preserve the public confidence and integrity of government officials and to promote trust of the people in the objectivity of their public servants. Therefore, this Code of Ethics covers all officials elected and appointed to a position in the City of Brainerd.

### ARTICLE IV Expected Conduct

Public elected or appointed officials must put the public interest ahead of their own personal advancement and financial interests, disclose conflicts of interest, and refrain from participating in decisions where a financial interest exists. Public officials must avoid actions that might impair independence of judgment or give the appearance of impropriety or a conflict of interest. Public officials must not use their position to gain privileges or special treatment. Public officials of the City shall avoid any situation that might give rise to or even suggest the potential for a conflict of interest. Public elected or appointed officials shall abstain from participation in **discussions, deliberations and voting** on a City contract in which the public elected or appointed official's or any member of that official's immediate family has a direct, indirect or pecuniary interest. When a non-contract matter comes before the City in which a public elected or appointed official or anyone in the official's immediate family has a direct, indirect or pecuniary interest, the official shall abstain from participation in discussions, deliberations and voting on that matter.

### ARTICLE V Conflict of Interest in Contracts (From the League of MN Cities)

Generally, public officers may not have a personal financial interest in a sale, lease or contract they are authorized to make in their official capacity. A "public officer" includes the Mayor and any Councilmember. In some circumstances, the designation may also include appointed officers and employees who are able to influence contracting decisions.

The attorney general has advised that the conflict of interest law applies to any Councilmember "who is *authorized* to take part in any manner" in the making of the contract. Simply abstaining from voting on the contract will not allow the contract to be made. The attorney general reasoned that if the Legislature had only wanted to prohibit a contract with an interested officer who votes on the contract, it would not have used the word "authorized."

A literal reading of the statute might suggest that it does not apply to City officers who are unable to make a contract on behalf of the City. However, the attorney general has given the statute a broad interpretation, which could mean the statute affects more officials than just those

who actually make the decision to enter into the contract. As a result, it may be wise to take a conservative approach regarding contracts with any City official.

The law would appear to prohibit a contract with a public official who has had the opportunity to influence the terms of the contract or the decision of the governing body.

#### ARTICLE VI Addressing Conflicts of Interest

To address conflicts of interest:

- a. An elected or appointed official shall not participate in making decisions or attempting to use his or her position to influence any City government decision, action, or transaction in which the public official knows or has reason to know that he or she has a conflict of interest. To participate means making a decision, taking action, entering into a transaction, providing advice supporting a recommendation, introducing, sponsoring, debating, voting on, approving, and/or investigating the decision, action or transaction. Participation includes the direct and active supervision of the participation of a subordinate in the matter. Participation is more than official responsibility, knowledge, dutiful involvement, or involvement on an administrative or peripheral basis.
- b. A local public official may participate in a City government decision, action, or transaction involving an organization or entity if the public official or immediate family member is an officer, director, board member, or trustee but does not have a financial interest in the governmental decision, action or transaction. However, the public official must disclose his or her affiliation with the organization or entity as though it was a conflict of interest.
- c. A local public official may participate in a City governmental decision involving a related person, other than his or her immediate family, if the public official does not have a financial interest in the governmental decision, action, or transaction. However, the public official must disclose his or her relationship with the related personnel as though it were a conflict of interest.

#### ARTICLE VII Disclosure of Conflicts of Interest

If an elected or appointed official in the discharge of his or her official duties recognizes that his or her participation could create a conflict of interest, the public official shall disclose the conflict of interest as follows:

- a. The Mayor and members of the City Council shall disclose the conflict of interest to each other as soon as they become aware of the conflict. If such official becomes aware of a conflict during a meeting of the City Council, or any of its Committees, the official shall immediately disclose the conflict of interest orally. Because the Mayor or City Council members may not attend all City Council or Committee meetings, oral disclosure may consist of a written statement being read into the record by the Council President at the next regular meeting of the City Council.

- b. If the local official is a member of the City Council or the Mayor, the official shall not participate in any discussion or vote on any matter involving the conflict of interest. Although the Mayor or City Council member must abstain from voting on the matter, he or she shall be counted present for purposes of a quorum.
- c. An appointed official shall disclose a conflict of interest orally to the Committee Chairperson. The oral disclosure of a conflict of interest shall include describing the matter requiring action or decision and the nature of the appointed official's conflict of interest. In all situations an appointed official shall remove him or herself from participating in any discussion, action or decision in question in which he or she has a conflict of interest.
- d. All oral disclosures of conflicts of interest shall be documented in the minutes, if any, of the respective City Council or Committee meetings.

# ACKNOWLEDGEMENT

I hereby acknowledge that I have read and agree to follow the Conflict of Interest Policy as set forth herein.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

Adopted this 20<sup>th</sup> day of June, 2011.