



1 **Ethic Commission Meeting Minutes**
2 **City Hall Council Chambers, 2660 Civic Center Drive**
3 **Wednesday, August 12, 2015**

4 **I. Call to Order**

5 Chair Ben Lehman called the meeting to order at 6:30 p.m.
6

7 **Members Present:** Chair Ben Lehman; Members Matthew Becker, Todd Anderson,
8 and Sheran Van Driest
9

10 **Members Absent:** Member Norine Quick-Lindberg
11

12 **Others Present:** City Manager Patrick Trudgeon
13

14 **II. Public Comment**
15

16 **a. Kathy Ramundt, 1161 Laurie Road W**

17 Ms. Ramundt referenced an email she'd sent last Monday, *attached hereto and*
18 *made a part hereof*, and read it tonight for the record.
19

20 In summary, Ms. Ramundt suggested two topics the Ethics Commission consider
21 further building on and making the City of Roseville stronger and better. Recogn-
22 izing that there would always be differences of opinion, Ms. Ramundt noted it
23 was still important that people felt they were being heard and were being treated
24 with respect; and asked the Ethics Commission to work with the City Council to
25 adopt a Code of Conduct for council members, advisory commissioners or others
26 appointed and representing the City. Ms. Ramundt read the dictionary definition
27 of "ethics," noting she was not alone in making this request. Ms. Ramundt further
28 noted that one of those residents, Ms. McCormick, had provided examples of eth-
29 ics codes from other communities at a recent City Council meeting, with a vision
30 to incorporate such a code into each oath of office and code of ethics opportunity.
31

32 As the second part of her request, Ms. Ramundt asked the Ethics Commission to
33 take the lead in developing a formal complaint process to further build on these
34 positive efforts. Ms. Ramundt referenced a responding email she'd received from
35 City Manager Trudgeon to that affect addressing the City Council's recently
36 adopted Policy of Expectations for Advisory Commissioners. While opining such
37 a policy served as a great starting point, Ms. Ramundt further opined that it didn't
38 go far enough and needed to be broader and also cover paid and/or volunteer staff.
39 Ms. Ramundt noted the need for residents to know who to contact if they were
40 confronted with a situation they felt couldn't be resolved on their own; and a pro-
41 cess that would be fair, consistent and handled in a respectful manner. Ms. Ra-
42 mundt opined that began with a Code of Conduct, but without expectations of a
43 Complaint Form, broader than just Commissioners, a policy without a process in
44 place would be worthless.

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1
2 Ms. Ramundt noted she expected treatment with respect, and was surprised when
3 she observed or was the recipient of poor behavior; opining that she and other res-
4 idents felt it was a problem needing addressed for behavior expectations in the fu-
5 ture. Ms. Ramundt noted that 99% of those representing the City didn't need such
6 a policy or complaint process; however, she noted that the 1% could undermine
7 the good work of others.

8
9 Ms. Ramundt asked the Ethics Commission to help make this happen, and sug-
10 gested it may also be of interest to the Human Rights Commission as well as a
11 broader effort is sought.

12
13 Chair Lehman thanked Ms. Ramundt for her interest, and clarified the specific
14 purpose in creating an Ethics Commission, riddled with a checkered past for
15 some. Chair Lehman called upon City Manager Trudgeon for brief comment on
16 the history of how it was brought back and how the Ethics Commission could po-
17 tentially move forward with this request.

18
19 City Manager Trudgeon provided a brief history of the Ethics Commission in ef-
20 fect in the 1990's and into early 2000's, and then disbanded by the City Council
21 in 2002 of 2003, until reconstituted in 2006 within a narrow scope as previously
22 noted. Mr. Trudgeon noted it was created with a very specific purpose not identi-
23 fied as a Code of Conduct. As Ms. Ramundt mentioned from his responding e-
24 mail to her and the City Council had addressed as well, the Ethics Commission,
25 advisory to the City Council, had received no direction at this point to either
26 change the Ethics Code or review and make recommendation for a separate pro-
27 cess and code, or to take no action. Mr. Trudgeon noted that the City Council was
28 the final decision-maker; and suggested this would be a good topic of discussion
29 at an upcoming joint meeting of the City Council and Ethics Commission at
30 which time these thoughts and those of the City Council could be shared. Mr.
31 Trudgeon also noted that the City Council received copies of meeting minutes
32 from their advisory commissions, and therefore would be aware of tonight's pub-
33 lic comments, which may or may not direct them moving forward.

34
35 Chair Lehman asked Ms. Ramundt for her interpretation of the City Council's re-
36 sponse or reaction when this had been raised previously; with Ms. Ramundt defer-
37 ring to Ms. Lisa McCormick for that report.

Lisa McCormick, Wheeler Street

38
39 In response, Ms. McCormick stated that on both occasions, the suggestion had
40 been well-received by the City Council. Ms. McCormick further reported that she
41 had also met with Mayor Roe and Councilmember Laliberte after their attendance
42 at a leadership conference and their presentation of those conference materials to
43 the full City Council on June 22, 2015 specific to core values addressed at the
44 conference and spurring conversation on this specific issue. While they appeared
45

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1 to be interested in looking at ways to review those ideas going forward, Ms.
2 McCormick stated she didn't feel at liberty to repeat their ideas, while both Mayor
3 Roe and Councilmember Laliberte acknowledged it would be of value.
4

5 Ms. Ramundt reported that she had also received an email from Councilmember
6 McGehee indicating her support for such a policy.
7

8 **b. Diane Hilden , Bayview Drive**

9 Ms. Hilden reiterated the comments made by Ms. Ramundt during her presenta-
10 tion for a number of reasons. As a long-time and well-known resident of Rose-
11 ville, Ms. Hilden noted this issue had been talked about for a long time, but no
12 procedure had yet to be put in place. Based on her recent experience with various
13 people and difficult situations at advisory commission meetings in the City of Ro-
14 seville, Ms. Hilden reported that she and others also in similar positions had found
15 they had nowhere else to go to seek resolution. Based on those results, Ms. Hil-
16 den expressed her appreciation that the City Council was taking this up, opining
17 she knew there was sincere interest in them doing so; as well as basing that on di-
18 rectly speaking to council members and being aware of their interest in this occur-
19 ring.
20

21 Ms. Hilden opined that this was a logical issue for the Ethics Commission to take
22 up and from her perspective seemed to fit with their charge as she understood it,
23 in additional to other issues under their purview. Ms. Hilden cautioned the Com-
24 mission on going too far in its research since she had found volumes of infor-
25 mation available. However, Ms. Hilden encouraged the Ethics Commission to
26 look into this and expressed her hope that the City Council would approach the
27 Commission in the near future with such a charge, anticipating it would be forth-
28 coming.
29

30 Based on her research to-date, Chair Lehman asked Ms. Hilden if she had found a
31 model code of conduct beyond that available for a City Council of advisory com-
32 mission.
33

34 Ms. Hilden noted she had found Codes of Conduct for the Cities of St. Louis
35 Park, Golden Valley, Arden Hills, and Shoreview and expected there may be oth-
36 ers and many varieties. Ms. Hilden opined that such a code certainly didn't need
37 to be of epic Biblical proportions in length or content, but simply broad enough to
38 be put out to the community so they understood a procedure was in place. Ms.
39 Hilden further opined that such a code and process fit extremely well with the
40 community engagement concept and efforts encouraging residents to be involved
41 in their community, while also protecting their interests and own points of view
42 and diversity of those views by encouraging people to feel safe with what they say
43 and do. Ms. Hilden opined that anything done in that regard is a good step for-
44 ward.
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1 **c. Sherry Sanders, 363 S McCarron’s Blvd.**

2 Ms. Sanders agreed with the comments of previous speakers, noting she had per-
3 sonally seen unbecoming behavior at City Hall and other places with those repre-
4 senting the City, making this an important thing to take on.
5

6 **d. Lisa McCormick, Wheeler Street**

7 In her personal review of the charge from the City Council to the Ethics Commis-
8 sion, Ms. McCormick expressed her disagreement in its reading, opining it would
9 fit well under their charge as she interpreted it, under “other duties and functions”
10 or in its charge to “conduct studies specifically directed by the City Council.”
11

12 Ms. McCormick advised that her purpose in bringing this to the Commission’s at-
13 tention is to provide them with a heads-up that there were several residents active-
14 ly engaged with the City Council related to this issue. Ms. McCormick further
15 noted that she had also been actively engaged with community engagement ef-
16 forts, which resulted in her forming a neighborhood association. Ms. McCormick
17 stated she saw this as a way to give back to her community, and as an attorney by
18 background involved in collaborative approaches or alternative dispute resolution
19 versus litigation, she was it as a way to further that collaborative approach in the
20 community.
21

22 In reference to her previous responses during Ms. Ramundt’s comments, Ms.
23 McCormick noted she had brought this to the City Council’s attention on two dif-
24 ferent opportunities. Ms. McCormick noted that one time was during public
25 comment directly in response to the City Council’s priority policy planning doc-
26 ument discussion specific to the community engagement priority they identified.
27 As an attorney, Ms. McCormick stated that people often brought issues to her at-
28 tention for input, using Ms. Hilden’s recent incident. Upon looking into it further,
29 Ms. McCormick stated her disappointment with what she’d heard, especially giv-
30 ing the City Council’s comments at their strategic planning retreat in February and
31 apparent determination by the City Council and staff to move forward toward
32 more customer intimacy or better public relations in the community. However,
33 after this recent incident, Ms. McCormick stated that she realized she had no as-
34 surance to offer that people will be treated well without a complaint process
35 and/or policy in place and no action taken unless corroborating evidence by 100%
36 of the witnesses or other conclusive evidence was available.
37

38 Based on her conversation with Mayor Roe, Ms. McCormick stated that if she en-
39 couraged people to participate, she couldn’t assure they would be treated with re-
40 spect. Since that isn’t always the case, Ms. McCormick opined something was
41 wrong, causing her to be careful when inviting citizen participation or involve-
42 ment on a task force and hesitating to do so until she had some assurances in place
43 that people will be treated respectfully. Unless they were already well-seasoned,
44 Ms. McCormick expressed her hesitation to encourage their involvement, opining

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1 that education was really important and she wanted to be excited to get people
2 more involved in their community.
3

4 Ms. McCormick noted there were essentially two arms to municipal government:
5 the city employees governed under the direction of the City Manager subject to a
6 document created in 2012 referencing that specific discipline policy and examples
7 of what constituted disciplinary cause (e.g. offensive or disrespectful behavior or
8 offensive language or conduct with the public) and affecting all municipal officers
9 or employees. Ms. McCormick opined a good starting point would be to create
10 similar expectations for anyone serving on a city advisory board or commission
11 that they would not be rude or discourteous to the public.
12

13 Ms. McCormick identified the document referenced by Ms. Ramundt during her
14 comments related to the June 22, 2015 City Council meeting, as the IAP-2 Ethical
15 Code addressing conflicts of interest. Ms. McCormick reported that other docu-
16 ments were also available with further research, but she had provided that particu-
17 lar document to the City Council during their discussion in looking at the IAP
18 Core Values Statement.
19

20 While the City Manager oversees city employees, as the second component of
21 municipal government, Ms. McCormick noted that the City Council oversaw the
22 City Manager and advisory commissions and boards; and opined if a policy was
23 already in place for city staff, she found it no stretch to have a similar document
24 for its advisory commissions. Ms. McCormick reported that she had one council
25 member state to her that these incidents were a matter of personality; and stated
26 that she found that attitude to be sidestepping the issue. With most advisory
27 commissioners holding jobs and well able to check their personal behavior or
28 conduct themselves accordingly and retain their jobs, any examples of them being
29 condescending, bullying or rude which she'd heard examples of were very con-
30 cerning and there was no place for it. If you step into public office, Ms. McCor-
31 mick opined you were then called upon to display certain levels of decorum to the
32 public.
33

34 Ms. McCormick expressed her opinion that Roseville was a great city, and when
35 she heard about the City Council's commitment to community engagement, she
36 had met with City Manager Trudgeon and individual council members to get to
37 know them better. However, Ms. McCormick opined that she thought any of
38 them, based on her favorable impression of each, would be appalled by such be-
39 havior; and without something in place to address the 1% needing it and provid-
40 ing recourse and assurance that a policy was in place, there would be no way for
41 the city to get better and improve the process. Ms. McCormick further opined this
42 would provide a way to measure and evaluate that improvement in responding to
43 its citizens; and expressed her hope the Ethics Commission would look into this
44 further.
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1 Chair Lehman thanked speakers for their attendance and public comments, and
2 noted that the Commission would take it under advisement and consult with the
3 City Council moving forward at their next joint meeting.
4

5 **III. Approve Minutes of May 13, 2015**

6 Commissioner Anderson moved to approve the May 13, 2015 minutes, seconded by
7 Commissioner Becker.
8

9 Ayes All: Motion passed
10

11 **IV. Group Discussion: Ethics readings**

12 Chair Lehman referenced various readings and articles of interest brought forward by in-
13 dividual commissioners for group discussion, and forwarded to City Manager Trudgeon.
14

15 Commissioners discussed the various articles and their interpretation of potential, appar-
16 ent, perceived, or obvious conflicts of interest based on those readings.
17

18 Discussion included conflicts with employment, advocacy and lobbying efforts; private
19 and public differentials and positions specific to regulating businesses or industries; im-
20 portance of public perception when serving as a public official no matter the intent; and
21 valid concerns of the public in those perceptions and higher and broader transparency
22 needed in most instances.
23

24 Further discussion included part-time status for most state legislators versus a more full-
25 time status for legislators at the national level; those areas that should be common sense
26 or obvious not always being observed; sequences of situations often affecting the percep-
27 tion; and the challenges of social media and email with government ethics based on per-
28 sonal versus private (e.g. former Secretary of State Hilary Clinton); and the extra caution
29 needed in clarifying whether social media postings are personal or based on your posi-
30 tion; and whether or not they should be posted at all depending on their nature, content,
31 and/or intent.
32

33 Additional discussion ensued related to social media best policies or ethical policies ver-
34 sus First Amendment rights specific to serving as a government official; the need to keep
35 some things private with day-to-day operations and avoid blurring that line.
36

37 During discussion of the value expressed by individual commissioners in NextDoor.com,
38 and whether or not the city had a policy on how they handled posting to it, City Manager
39 Trudgeon clarified that this was run by a private firm, not the city, and the City held the
40 position to use it sparingly only for sporadic posting of events or information to avoid
41 usurping neighborhood communications. City Manager Trudgeon noted that often the
42 city became aware of a topic or issue after-the-fact when a resident sought a response and
43 the City wasn't aware of the issue beforehand. Comments by individual commissioners
44 included the apparent low-key, helpful nature of NextDoor.com and accountability of it.
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1 Discussion ensued related to record keeping in public meetings; strict data practices for
2 municipalities and Open Meeting Law for e-mails, documents and public records for ar-
3 chive, correspondence, and other documents part of the public record which are extensive
4 and not negatively onerous, but taking considerable back-up and communication efforts
5 by city staff; and the need for the Ethics Commission to be cognizant of how to email the
6 entire board, as well as for public awareness, of the procedure and practice to get the in-
7 formation to the City Manager for dissemination versus to and/or among individual
8 commissioners to avoid communication issues and any perceived Open Meeting Law
9 concerns.

10
11 City Manager Trudgeon noted interesting comments in the article related to recommend-
12 ing or endorsing others on social media, with the City of Roseville's Ethics Code specifi-
13 cally addressing that something couldn't be promoted or endorsed, and the need for cau-
14 tion beyond just print advertising, but also "liking" something on social media that may
15 be perceived as endorsing or recommending it, especially given the speed at which social
16 media moves. Mr. Trudgeon also referenced the use or perceived use of government of-
17 ficial titles or sanctions and need to differentiate between personal comments and official
18 employment or positions that may sanction or endorse something. As an example, Mr.
19 Trudgeon noted on his personal Facebook page, he didn't even mention where he worked
20 to avoid any perception of impropriety.

21
22 Concluding discussion included individual commissioners sharing their personal experi-
23 ences and examples of clarifying if and when speaking as a private person versus repre-
24 senting an organization or employer.

25 26 **V. Discussion of 2016 Ethics Training**

27 As noted at the previous meeting, City Manager Trudgeon noted past Ethics training and
28 sought input from the Commission on whether or not to change approaches beyond a re-
29 view of the Ethics Code, to keep the annual training interesting and thought-provoking.

30
31 Discussion of and suggestion for possible areas of interest to include in the training social
32 media and email in today's 24/7/365 day media worldview; the value in the presentation
33 by the City Attorney and various scenarios to initiate discussion; value of additional local
34 presenters to keep things new; reinforcement of the Ethics Code and Open Meeting Law
35 provisions in light of new commissioners coming on board annually; a review of previous
36 speakers; and broader discussion of ethical behavior and transparency from a broader
37 perspective and how to avoid giving an appearance of or avoiding doing so.

38
39 Further discussion included the differentiation between the function of the Ethics Com-
40 mission and government ethics versus that defined in the dictionary; and criminal versus
41 ethical issues both taking a different path; and ideas or examples to give for positive ways
42 as part of that training in which compliments or celebrating the successful way a situation
43 was handled could be highlighted and emphasized more.
44

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1 City Manager Trudgeon thanked commissioners for their ideas to build on, and advised
2 he would consult with the City Attorney, as well as checking with the League of Minne-
3 sota Cities for resources or potential speakers on ethics that could participate in the annu-
4 al training. Mr. Trudgeon asked commissioners to share any additional ideas or thoughts
5 with him via email.

6
7 Commissioners agreed that the City Attorney did a fantastic job with the training, but al-
8 so expressed concern in overwhelming him, thereby suggesting maybe more than one
9 speaker may be helpful.

10
11 City Manager Trudgeon advised that he would include this as a regular commission
12 agenda item for further discussion and finalization for 2016 training.

13 14 **VI. Discuss Ethics Tip**

15 Chair Lehman apologized that he had not been able to complete writing the Ethics Tip he
16 had volunteered to do due to the birth of their new baby. However, Chair Lehman ex-
17 pressed his interest in still doing so, and suggested he consult with City Manager Trudg-
18 eon and get input through him from individual commissioners before going to publica-
19 tion, but prior to the November 2015 Ethics Commission meeting. Chair Lehman noted
20 his intent to include some of tonight's discussion related to social media and how they
21 tied into the Ethics Code as part of that tip and to increase public awareness.

22
23 The consensus of the commission was for Chair Lehman to follow that proscribed pro-
24 cess for the Ethics Tip.

25 26 **VII. Other Business**

27 City Manager Trudgeon reported that neither he nor the City Attorney had received any
28 Ethics Complaint violations since the last meeting.

29 30 **VIII. Adjourn**

31 Commissioner Van Driest moved to adjourn the meeting at approximately 7:35 p.m., se-
32 conded by Commissioner Becker.

33
34 Ayes All: Motion passed.

35
36 Respectfully submitted,

37 Patrick J. Trudgeon, City Manager

38 *(transcribed by Sheila Stowell, Recording Secretary, 11/08/15)*
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41
42