

## **PROCEDURE FOR ADVISORY ETHICS OPINIONS**

### **I. Advisory Opinions**

Individuals who are subject to the requirements of the Roseville Ethics Code may request an advisory opinion from the City Attorney regarding the Ethics Code to guide their actions for compliance with the law. Individuals may request formal or informal opinions. Requests for opinions and the opinions issued, are classified as private/confidential data under the Minnesota Government Data Practices Act. A public version of any formal advisory opinions shall be published by the City as limited by the State's Data Practices Act.

### **II. Formal Advisory Opinions**

1. Who may request. The City Attorney may issue a formal advisory opinion on the request of a person to whom the Roseville Code of Ethics applies. A request for a written advisory opinion may be made only by an individual that wishes to use the opinion to guide the individual's own conduct.
2. Requests must be in writing. Requests for formal advisory opinions shall be in writing and must set out with reasonable specificity the facts and circumstances of a real case. Requests for advisory opinions shall be filed with the City Attorney, who shall assist any person requesting an advisory opinion in preparing the request.
3. Discretion to issue. The City Attorney shall expeditiously determine whether to issue a written advisory opinion addressing the issues raised. The City Attorney may determine that no opinion may be given, or that an informal opinion will be rendered.
4. Issuance. If the City Attorney determines that he/she shall issue an advisory opinion, it shall be prepared in writing, and shall be forwarded to the person requesting it and to the City Attorney, City Manager and Ethics Commission. The Ethics Commission shall publish an opinion or a summary of an opinion, as limited by the State's Data Practices Act, but any such published opinion or summary of an opinion may not include the name of the requestor, or any other information that might identify the requestor.
5. Effect. When a formal advisory opinion is issued, a person that acts in conformity with the written advisory opinion shall not be subject to any

discipline, reprimand, or other action by the City in any subsequent complaint that may be made covering the action to which the written advisory opinion applies, except when:

- a. A written advisory opinion has been amended or revoked before the initiation of the complaint proceeding;
  - b. It is determined that the original request for a written advisory opinion omitted or misstated material facts; or
  - c. It is found that the person making or covered by the request in question had not acted in good faith in reliance on the opinion.
6. Timeframe for issuing written advisory opinions. The City Attorney shall issue his/her opinion as soon as possible, but at least within 60 days from the request.

### III. Informal Advisory Opinions

The City Attorney is authorized to give oral informal advice to persons seeking guidance as to the spirit or legal requirements of the Roseville Ethics Code. Such informal advice shall be rendered only to an individual that wishes to use the advice to guide the individual's own conduct. In giving such informal opinion the City Attorney shall inform the individual that although the advice is given in good faith, the person seeking the advice relies on it at the person's own risk insofar as it is not a written advisory opinion. Such opinions may be given orally, by phone or otherwise. When giving such an opinion, the City Attorney shall maintain a record of the opinion rendered. The City Attorney shall periodically inform the Commission of all opinions rendered.