



ETHICS COMMISSION AGENDA

**February 11, 2015
6:30 p.m.
Roseville City Hall
2660 Civic Center Drive**

- I. Call to Order
- II. Approve Minutes of November 12, 2014
- III. Group Discussion: Governmental Ethics in the News
- IV. 2015 Ethics Training
- V. New Commissioners Material
- VI. Discuss Ethics Tip
- VII. Other Business
- VIII. Adjourn

Memo

To: Ethics Commission
From: Patrick Trudgeon, City Manager
Date: February 5, 2015
Re: February 11, 2015 Ethics Commission Meeting

We have several topics to cover in the February Ethics Commission meeting. They include:

- **Group Discussion: Governmental Ethics in the News.** Commissioner O'Brien has provided several recent news articles about potential governmental ethical issues and/or violations in Twin Cities. At the November meeting, the Commission decided to review and discuss these articles especially after reading Robert Wechsler's publication "Local Government Ethics Programs in a Nutshell". I have attached a copy of the material as part of the packet.
- **2015 Ethics Training.** City Attorney Gaughan will be attendance to talk about the April 8, 2015 Ethics Training and to finalize the details of the event.
- **New Commissioners Material.** At the last couple of meetings, the Commission has talked about providing new commissioners training and/or material to about Ethics in general and our Ethics code. At this time, I would suggest we include the Roseville Ethics code and Robert Wechsler's publication. The Commission should discuss if there is any other material that should be provided.
- **Ethics Tip.** Commissioner Quick-Lindberg has prepared an Ethics Tip and will present it at the meeting. The Ethics Tip will be sent out separately early next week via email

City of Roseville
Ethics Commission Meeting Minutes
Wednesday, November 12, 2014

I. Call to Order

Chair Fjelstad called the meeting to order at 6:30 p.m.

Members Present:

Norine Quick-Lindberg, Nancy O'Brien, Matthew Becker, Margo Fjelstad, and Ben Lehman

Members Absent:

None.

Others Present:

Patrick Trudgeon, City Manager

II. Approve Minutes of August 13, 2014

Lehman moved to approve the August 13, 2014 minutes, seconded by Becker.

Ayes All.

III. 2015 Ethics Training

City Manager Trudgeon reported that the date of the 2015 Ethics Training be held on April 8, 2015, not April 15th as listed on the agenda. City Manager Trudgeon added that City Attorney Mark Gaughan would be the presenter again for the upcoming session. The Commission talked about one potential topic, conflict of interest. Commissioner O'Brien mentioned recent news article about conflict of interest in local government. The Commission also talked about having a mock ethics complaint and walking through the process as part of the training. City Manager Trudgeon will bring back additional information about the Ethics Training to the next meeting.

IV. Group Discussion – Local Government Ethics Programs in a Nutshell

The Ethics Commission talked about the publication "Local Government Ethics Programs in a Nutshell" by Robert Wechsler and about the things we are already doing and the things about what we are not doing. The Commission talked about enhancing the City website to provide more information about ethics and the ethics code and a link for someone to submit an ethics complaint. The Commission discussed other points raised in the publication and how it relates about Roseville's Ethics Code works. Commission discussed about how to better raise the profile of the Commission including visiting other Commissions and providing more information to the residents.

The Commission decided that they would review recent news article about potential ethics violations at the next meeting.

V. Discuss Ethics Tip

Commissioner Fjelstad brought forward an Ethics Tip regarding the recent Ethics Code changes. The Commission directed the City Manager to publish the tip on the City website. Commissioner Quick-Lindberg volunteered to create the Ethics Tip for February.

VI. Other Business

The City Manager stated that there has not been any ethics complaints forwarded to the City Manager's Office or to the City Attorney.

VII. Adjourn

Becker moved to adjourn the meeting at 7:01 p.m. and O'Brien seconded.
Ayes All.

Respectfully submitted,
Patrick J. Trudgeon
City Manager

City officials' romance bothers some

Pioneer Press 8/22/2014

Lantry: Council member, parks chief aren't breaking rules

By Frederick Melo
fmelo@pioneerpress.com

The romantic relationship between St. Paul City Council member Amy Brendmoen and Parks and Recreation Director Mike Hahm violates no official city rules, but it has irked some city advocates.

They point to an upcoming series of budget discussions between the council and department leaders as an example of the tricky political tightrope that the two city leaders will have to navigate in the coming months.

That, on top of a sensitive vote about privatizing the management of the Como and Phalen golf courses, has put the relationship under a microscope both officials call unwarranted. Romantic relationships between adults who work closely together are fairly common in government and any other milieu.

"I make policy decisions based solely on what I believe is in the best interest of the citizens of the ward, and of the city," said Brendmoen, who has represented Ward 5 since January 2012.

The council member said she took care to consult with the city attorney on ethics rules. "My colleagues and I need not recuse ourselves from votes unless the vote would create personal financial gain," she said.

Nevertheless, her and professional life and Hahm's have intersected on a regular basis. Funding for parks, playgrounds and rec centers is always a politically sensitive issue in St. Paul, where many centers have lost staffing or have been leased out to private nonprofits for management.

This month, she voted with the rest of the council to move \$91,000 from the \$6 million remodel of the Palace Rec Center on West Seventh Street to complete two bike-ways on Griggs Street and Jefferson Avenue.

In January, Brendmoen sided with the council majority in a 4-3 vote to privatize management of the Como and Phalen golf courses, a proposal that had been encour-

aged by Hahm and the mayor's administration.

"I don't think there's anything wrong with their relationship, but I do think she should be excusing herself from certain votes," said Ward 5 resident Dan Zangs, who opposed contracting with Prom Catering to manage the two golf courses. "That to me is weird. It doesn't look right."

In a separate decision, the city chose last year not to renew its lease with Black Bear Crossings, a café located by Como Lake. Alongside the mayor's administration, Brendmoen and Hahm had been critical of the vendor, and café owner David Glass — a possible city council candidate — is suing the city for defamation and damages.

Hahm said his relationship with Brendmoen was disclosed to the city attorney and his city colleagues, and he has taken care to keep his personal life and the decisions he makes as parks and rec director separate.

"My work is professional, transparent and performed faithfully and impartially according to the law and the best of my ability," he said.

Hahm was appointed by the mayor and his position was approved by the seven-member city council in January 2009. The council meets with each director to discuss proposed annual budgets as part of an overall city budget process that is voted on in December. The council can also vote to add or remove spending items to the mayor's budget proposal.

ONLY FINANCIAL ISSUES POSE PROBLEM

Brendmoen was elected to represent the North End and Como area in November 2011 and has chaired the Housing and Redevelopment Authority since January. She had been married since 2001 but filed for divorce in January. The divorce was finalized a month later.

Since then, she and Hahm have neither advertised nor made a special effort to hide the fact they're now dating.



Amy
Brendmoen



Mike
Hahm

City Council President Kathy Lantry said the relationship breaks no rules, as Hahm reports to the mayor, and not to any one particular council member. Lantry said she's seen no evidence of impropriety.

"First of all, Amy's one vote," Lantry said. "And Mike Hahm has to follow the direction of Christopher B. Coleman. I have much confidence in Amy as a colleague and Mike as a director that they have enough professional acumen to wade through this."

City Attorney Sara Grewing said city ethics rules would require council members to remove themselves from votes where they hold financial interest, including monetary gain by the public official's spouse, employer, dependent or a person who lives with them.

"It does not apply to other relationships, friends or family members," she said in a statement.

Tonya Tennessen, spokesman for Coleman, said: "In a strong mayor structure like ours, the directors are appointed by, get direction from and carry out the agenda of the mayor. Mayor Coleman appointed Director Hahm in 2009, and appreciates all he is doing to carry out the mayor's vision for vital public spaces that are so integral to St. Paul."

ROMANCE NOTHING NEW

Romantic entanglements between public officials are hardly unprecedented.

Minneapolis Mayor Betsy Hodges is married to Gary Cunningham, who sits on the Metropolitan Council, which is working closely with the city on a controversial align-

ment for the Southwest light-rail line, among other issues.

During the St. Paul mayoral administration of Norm Coleman, Tim Fuller served as fire chief while his wife, Martha Fuller, served as finance director. Under Mayor Randy Kelly, she served as director of planning and economic development while her husband continued as chief.

The relationship between Brendmoen and Hahm has nevertheless raised hackles with some supporters of Black Bear Crossings' Glass.

Glass has made public that Brendmoen visited him in April 2013 and questioned whether his venue was drawing enough business to meet its "public purpose." He said she encouraged him to take on a partner, such as the popular Sea Salt Eatery in Minneapolis.

Soon after, the Parks and Recreation Department informed him the city would not honor the option in his contract for a five-year lease extension.

"The city first contacted us about alleged breaches only after Amy Brendmoen had determined that she wanted another vendor in our space," said Glass in a statement last December.

"Until that time, we received nothing but praise from the parks department," he said. He noted he had improved the once run-down pavilion and maintained it for 13 years.

Glass declined comment this week, citing ongoing litigation, but he has since spoken of possibly running for city council against Brendmoen.

"I told him I would support him if he did," said disability rights advocate Rick Cardenas, who uses the pavilion for meetings and trainings. "I thought it was a little bit of a conflict."

Hahm said he would not comment at length on pending litigation except to say the "city's dispute with the current vendor has been very public and widely reported upon."

Brendmoen said her "advocacy toward realizing the highest and best use for the Como Lakeside Pavilion is certainly not personal."

Mpls. mulls conflict of interest policy

Curtis Gilbert · ST. PAUL, Minn. · Jan 22, 2013

Politics

Minneapolis is considering changes to its conflict of interest policy, after citizens raised concerns about the city's planning commission.

Many members of the commission work in the real estate development industry and do business with the city. A report released Tuesday shows members of the commission recused themselves more than 30 times last year due to conflicts of interest.

Commissioner Dan Cohen said that's a problem.

"The city attorney has said these conflicts of interest are justifiable, because we would not otherwise obtain the services of qualified professionals," Cohen said. "In fact the opposite is true. By tolerating these conflicts of interest, we encourage them."

Cohen would like to see the planning commission banned from reviewing projects when its members have conflicts of interest. The Minneapolis Planning Commission reviews development proposals and can grant variances to the city's zoning code.

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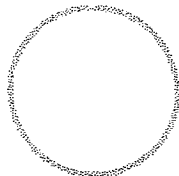
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About the author



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Curtis Gilbert covers the Twin Cities as a member of the MPR News metro reporting unit.

Conflict-of-interest claims add heat to state auditor race

Article by: Baird Helgeson

Star Tribune

July 18, 2014 - 8:31 AM

Minnesota State Auditor Rebecca Otto is facing new criticism from political rivals for hosting a national state auditors' convention in St. Paul that was sponsored by accounting firms doing business with local governments.

The race for Minnesota state auditor has quickly blossomed into the most contentious, bare-knuckle campaign of the election season. Auditor candidates are already launching television ads — even before most gubernatorial candidates — and bashing each other with a zeal not yet seen in more high-profile races.

The latest flare-up came as Otto released her first television ad of the campaign Thursday, a 30-second spot touting her as a nationally recognized leader among state auditors, including serving as president of a national state auditors' association.

Rivals say her role with the national auditors' group signals a troubling and too-cozy relationship with major accounting companies whose work the auditor's office often reviews.

"The people being regulated should not be paying for lavish events for those doing the regulating," said Dave Colling, a spokesman for rival DFLer Matt Entenza. "Attending parties and events thrown by firms the auditor is supposed to be watchdogging is not how Matt Entenza will run the office."

TV ads also are running

Not only does Otto face a Republican rival in her quest for a third term, she first must get past Entenza in a hotly contested DFL primary. A former legislative leader, Entenza spent millions in an unsuccessful run for governor four years ago and is showing a similar willingness to dig deep this time.

Entenza released his first ad last week and expects to begin airing it soon. Otto's campaign is pouring \$100,000 into its first television ad and for the first time is hitting the airwaves before the primary.

This newest political skirmish surrounds Otto's role as president of the National State Auditors Association, which brought 125 auditors from around the country to St. Paul in June for the annual convention.

The event featured four days of presentations, programs and events, often sponsored by government accounting giants such as KPMG, Bronner Group and CliftonLarsonAllen.

Otto said her challengers' criticism shows they do not understand the role of the office they are seeking.

"This is an oversight office. It's not the governor, it's not the Legislature," Otto said. "People mistake this position for a position it is not. They promise a lot of stuff, and it sounds really good, but it is just not this office."

The Minnesota auditor oversees and reviews \$20 billion in spending of various local governments, from cities and counties



Rebecca Otto "This is not a scandal. It is what we do," she said of the criticism.

Feed Loader,

to school districts and pensions. The office does not review state agencies, individual income taxes or property taxes. Many local governments do not use the auditor's office, instead hiring private accounting companies to conduct their annual audits.

Otto points out that the state auditor's office has no role in hiring the accounting firms that local governments use, the same ones that often have a sponsorship role at the convention. "There is no conflict of interest," she said.

The conference is part of required continuing education classes that help auditors keep up with the latest laws, regulations and trends. The big accounting firms that sponsored meals or presentations did not get special access to any of the auditors, she said.

State auditors work closely with major accounting firms all the time, often the ones that helped write the laws the state must comply with. "If they are questioning these firms being involved in professional discussions, then they have no clue what the job is," said Otto, whose term as president ended after the conference. "This is not a scandal. It is what we do."

Other reaction

The executive director of the group that runs the association said sponsorships cost \$2,500 for each company and include two conference registrations worth \$1,500. The rest goes to reduce the cost of the conference for attendees.

"We try to partner with the private sector because they are often the subject-matter experts," said Kinney Poynter, executive director of the National Association of State Auditors, Comptrollers and Treasurers. "We feel like we don't have a conflict of interest or anything of that nature."

Republican auditor candidate Randy Gilbert said there is just enough of a whiff of doubt that he would stay away from the conference.

"I look at this and say maybe it is right, maybe it is wrong, but there's perception versus reality," Gilbert said. "I don't need somebody else paying for my lunch. The people of Minnesota need to know you have their best interest first and foremost."

The political fireworks come in a race for a post that has been a springboard to higher office, a chance for aspiring political leaders to be tested in a statewide run. DFL Gov. Mark Dayton and former GOP Gov. Arne Carlson took a turn as state auditor.

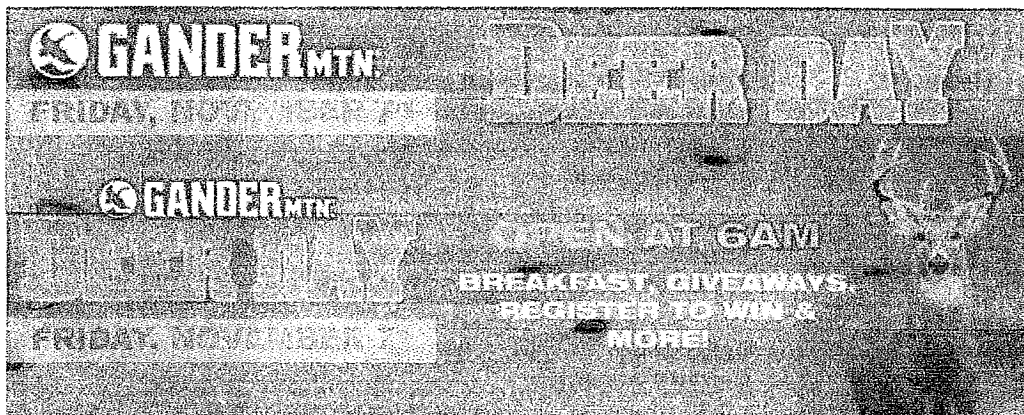
A former state auditor dismissed the controversy over Otto's role with the national group. "It might be a stretch to construe any type of wrongdoing as the state auditor's office has no direct relationship" with the accounting companies, said former State Auditor Judi Dutcher, who served as a Republican and a DFLer. "I always believe that the more the state auditor participates with other CPA professionals — even if it is at a conference — the better."

Of the political intrigue over Otto's role with the conference, Dutcher said, "it strikes me as a yawner."

Even so, Colling said, "when Matt is auditor, it will not be allowed."

Otto dismissed the attacks, saying accounting is a heavily regulated industry and she has nothing to fear. "I am squeaky clean," she said.

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HOT TOPICS:

Sviggum disputes University of Minnesota regents panel's finding of conflict of interest

By Mila Koumpilova

mkoumpilova@pioneerpress.com

POSTED: 03/02/2012 12:01:00 AM CST

UPDATED: 03/02/2012 10:49:23 PM CST

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The University of Minnesota's governing board inched closer to an unprecedented stalemate Friday when an ad hoc regents group called on Regent Steve Sviggum to choose between his board post and a state Senate Caucus job.

Sviggum said he would not resign, at least until the full Board of Regents weighs in Thursday.

While stressing they do not question Sviggum's integrity, the three regents on the panel said Sviggum's Republican Caucus communications director job is in irreconcilable conflict with his board service. They said Sviggum cannot juggle loyalties to the university and to a highly partisan position at the Legislature, which approves university funding requests, makes relevant policy - and elects U regents.

"In my mind, an independent observer would reasonably question if there's a conflict of interest," said board Chairwoman Linda Cohen.

Sviggum again insisted he doesn't believe his two posts create a conflict he cannot manage by recusing himself from certain votes. He pointed out that with a highly political process of selecting regents, it's unrealistic to banish any public perception of partisan allegiance. And he said he brings an important "pain-in-the-butt" perspective to the board as an outspoken critic of administrative spending and other issues.

"I am a down-home farmer trying to do the right thing, and that's why I won't walk out of here today and resign," Sviggum, a former veteran legislator and speaker of the state House, said



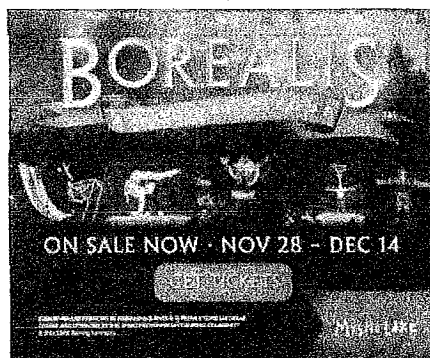
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Steve Sviggum at the state Capitol in St. Paul on January 19, 2012. (Pioneer Press: Chris Polydoroff) (Chris Polydoroff)



Friday.

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Earlier this week, the U general counsel and an outside attorney issued opinions stating Sviggum's two posts create a "systemic, fundamental clash."

Fellow regents cannot force a peer to resign, and in recent memory, conflict-of-interest questions have never pitted the majority on the board against a member. That raised thorny questions about the ability of the board to move forward collaboratively.

An ad hoc panel last spring told Sviggum to choose between his board post and a part-time teaching job at the school. He agreed to give up

the teaching position.

On Friday, Regent David McMillan said Sviggum's dual allegiances stand to harm the public's perception of the university and its autonomy, as enshrined in the state constitution. Cohen and Vice Chairman David Larson, the other members of the panel, concurred.

"It's very important to me that we have a nonpartisan board," Cohen said.

Given that the Legislature picks board members - sometimes former legislators or others with well-known political views - there are limits to managing perception, Sviggum said.

"All of you are here because of politics - guaranteed, because I was part of the decision," said Sviggum, who as a legislator voted on Cohen's and Larson's appointments.

Senate Majority Leader David Senjem said he didn't see a conflict in hiring Sviggum. He echoed an argument Sviggum has made repeatedly: As a spokesman rather than decision maker, he would not have a say in decisions affecting the University of Minnesota.

"Obviously, former Speaker Sviggum comes with a political history, but he brings a perspective that's valuable on the board," Senjem said.

Though the board can't force Sviggum to step down, Cohen and university counsel Mark Rotenberg both said it is the obligation of individual regents to follow the direction of the larger board.

Sviggum said he plans to listen to the full board next week and make a final decision. But he added that he believes he can continue to work collaboratively with his board colleagues, even if he chooses to flout their direction.

Richard Novak, a vice president at the national Association of Governing Boards of Universities and Colleges, said the relationship between university governing boards and state politics can be complex: In about a dozen states, governors or state legislators sit on those boards.

In any case, he said, it would be tough to recover from a confrontation over conflict-of-interest questions.

"Especially if the vote is unanimous that (Sviggum) should step down, it's going to be awkward and difficult for the board to function cohesively, at least at first," Novak said.

Mila Koumpilova can be reached at 651-228-2171. Follow her at twitter.com/MilaPiPress (<http://twitter.com/MilaPiPress>).

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DFL senator's new job with lobbying group raises questions

By Kyle Potter

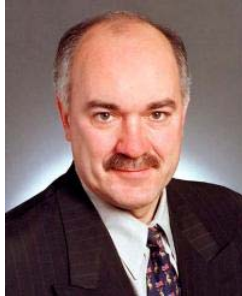
Associated Press

POSTED: 01/12/2015 12:01:00 AM CST

UPDATED: 01/12/2015 03:17:08 PM CST

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Minnesota Senate leaders pushed Monday for an outside look into whether a Democrat's new job as the head of an Iron Range lobbying group conflicts with his role as a lawmaker.



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Sen. David Tomassoni, DFL-Chisholm, was hired last week as executive

Sen. David Tomassoni, DFL-Chisholm (Courtesy photo)

director of the Range Association of Municipalities and Schools, an organization funded in part by public money that lobbies for those interests at the Capitol. His hiring, first reported by the Mesabi Daily News, immediately raised questions about whether the two roles would clash.

Senate Republicans called the two jobs a blatant conflict of interest, and raised the prospect of filing an ethics complaint against Tomassoni if he goes ahead with both jobs. Senate DFL leadership has urged Tomassoni to ask the state's Campaign Finance and Public Disclosure Board for an advisory opinion.

No such request had been filed as of Monday afternoon, board Director Gary Goldsmith said.

Tomassoni said Monday his new job makes it no different than "a farmer voting on farm issues or a lawyer voting on court issues," but he outlined several steps he'll take to reduce concern.

His role will be administrative, he said, so he won't be lobbying his fellow lawmakers; the group will hire an independent lobbyist if it feels it needs to. He also promised to recuse himself from any votes where the association stands to benefit.

Tomassoni's work won't start until after the legislative session ends in late May, and he'll take an unpaid leave of absence during every session.

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The reduced schedule will bring his pay to about \$45,000, he said. His predecessor was paid \$80,000 in 2012, according to the group's most recent nonprofit financial filings.

"I think this is all above board here," Tomassoni said. "We all have certain little conflicts here."

If Tomassoni goes ahead with both jobs, Senate Minority Leader David Hann said there's "a very strong likelihood" the GOP will file an ethics complaint against him.

"Do we really have to say out loud that it's not a good idea to be a lobbyist and a senator at the

same time? He represents these cities in the Legislature," Hann said. "Are they just asking for an ethics complaint?"

But two GOP House members quickly came to Tomassoni's defense.

"In all our interactions with Senator Tomassoni, he has upheld the highest standards of ethics and integrity. We disagree with those who have been critical of the Senator's new employment," Reps. Pat Garofalo and Rod Hamilton said in a joint statement.

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South Washington County school board member censured

By Christopher Magan

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subject=TwinCities.com:)

POSTED: 01/09/2015 12:01:00 AM CST

UPDATED: 01/09/2015 11:41:26 PM CST

South Washington County school board members have censured one of their own for discussing private information from the district's attorney.

After a long closed session Thursday, board members voted 5-1 to censure Katy McElwee-Stevens. Board members said she violated the code of ethics and will be removed if it happens again.

Katie Schwartz voted against the resolution, saying before the vote the penalty wasn't tough enough. "I feel the actions were serious, and I personally feel there should be more done and this is not severe enough of a punishment," she said.

McElwee-Stevens, of Newport, was first appointed to the board in 2006 and later elected in 2013.

She did not respond to a phone message seeking comment Friday.

Ron Kath, board chair, said district officials discovered McElwee-Stevens discussed privileged and private personnel information contained in a Nov. 4 letter from district lawyers. The information is protected by attorney-client privilege, Kath said.

McElwee-Stevens admitted making five statements about information contained in the letter, Kath said. He added that McElwee-Stevens told the board she didn't think she had done anything wrong at the time because she got the information from another source.

It's unclear who or what the letter was about, but it was dated two days before East Ridge High School principal Aaron Harper resigned under fire.

Harper was investigated by school officials for ignoring district spending policies and misusing taxpayer money.



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Undated photo of Katy McElwee-Stevens is a candidate for South Washington County school board 2013. (Courtesy of Katy McElwee-Stevens)

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They took no disciplinary action against him, and he resigned Nov. 6 after agreeing to drop any legal claims against the district.

A Woodbury police investigation into whether Harper criminally misused tax dollars continues.

District leaders released details of the Harper investigation this week after a December opinion from the state department of administration said they were public records.

McElwee-Stevens is the second South Washington County board member to recently face a complaint.

Longtime board member Jim Gelbmann resigned in June 2014 after questions were raised about his poor attendance at school board meetings.

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