



ETHICS COMMISSION AGENDA

**November 18, 2015
6:30 p.m.
Roseville City Hall
2660 Civic Center Drive**

- I. Call to Order
- II. Public Comment
- III. Approve Minutes of August 12, 2015
- IV. Discussion of 2016 Ethics Training
- V. Discuss Ethics Tip
- VI. Other Business
- VII. Adjourn



Administration Department

Memo

To: Ethics Commission
From: Patrick Trudgeon, City Manager
Date: November 12, 2015
Re: November 18, 2015 Ethics Commission Meeting

The Ethics Commission will cover the following topics at the November 18. They include:

- **Discuss 2016 Ethics Training.** The Commission should finalize the topics desired to be covered at the Annual Ethics Training scheduled for Wednesday, April 6. The Commission previously discussed topics ranging for the use of social media, a reinforcement of the Ethics Code and Open Meeting Law, and drawing a distinction between ethical and criminal behavior. Please come prepared to discuss any ideas you have for next year's session. I have included the 2015 Ethics Training packet for reference.
- **Ethics Tip.** Commissioner Lehman has prepared an Ethics Tip that will be presented at the meeting.



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

I. Call to Order

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

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

Members Absent: Member Norine Quick-Lindberg

Others Present: City Manager Patrick Trudgeon

II. Public Comment

a. Kathy Ramundt, 1161 Laurie Road W

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

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

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

38 Lisa McCormick

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

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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.
45

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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**

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 en 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.
45

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Chair Lehman thanked speakers for their attendance and public comments, and noted that the Commission would take it under advisement and consult with the City Council moving forward at their next joint meeting.

III. Approve Minutes of May 13, 2015

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

Ayes All: Motion passed

IV. Group Discussion: Ethics readings

Chair Lehman referenced various readings and articles of interest brought forward by individual commissioners for group discussion, and forwarded to City Manager Trudgeon.

Commissioners discussed the various articles and their interpretation of potential, apparent, perceived, or obvious conflicts of interest based on those readings.

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

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

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

During discussion of the value expressed by individual commissioners in NextDoor.com, and whether or not the city had a policy on how they handled posting to it, City Manager Trudgeon clarified that this was run by a private firm, not the city, and the City held the position to use it sparingly only for sporadic posting of events or information to avoid usurping neighborhood communications. City Manager Trudgeon noted that often the city became aware of a topic or issue after-the-fact when a resident sought a response and the City wasn't aware of the issue beforehand. Comments by individual commissioners included the apparent low-key, helpful nature of NextDoor.com and accountability of it.

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Discussion ensued related to record keeping in public meetings; strict data practices for municipalities and Open Meeting Law for e-mails, documents and public records for archive, correspondence, and other documents part of the public record which are extensive and not negatively onerous, but taking considerable back-up and communication efforts by city staff; and the need for the Ethics Commission to be cognizant of how to email the entire board, as well as for public awareness, of the procedure and practice to get the information to the City Manager for dissemination versus to and/or among individual commissioners to avoid communication issues and any perceived Open Meeting Law concerns.

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

Concluding discussion included individual commissioners sharing their personal experiences and examples of clarifying if and when speaking as a private person versus representing an organization or employer.

V. Discussion of 2016 Ethics Training

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

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

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

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City Manager Trudgeon thanked commissioners for their ideas to build on, and advised he would consult with the City Attorney, as well as checking with the League of Minnesota Cities for resources or potential speakers on ethics that could participate in the annual training. Mr. Trudgeon asked commissioners to share any additional ideas or thoughts with him via email.

Commissioners agreed that the City Attorney did a fantastic job with the training, but also expressed concern in overwhelming him, thereby suggesting maybe more than one speaker may be helpful.

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

VI. Discuss Ethics Tip

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

The consensus of the commission was for Chair Lehman to follow that proscribed process for the Ethics Tip.

VII. Other Business

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

VIII. Adjourn

Commissioner Van Driest moved to adjourn the meeting at approximately 7:35 p.m., seconded by Commissioner Becker.

Ayes All: Motion passed.

Respectfully submitted,

Patrick J. Trudgeon, City Manager

(transcribed by Sheila Stowell, Recording Secretary, 11/08/15)

CITY OF ROSEVILLE
ETHICS TRAINING
ROSEVILLE CITY HALL
PRESENTED BY: MARK F. GAUGHAN
APRIL 8, 2015

- I. The Code of Ethics
 - A. Who Does It Cover
 - B. What Does It Cover
 - 1. Conduct
 - 2. Disclosure
 - C. Ethics Commission

- II. Complaint Procedure
 - A. Form and Filing
 - B. Process
 - 1. Fact Gathering
 - 2. Investigative Report
 - 3. Ethics Commission Review
 - 4. City Council Action
 - C. Examples

- III. Advisory Opinions
 - A. Formal and Informal
 - B. Disposition

- IV. Inquiries
 - A. Staff and Residents

- V. Questions and Comments

A.

**ROSEVILLE
CODE OF ETHICS**

**EXTRACT OF MINUTES OF MEETING OF THE
CITY COUNCIL OF THE CITY OF ROSEVILLE**

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Roseville, County of Ramsey, Minnesota, was held on the 14th day of July 2014, at 6:00 p.m.

The following members were present: McGehee, Willmus, Laliberte, Etten, Roe

and the following members were absent: None.

Council Member Laliberte introduced the following resolution and moved its adoption:

**RESOLUTION NO. 11163
A RESOLUTION AMENDING THE CODE OF ETHICS FOR PUBLIC
OFFICIALS IN THE CITY OF ROSEVILLE
(RESOLUTION NO 10905)**

WHEREAS, it is the Council's desire to create and maintain ethical standards that guide Public Officials in the transaction of public business; and

WHEREAS, the Council has determined the most effective way to do so is to adopt and enforce a Code of Ethics that guides the conduct of Public Officials:

NOW THEREFORE BE IT RESOLVED, by the Roseville City Council, that the following Code of Ethics is hereby adopted:

**CODE OF ETHICS FOR PUBLIC OFFICIALS IN THE CITY OF
ROSEVILLE**

Purpose

Officials in the public service must maintain the highest possible standards of ethical conduct in their transactions of public business. Such standards must be clearly defined and known to the public as well as to the Public Officials. Violations of the ethical standards in this ordinance are punishable by the City Council and are not to be deemed criminal misdemeanors of any other type of crime except as those behaviors or activities may separately be determined to be criminal under state or federal law.

Section 1. Declaration of Policy

The proper operation of democratic government requires that Public Officials be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the government structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

In recognition of these goals, there is hereby established a Code of Ethics for all Public Officials of the City of Roseville. The purpose of this Code is to establish ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the best interests of the City, and by directing disclosure by such officials of private financial or other interests in matters affecting the City. The provisions and purpose of this Code and such rules and regulations as may be established are in the best interests of the City of Roseville.

Recognizing that education on ethics in government is the key to having good government, this code requires that annual training be held to discuss the meaning of this code with Public Officials, and in addition such training shall involve trained experts on government ethics. The City Manager shall be the coordinator for the annual training. The training will keep the subject of ethics in government fresh in everyone's mind.
(amended 5-23-2011)

To increase the awareness and understanding of the importance of ethical considerations and behavior among the public as well as government employees, communication of the role of the ethics commission and this Code must occur at least annually in local newspapers and the Roseville website as determined by the City Manager. Additionally, this Code of Ethics shall be reviewed annually to determine if modifications are appropriate.

Section 2. Definitions of Terms

Public Official

Any person that has been elected to office, appointed to a City board or commission, or hired by the City to serve as a department head or assistant department head.

Public Officials include the following:

- a. Members of the City Council and Mayor;
- b. The department head and assistant department head of each City department;

- c. Any person that has been appointed by the Roseville City Council. This would include City commission, board, and task force members; and
- d. The City Manager.

Anything of Value

Money, real or personal property, a permit or license, a favor, a service, forgiveness of a loan or promise of future employment. The term "Anything of Value" shall not be deemed to include:

- (1) Services to assist an official in the performance of official duties, including but not limited to providing advice, consultation, information, and communication in connection with legislation, and services to constituents;
- (2) Services of insignificant monetary value;
- (3) A plaque or similar memento recognizing individual services in a field of specialty or to a charitable cause;
- (4) A trinket or memento costing \$5 or less;
- (5) Informational material of unexceptional value;
- (6) Food or a beverage given at a reception, meal, or meeting away from the recipient's place of work by an organization before whom the recipient appears to make a speech or answer questions as part of a program; or
- (7) A contribution as defined in Minn. Stat. § 211A.01, subd. 5.

Compensation

A payment of Anything of Value to an individual in return for that individual's services of any kind.

Association

A business entity of any kind, a labor union, a club or any other group of two or more persons other than the immediate family.

Immediate Family

A reporting individual, spouse, minor children, minor stepchildren or other person residing in the same household.

Gift

The payment or receipt of Anything of Value unless consideration of greater or equal value is provided in return.

City Manager

The person that heads up the administration of the operating government of Roseville.

Section 3. Ethical Considerations

Public Officials are to serve all persons fairly and equitably without regard to their personal or financial benefit. The credibility of Roseville government hinges on the proper discharge of duties in the public interest. Public Officials must assure that the independence of their judgment and actions, without any consideration for personal gain, is preserved.

Specific ethical violations are enumerated below for the guidance of Public Officials, but these do not necessarily encompass all the possible ethical considerations that might arise.

- A. Other Offices or Employment. An elected Public Official shall not hold another incompatible office, as that term has been interpreted from time to time by statute, the courts, and by the Attorney General. Employed Public Officials shall not hold such incompatible office nor shall they engage in any regular outside employment without notice to and approval by the City Council, in the case of the City Manager, and the City Manager in the case of other employed Public Officials.

Elected and appointed Public Officials shall not hold other office or employment which compromises the performance of their elected or appointed duties without disclosure of said office or employment and self disqualification from any particular action which might be compromised by such office or employment.
- B. Use of Confidential Information. No Public Official shall use information gained as a Public Official which is not generally made available to and/or is not known to the public, to directly or indirectly gain anything of value, or for the benefit of any other person or entity; nor shall any Public Official make such information available when it would be reasonably foreseeable that a person or entity would benefit from it.
- C. Solicitation of or Receipt of Anything of Value. A Public Official shall not solicit or receive anything of value from any person or association, directly or indirectly, in consideration of some action to be taken or not to be taken in the performance of the Public Official's duties.

- D. Holding Investments. No Public Official shall hold any investment which might compromise the performance of the Public Official's duties without disclosure of said investment and self disqualification from any particular action which might be compromised by such investment, except as permitted by statute, such as Minnesota Statute 471.88.
- E. Representation of Others. A Public Official shall not represent persons or associations in dealings with the City where the persons or associations have paid or promised to pay compensation to the Public Official.
- F. Financial Interest. Where a Public Official or a member of the Public Official's immediate family has a financial interest in any matter being considered by the Public Official, such interest, if known to the Public Official, shall be disclosed by the Public Official. If the Public Official has such a financial interest or if the minor child of a Public Official has such a financial interest, the Public Official shall be disqualified from further participation in the matter.
- G. City Property. No Public Official shall use City-owned property such as vehicles, equipment, or supplies for personal convenience or profit except when such property is available to the public generally, or where such property is provided by specific City policy in the conduct of official City business.
- H. Special consideration. No Public Official shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.
- I. Giving Anything of Value. No elected Public Official shall give anything of value to potential voters in return for their votes, promises, or financial considerations which would be prohibited by the State Minnesota Fair Campaign Practices statute.
- J. Public Funds, etc. No Public Official shall use public funds, personnel, facilities, or equipment for private gain or political campaign activities, except as may be authorized by law.
- K. Expenses. Public Officials shall provide complete documentation to support requests for expense reimbursement. Expense reimbursement shall be made in accordance with City policy.
- L. Donations. No Public Official shall take an official action which will benefit any person or entity because of a donation of Anything of Value to the City by such person or entity.

- M. Official Action. No Public Official shall take an official action or attempt to influence any process which will benefit any person or entity where such Public Official would not have otherwise have taken such action but for the Public Official's family relationship, friendship, or business relationship with such person or entity.
- N. Compliance with Laws. Public Officials shall comply with all local ordinances and State and Federal Statutes including, but not limited to, the Criminal Code, Fair Campaign Practices Act, and laws governing the functioning of municipalities, their elected and appointed officials, and employees.
- O. Cooperation with Ethics Committee Investigations. Public Officials shall cooperate with ethics investigations and shall respond in good faith to reasonable requests for information.
- P. Resolution of Ethics Complaints. The Ethics Commission, City Attorney, or City Manager, as the case may be, shall promptly attend to all ethics complaints in the manner provided in this Code. It is expected that most complaints will be investigated as necessary and presented to the City Council for consideration within 45 days of submission of the complaint.

Section 4. Special Considerations

Situations can arise where a member of a commission, a board, or the City Council abstains from voting because of a conflict of interest, but his or her abstention becomes a vote either for or against the matter because a majority are required to pass or reject that matter. This can happen where four-fifths vote is needed to pass an issue, or the vote has to be a clear majority and a split vote does not pass or reject.

When this happens, the City Attorney must be consulted and the final vote should carry a public notice explaining what took place, and how it was resolved.

Section 5. Handling Alleged Violations of Code of Ethics

- A. Complaints alleging ethical violations by Public Officials must be submitted in written form to the City Attorney. Complaints alleging ethical violations by City employee Public Officials shall be submitted in written form to the City Manager.
- B. The City Attorney shall investigate all ethics complaints pertaining to non-employee Public Officials unless the City Attorney has a conflict, in which case outside counsel will be assigned the complaint. The City Manager will investigate complaints pertaining to employee Public Officials.

- C. If the City Attorney or City Manager determines that the subject of the complaint may have committed a crime, the City Attorney and City Manager shall refer the matter to the appropriate criminal authority.
- D. If the criminal proceeding ends with a sentencing, said sentencing shall be considered to be the final disposition of the complaint.
- E. If there has been no violation of a criminal law, the City Attorney or City Manager, as the case may be, shall issue a report that documents the results of the City Attorney's or City Manager's investigation(s).
 - 1. The report shall be sent directly to the City Council if the complaint involves an Ethics Commission member. The Council shall have the authority to dismiss any Ethics Commission member found to have violated the Ethics Code.
 - 2. The report shall be sent to the Ethics Commission if the complaint involves other Public Officials. The Ethics Commission shall have the authority to convene and issue its own report and recommendation to the City Council. Thereafter, the City Council shall take action as the Council deems appropriate.
- F. The standard for decisions regarding allegations of ethical violations covered by Section 3 of this code shall be "clear and convincing evidence." The term "clear and convincing evidence" shall mean that burden of proof as defined by Minnesota State law.
- G. In processing complaints, the City Attorney, City Manager, Ethics Commission and City Council shall process and maintain data in a manner consistent with Minn. Stat. Ch. 13, the Minnesota Data Practices Act.
- H. A complainant may withdraw a complaint, filed under this Code at any time, in writing with the City Manager or City Attorney. Unless the City Council directs otherwise, City personnel need not take any further action in accordance with the Code after such withdrawal. Once acceptance by the City Council has been granted, the City Attorney or City Manager shall provide notice to the complainant, the subject of the complaint if appropriate, and the Ethics Commission that the withdrawal has been accepted.

Section 6. Disclosure of Financial Interests

Not later than ninety (90) days after the date of approval of this Code, each Public Official of the City shall file as a public record, in the office of the City Manager, a statement containing the following:

1. A list naming all business enterprises known by the Public Official to be licensed by or to be doing business with the City in which the Public Official or any member of the Public Official's immediate family is connected as an employee, officer, owner, investor, creditor of, director, trustee, partner, advisor, or consultant; and
2. A list of the Public Officials and members of the Public Officials' immediate family's interests in real property located in the City or which may be competing with the interests of the City located elsewhere, other than property occupied as a personal residence.

Each person who enters upon duty after the date of this code in an office or position as to which a statement is required by this Code shall file such a statement on forms to be provided by the City not less than thirty (30) days after the date of his/her entrance on duty.

Each person who made an initial filing shall file a new Statement by January 30 of each year thereafter giving the information called for above as of the time of the new statement. If a change in financial interest or property ownership occurs between filings, a new filing shall be made within thirty (30) days of the change.

The interest of any member of the immediate family shall be considered to be an interest of a person required to file a statement by or pursuant to this Code.

This Code shall not be construed to require the filing of any information relating to any person's connection with or interest in any professional society or any charitable, religious, social, fraternal, educational, recreational, public service, civil, or political organization, or any similar organization not conducted as a business enterprise and which is not engaged in the ownership or conduct of a business enterprise.

However, if any of such organizations seeking any action or benefit come before a Roseville commission or the Council, then membership in the organization shall be a potential conflict of interest and must be reported as such to the City Manager by the Public Official in an amended disclosure statement. The other stipulations of this Code then apply.

The City Manager shall inform each person who is required to file of the time and place for filing. The City Manager shall inform the Council whenever a person who is required to file a statement fails to do so.

The motion for the adoption of the foregoing resolution was duly seconded by Council Member McGehee and upon vote being taken thereon, the following voted in favor: McGehee, Willmus, Laliberte, Etten, Roe

and the following voted against: none.

WHEREUPON said resolution was declared duly passed and adopted.

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY).

I, the undersigned, being the duly qualified City Manager of the City of Roseville, County of Ramsey, State of Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of said City Council held on the 14^h day of July, with the original thereof on file in my office.

WITNESS MY HAND officially as such Manager this 14^h day of July, 2014.

Patrick Trudgeon, City Manager

State of Minnesota - County of Ramsey
Signed or Attested before me on this

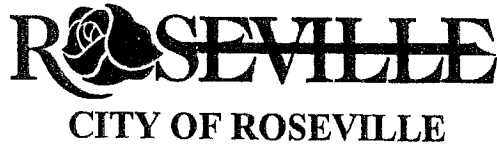
_____ day of _____, 2014

by: Patrick Trudgeon

Notary Public

B.

**ROSEVILLE
PUBLIC OFFICER
DISCLOSURE STATEMENT**



DISCLOSURE OF FINANCIAL INTERESTS STATEMENT

The City of Roseville Code of Ethics (attached) provides that Roseville public officials shall file a Disclosure of Financial Interests Statement with the City Manager. Public Officials include the following: Members of the City Council and Mayor; the department head and assistant department head of each City department; any person that has been appointed by the Roseville City Council. This would include City commission, board and task force members; and the City Manager.

Each person shall file the report within thirty days after assuming the position of a public official. Each person shall file a new statement by January 30 of each year thereafter during the time of service as a public official. If a change in financial interest or property ownership occurs between filings, a new filing shall be made within thirty days of the change.

The interest of any member of the immediate family (spouse, minor children, minor stepchildren or other persons residing in the same household) shall be considered to be an interest of the public official.

NAME _____

ADDRESS _____

PHONE NUMBER _____

CITY POSITION _____

DISCLOSURE

1. Names of all business enterprises known by you to be licensed by or to be doing business with the City in which you or any member of your immediate family is connected as an employee, officer, owner, investor, creditor of, director, trustee, partner, advisor, or consultant.

Disclosure of Financial Interests

2. List your interest and members of your immediate family's interests in real property located in the City of Roseville, or which may be competing with the interests of the City located elsewhere, other than property occupied as a personal residence.

If you have any questions regarding the Code of Ethics or this form, please contact the City Attorney.

Date

Signed

C.

MINNESOTA STATUTES
SECTION 609.42

609.42 BRIBERY.

Subdivision 1. **Acts constituting.** Whoever does any of the following is guilty of bribery and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both:

(1) offers, gives, or promises to give, directly or indirectly, to any person who is a public officer or employee any benefit, reward or consideration to which the person is not legally entitled with intent thereby to influence the person's performance of the powers or duties as such officer or employee; or

(2) being a public officer or employee, requests, receives or agrees to receive, directly or indirectly, any such benefit, reward or consideration upon the understanding that it will have such an influence; or

(3) offers, gives, or promises to give, directly or indirectly any such benefit, reward, or consideration to a person who is a witness or about to become a witness in a proceeding before a judicial or hearing officer, with intent that the person's testimony be influenced thereby, or that the person will not appear at the proceeding; or

(4) as a person who is, or is about to become such witness requests, receives, or agrees to receive, directly or indirectly, any such benefit, reward, or consideration upon the understanding that the person's testimony will be so influenced, or that the person will not appear at the proceeding; or

(5) accepts directly or indirectly a benefit, reward or consideration upon an agreement or understanding, express or implied, that the acceptor will refrain from giving information that may lead to the prosecution of a crime or purported crime or that the acceptor will abstain from, discontinue, or delay prosecution therefor, except in a case where a compromise is allowed by law.

Subd. 2. **Forfeiture of office.** Any public officer who is convicted of violating or attempting to violate subdivision 1 shall forfeit the public officer's office and be forever disqualified from holding public office under the state.

History: 1963 c 753 art 1 s 609.42; 1976 c 178 s 2; 1984 c 628 art 3 s 11; 1986 c 444

609.415 DEFINITIONS.

Subdivision 1. **Definitions.** As used in sections 609.415 to 609.465, and 609.515,

(1) "Public officer" means:

(a) an executive or administrative officer of the state or of a county, municipality or other subdivision or agency of the state;

(b) a member of the legislature or of a governing board of a county, municipality, or other subdivision of the state, or other governmental instrumentality within the state;

(c) a judicial officer;

(d) a hearing officer;

(e) a law enforcement officer; or

(f) any other person exercising the functions of a public officer.

(2) "Public employee" means a person employed by or acting for the state or a county, municipality, or other subdivision or governmental instrumentality of the state for the purpose of exercising their respective powers and performing their respective duties, and who is not a public officer. Public employee includes a member of a charter commission.

(3) "Judicial officer" means a judge, court commissioner, referee, or any other person appointed by a judge or court to hear or determine a cause or controversy.

(4) "Hearing officer" means any person authorized by law or private agreement to hear or determine a cause or controversy who is not a judicial officer.

(5) "Political subdivision" means a county, town, statutory or home rule charter city, school district, special service district, or other municipal corporation of the state of Minnesota.

Subd. 2. **Deemed officer or employee.** A person who has been elected, appointed, or otherwise designated as a public officer or public employee is deemed such officer or employee although the person has not yet qualified therefor or entered upon the duties thereof.

History: 1963 c 753 art 1 s 609.415; 1983 c 359 s 88; 1986 c 444; 1992 c 592 s 16; 2002 c 352 s 13

D.

**SAMPLE ETHICS
COMPLAINT INVESTIGATIVE
REPORT**

REPORT OF THE CITY ATTORNEY
IN RE: ETHICS COMPLAINT DATED OCTOBER 2, 2012

This office received a resident complaint dated October 2, 2012, alleging a violation of the Roseville Code of Ethics. Pursuant to Section 5.E of the Ethics Code, this office has investigated the complaint. Under Section 5.E.2, this document constitutes our formal report and recommendations in the matter.

The complaint (copy attached) asserts a violation of Section 3.J of the Ethics Code. Section 3.J states:

Public Funds, etc. No Public Official shall use public funds, personnel, facilities, or equipment for private gain or political campaign activities, except as may be authorized by law.

The complaint alleges that the City Council, the Human Rights Commission, and the City Manager violated this provision of the Ethic Code. While the complaint fails to specifically identify the exact actions that purportedly violate Section 3.J, the complaint does state in pertinent part:

"The discussion on the issue and instructing people to vote YES (sic) on a state constitutional amendment is clearly an act of being engaged in political campaign activity...Public funds, personnel, and facilities were used for this activity and there is nothing in law that authorizes city resources to be used in this manner...There are numerous meeting minutes and videos of City Council and Human Rights Commission meetings that these issues were discussed along with numerous newspaper articles."

With this information, our office assumes that the complainant alleges that the Ethics Code violation arises from the following occurrences:

1. On May 16, 2012, after conducting several public meetings on the topic, the Human Rights Commission discussed and passed a resolution in which the advisory body publicly stated its collective opposition to a proposed state constitutional amendment regarding the definition of marriage and its encouragement to Roseville and Minnesota voters to vote "no" on the ballot question. (Copy of resolution attached.)
2. On August 27, 2012, the City Council discussed and passed a resolution in which the governing body publicly stated its collective opposition to the aforementioned proposed state constitutional amendment and similarly encouraged Roseville and Minnesota voters to vote no on the ballot question. (Copy of resolution attached.)

Applying these facts, which are not in material dispute, to the above-referenced Ethics Code provision, this office submits the following analysis and substantive conclusions. Further, because this is the first known complaint asserted under the City's Code of Ethics, this report also offers guidance regarding proper procedure to be used by both the Ethics Commission and City Council in this matter.

ANALYSIS

Section 3.J of the Ethics Code involves four distinct elements that must exist before a violation can occur. The four elements are:

- A. Conduct by Public Officials;
- B. Use of public funds, personnel, facilities, or equipment;
- C. Political campaign activity; and
- D. Lack of authorization by law.

Scrutiny of each element is necessary for a proper determination in this matter. If all four elements are found to exist in this matter, then a violation of the Ethics Code has been committed. If any of the four elements are not present, then a violation of the Ethics Code has not been committed. Under Section 5.F, the standard for decisions regarding allegations of ethical violations shall be by "clear and convincing evidence," as that phrase is defined by state law. In Minnesota, clear and convincing evidence requires more than a preponderance of the evidence but less than proof beyond a reasonable doubt. Clear and convincing evidence exists only where the truth of the facts asserted is "highly probable."

A. CONDUCT BY PUBLIC OFFICIALS

The Code of Ethics defines "Public Officials" as: members of the City Council and Mayor; the department head and assistant department head of each City department; members of any City commission, board, and task force; and the City Manager. The complaint asserts that actions by the City Council, the Human Rights Commission, and the City Manager constitute the alleged violation. To the extent that the complaint alleges a violation due to the discussion and passing of distinct resolutions, the Human Rights Commission and City Council are appropriately named. As such, the complaint sufficiently satisfies the first element of Section 3.J with regard to the Human Rights Commission and the City Council. The fact that the City Manager may have been present for one or both actions, however, does not equate to actual conduct by the City Manager. Therefore, the complaint does not satisfy the first element of Section 3.J with regard to the City Manager.

B. USE OF PUBLIC FUNDS, PERSONNEL, FACILITIES, OR EQUIPMENT

The complaint asserts that the alleged violations involved the use of an advisory commission's meetings and a regular meeting of the City Council, all or some of which presumably occurred at a public facility (City Hall). Further, the drafting and execution of the respective resolutions presumably required some involvement by City personnel and equipment. It can fairly be concluded, then, that public personnel, facilities or equipment were used in the commission of the alleged violation. Whether public funds were actually expended within the context of the alleged violation is less certain. It is difficult, if not impossible, to compute whether the amount of public funds required to support the personnel (salaries/wages/etc.), facilities (council chambers/etc.), or equipment (paper/copy machine/etc.) actually increased as a result of the alleged violation. Therefore, it cannot be said that public funds were expended in this matter.

However, to the extent the complaint alleges that City facilities, personnel, and equipment were used in this matter, the complaint sufficiently satisfies the second element of Section 3.J.

C. POLITICAL CAMPAIGN ACTIVITY

The Ethics Code does not define "political campaign activity." According to the complaint, the discussion of and encouragement toward voters for a particular vote on a state constitutional amendment issue "is clearly an act of being engaged in political campaign activity." The complaint is correct on this point. The third element of Section 3.J is satisfied by the complaint.

D. LACK OF AUTHORIZATION BY LAW

Finally, no violation of the Ethics Code exists under Section 3.J if the alleged activity is authorized by law. There is significant reason to believe that the actions by the Human Rights Commission and the City Council in this matter are authorized by law. First and foremost, the First Amendment affords freedom of speech to all citizens and associations, including governmental entities. Further, as far back as 1966, the Attorney General of the State of Minnesota has offered the opinion that governing bodies can individually and collectively voice their support or opposition for a ballot initiative. Again in 2006, the Attorney General stated:

"Public officials are generally free, individually and collectively to announce their views on matters of public interest. Furthermore, it is not likely that local governments or associations can be precluded from taking and publicizing positions on such matters, even in those circumstances where the matters are not within the jurisdictions of the governing bodies."

With this background, the League of Minnesota Cities issued a bulletin this year in which it advised that a city council can legally adopt a resolution in support or opposition to a constitutional amendment. Further, this summer the Minnesota Supreme Court issued an opinion in Abrahamson v. St. Louis County School District, A10-2162 (Aug.10, 2012), in which a school board expended public funds to distribute newsletters and other publications in support of a school bonding referendum. The Supreme Court ruled that the school district was subject to campaign-finance requirements for the funds used in such advocacy---and, therefore, suggested that not only can a governing body advocate for a particular ballot question, but also that expenditure of public funds to do so is authorized under the law. In any event, the weight of authority supports the proposition that the Human Rights Commission and City Council acted under authorization of law in discussing a state constitutional amendment and advocating a particular vote on the issue, even taking into account the potential for nominal public funds to have been spent in doing so. Therefore, the final element of Section 3.J is not satisfied by the complaint.

CONCLUSION

This office concludes that a violation of Section 3.J of the Roseville Code of Ethics has not been established by clear and convincing evidence. This office recommends that the complaint be dismissed and that no adverse action be taken in this matter.

PROCEDURE

Section 5 of the Ethics Code provides a procedural framework for the handling of the present complaint. The process is as follows:

1. The City Attorney shall investigate the complaint.
2. The City Attorney shall issue a report that documents the results of the City Attorney's investigation.
3. The City Attorney's report shall be delivered to the Ethics Commission.
4. The Ethics Commission is authorized to convene and issue its own report and recommendation to the City Council.
5. Thereafter, the City Council shall take action as the Council deems appropriate.

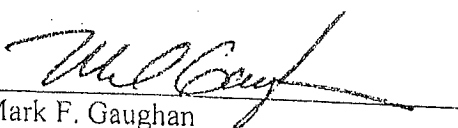
The Ethics Code provides no further procedural guidance. This office understands that the Ethics Commission will convene on November 14, 2012. The Commission will have three options to consider: (1) Adopt the report and recommendations of the City Attorney and forward the same to the City Council; (2) Reject the report and recommendations of the City Attorney, in whole or in part, and formulate its own report and recommendations to be forwarded to the City Council; or (3) Take no position on the report of the City Attorney and forward the matter to the City Council. The Commission is not authorized, under the Ethics Code or Section 206 of City Code, to undertake any additional actions.

Under the Ethics Code, the City Council's sole directive is to "take action as the Council deems appropriate." This office's recommendation is for the Council to receive the report and recommendations of the City Attorney (and, if applicable, the Ethics Commission) and take any appropriate action via motion after Council discussion. Because the task of investigation is vested within the City Attorney's office, no further information gathering is necessary.

Respectfully submitted,

Date: _____

11/9/2012


Mark F. Gaughan
City Attorney
Erickson, Bell, Beckman & Quinn, P.A.
110 Rosedale Tower
1700 West Highway 36
Roseville, Minnesota 55113

E.

**ROSEVILLE
ADVISORY OPINION
PROCEDURE**

**EXTRACT OF MINUTES OF MEETING
OF THE
CITY COUNCIL OF THE CITY OF ROSEVILLE**

* * * * *

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Roseville, County of Ramsey, Minnesota was duly held on the 19th day of November, 2007, at 6:00 p.m.

The following members were present: Roe, Pust, Kough, Ihlan and Klausing.
and the following were absent: none.

Member Klausing introduced the following resolution and moved its adoption:

**RESOLUTION No. 10568
Resolution Establishing a Procedure for Advisory Ethics Opinions**

WHEREAS, At the March 26, 2007 City Council meeting the City Council the Council adopted Resolution 10489 authorizing the Ethics Commission to establish a procedure relative to handling difficult situations before they become breaches of ethical conduct; and

WHEREAS, The Ethics Commission presented their recommendations for a procedure for Advisory Ethics Opinions at the October 15, 2007 City Council meeting; and

WHEREAS, It was recommended that the procedure be formally adopted by resolution;

NOW, THEREFORE, BE IT RESOLVED, that the City of Roseville hereby adopts the procedure for Advisory Ethics Opinions per Attachment A.

The motion for the adoption of the foregoing resolution was duly seconded by Member Ihlan, and upon a vote being taken thereon, the following voted in favor thereof: Roe, Pust, Kough, Ihlan and Klausing
and the following voted against the same: none.

WHEREUPON said resolution was declared duly passed and adopted.

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

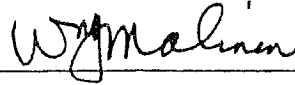
The City Attorney is authorized to give oral informal advice to persons seeking guidance as to the spirit or legal requirements of the Roseville Ethics Code. Such informal advice shall be rendered only to an individual that wishes to use the advice to guide the individual's own conduct. In giving such 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.

Reso. Establishing Procedure for Advisory Ethics Opinions

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

I, the undersigned, being the duly qualified City Manager of the City of Roseville, County of Ramsey, State of Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of said City Council held on the 19th day of November, 2007 with the original thereof on file in my office.

WITNESS MY HAND officially as such Manager this 19th day of November, 2007.



William J. Malinen, City Manager

(Seal)