



ETHICS COMMISSION AGENDA

**November 13, 2013
6:00 p.m.
Roseville City Hall
2660 Civic Center Drive**

- I. Call to Order
- II. Open Meetings Law City Attorney Mark Gaughan
- III. Approve Minutes of August 14, 2013
- IV. Discuss April Ethics Training Session
- V. Discuss Ethics Tip
- VI. Set 2014 Meeting Schedule
- VII. Other Business
- VIII. Adjourn

City of Roseville
Ethics Commission Meeting Minutes
Wednesday, August 14, 2013

I. Call to Order

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

Members Present:

Anne Collopy, Matthew Becker, Ben Lehman, and Nancy O'Brien

Members Absent:

Chair Margo Fjelstad

Others Present:

Administration Department Staff Representative Kari Collins on behalf of Interim City Manager Patrick Trudgeon, and City Attorney Jim Erickson on behalf of City Attorney Mark Gaughan

II. Approve Minutes of May 8, 2013

O'Brien asked the minutes be amended to reflect that City Attorney Gaughan was not present at the May 8 minutes.

O'Brien moved to approve the amended May 8 minutes, seconded by Collopy
Ayes All

III. Discuss 2014 April Ethics Training

The Commission discussed the 2014 ethics training and asked staff to start looking at a potential list of speakers. Collopy and Becker agreed to form a subcommittee to help plan the event with the assistance of Interim City Manager Patrick Trudgeon. The Commission discussed possibly surveying public officials in advance of the event to get a better idea of what they want out of the training. The commission agreed that applicability to municipal issues was a priority and expressed a desire to select a city attorney to be the speaker.

IV. Consider Subcommittee Recommended Changes to Ethics Code, Section B: Use of Confidential Information

The commission reviewed proposed changes to section 3.B of the Ethics Code entitled, "Use of Confidential Information."

Acting Chair Lehman proposed the following addition:

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, or make such information available in a manner where it would be reasonably foreseeable that a person or entity would benefit from it.

Acting Chair Lehman indicated that he and Fjelstad were on a subcommittee to review the Ethics Code and detailed prior meetings with City Attorney Mark Gaughan to review potential language changes. City Attorney Erickson indicated after his review that the language addition didn't present any legal concerns as far as he is aware. Collopy suggested changing the language to read:

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 shall any Public Official make such information available when in a manner where it would be reasonably foreseeable that a person or entity would benefit from it.

Attorney Erickson discussed consistency with commas/semi-colons moving forward and the commission agreed to restructure the changes bringing it back to City Attorney Gaughan for his review.

The Commission also discussed reviewing the language in Section 3.M and agreed to have the City Attorney review that as well.

Collopy moved to have the ethics code subcommittee bring back changes to sections 3.B and 3.M to the City Attorney. O'Brien seconded.
Ayes All.

V. Discuss Potential Changes to Ethics Code, Section 5

The Commission discussed Section 5 of the Ethics Code that discusses the process of responding to an ethics complaint. Acting Chair Lehman indicated that draft changes to the language were proposed and reviewed by City Attorney Gaughan who had indicated concerns.

The Ethics Commission continued to discuss what changes were desired in the section and agreed that more instruction on how to respond to a complaint was desired. The concerns and limitations by the Commission included, but were not limited to, what data privacy restrictions were present when responding to an ethics complaint, what limitations do the Ethics Commission have when a violation of the ethics code is present, and what is the direction of the Commission when an ethics complaint might involve the City Manager or City Council?

Lehman asked for clarification on whether or not the commission can dismiss a complaint if found unsubstantiated. O'Brien asked whether or not the City wanted the Ethics Commission to be a part of the decision making process.

O'Brien indicated that these questions have remained unanswered for nine months and wanted some direction on what the next steps were. Collins suggested that the code subcommittee write a formal request for a City Attorney written opinion detailing all of the questions posed this evening.

Collopy moved to bring the code review back to the subcommittee for written advisory by the City Attorney's Office. Seconded by O'Brien.
Ayes All.

VI. Discuss Ethics Tip

O'Brien had prepared an Ethics Tip regarding confidential information based off the language currently in the code under Section 3.B. O'Brien asked that the Ethics Tip be withdrawn due to the discussion of changes discussed that evening. O'Brien indicated that she was willing to revise and bring it back at a subsequent meeting pending the outcome of language changes to the code.

Lehman volunteered to provide the Ethics Tip for the November meeting unless the Council approved language changes to the Ethics Code prior to that time.

VII. Other Business

Lehman asked Attorney Erickson whether or not any ethics complaints have been filed since the May meeting. Attorney Erickson indicated that they have not.

Collins indicated that Attorney Gaughan planned to provide training at the start of the meeting in November rescheduling the start time from 6:30 p.m. to 6:00 p.m.

VIII. Adjourn

O'Brien moved to adjourn the meeting at 7:24 p.m. Seconded by Becker.
Ayes All.

Respectfully submitted,

Kari Collins
Administration Department Staff Representative
on behalf of
Interim City Manager Patrick Trudgeon

Ethics Commission
2014 Proposed Meeting Schedule

The Ethics Commission meets quarterly, on the second Wednesday of February, May, August and November at 6:30 p.m. in Roseville City Hall.

Quarterly meetings:

- o February 12
- o May 14
- o August 13
- o November 12

Additional meetings include:

- o Annual training session
 - Wednesday, April 9
 - (5:00 - 6:00 p.m. light refreshments; 6:00 p.m. training session)
- o Joint meeting with the City Council
 - Monday, May 19 (6:00 p.m. meeting)