

City of Roseville
Ethics Commission Meeting Minutes
Wednesday, November 13, 2013

I. Call to Order

Chair Fjelstad called the meeting to order at 6:00 p.m.

Members Present:

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

Members Absent:

None.

Others Present:

Patrick Trudgeon, Interim City Manager and Mark Gaughan, City Attorney

II. Open Meetings Law Presentation by City Attorney Mark Gaughan

City Attorney Gaughan reviewed the state's open meeting law and how it affects the Ethics Commission.

Lehman and O'Brien raised questions on the open meetings law and its applicability to the Ethics Commission. Attorney Gaughan indicated that it is his opinion that all City commissions are subject to the open meeting law.

III. Approve Minutes of August 14, 2013

Approve with spelling correction noted on page two.

Lehman moved to approve the corrected August 14 minutes, seconded by Becker.
Ayes All.

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

Reviewed changes proposed by the Commission regarding use of confidential information. The City Attorney indicated he has reviewed the information and has no issues with the proposed language. He mentioned that the language should be brought forward to the City Council for approval.

The City Attorney then discussed potential changes to the Ethics Code, Section 5. The City Attorney discussed how the Ethics Code deals with complaints with the City Council or City Manager. The City Attorney suggested that the Commission should look at amending the Ethics Code to look at designating another body, such as the Ethics Board to make a finding.

The City Attorney then reviewed the matter of dealing with private information and data and pointed out that the Data Practices Law limits what can be shared.

Commissioner Lehman raised a concern that there may be a need for the Ethics Commission to have access to some of the data to help make a decision for recommendation. The City Attorney talked about what information would be redacted - typically personal information that could identify the person.

Commissioner O'Brien and Commissioner Collopy raised questions on knowing what is redacted and what is not.

The City Attorney and Commission discussed hypotheticals and what levels of information would be shared.

The Commission discussed timing of bringing forward the changes and decided to bring forward to the City Council a discussion on the changes to Section 3 of the Ethics Code and get feedback on Section 5.

V. Discuss 2014 April Ethics Training Session

The Interim City Manager will work with Becker and Collopy on details of the April Ethics Training. The Interim City Manager has confirmed City Attorney Gaughan will be the presenter. The training will be on April 9.

VI. Discuss Ethics Tip

Lehman will bring forward an Ethics Tip at the next meeting.

O'Brien mentioned sending out additional information after Ethics Code changes and volunteered to write a summary which can be reviewed at the January meeting.

VII. Approve 2014 Meeting Schedule

O'Brien moved to approve the 2014 meeting schedule, seconded by Lehman.
Ayes All.

VIII. Other Business

The Interim City Manager mentioned the Commission survey and that a reminder will be sent out.

IX. Adjourn

Lehman moved to adjourn the meeting at 6:47 p.m. and Becker seconded.
Ayes All.

Respectfully submitted,

Patrick J. Trudgeon
Interim City Manager

**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 6th day of January 2014, at 6:00 p.m.

The following members were present: Laliberte; McGehee; Willmus; Etten; and Roe

and the following members were absent: None.

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

**RESOLUTION NO. 11122
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.

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: Laliberte; McGehee; Willmus; Etten; and Roe

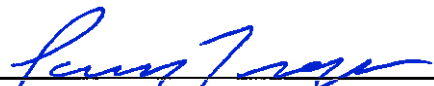
and the following voted against: none.

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 6th day of January, with the original thereof on file in my office.

WITNESS MY HAND officially as such Manager this 6th day of January, 2014.



Patrick Trudgeon, Interim City Manager

Regular City Council Meeting

Monday, January 06, 2014

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Mr. Trudgeon advised that some are grouped together, depending on the function or event; and most directed toward the business community as indicated.

Parks & Recreation Director Lonnie Brokke

At the request of Mayor Roe, Mr. Brokke advised that, related to Parks & Recreation functions, most are for smaller items or multiple events; with recipients contacted prior to the letter being sent, with many having expressed their interest prior to solicitation; with the typical process not involving cold calling.

McGehee moved, Etten seconded, to approve the solicitation of donations.

Roll Call

Ayes: Laliberte; McGehee; Willmus; Etten; and Roe.

Nays: None.

9. General Ordinances for Adoption

10. Presentations

a. Ethics Commission

Mayor Roe welcomed Ethics Commissioners in attendance: Chair Margo Fjelstad; Vice Chair Benjamin Lehman; and Commissioner Matthew Becker.

Chair Fjelstad briefly reviewed two (2) specific areas of the Ethics Code recommended for amendment by the Commission, as detailed in the RCA dated January 6, 2014; both in an effort to make the code more clear and concise.

Councilmember McGehee opined that they were good additions, and offered her support for those recommendations.

Councilmember Laliberte thanked staff for including the meeting minutes from the Ethics Commission in the RCA materials; and asked that this become a standard for Councilmembers to be aware of discussion by its citizen advisory boards in subsequent decision-making.

Laliberte moved, McGehee seconded, approval of amendments to Items B and M of Section 3 (Ethical Considerations) as presented.

With the concurrence of Ethics Vice Chair Lehman, Mayor Roe noted language under Item B “for the benefit” was intentionally not limited to financial gain.

Roll Call

Ayes: Laliberte; McGehee; Willmus; Etten; and Roe.

Nays: None.

Process of Ethics Complaints

The Commission requested a discussion with the City Council related to the process for handling alleged violations detailed in Chapter 5.F of the Ethics Code; specifically concerns related to data privacy restrictions that may be present when an ethics complaint is filed and whether or not the Commission would have sufficient information to meet the standard covered by Section 3 of the Code for “clear and convincing evidence. With initial concerns expressed by City Attorney Gaughan with the Ethics Commission, the Commission questioned whether the standard of proof should be revised from current “clear and convincing evidence,” to a standard using a “preponderance of evidence” instead.

Vice Chair Lehman provided the Commission’s concerns, and asked for the City Council’s perspective on which standard to apply when a formal complaint was forwarded to the Commission from the City Manager or City Attorney. At the request of Councilmember Willmus, Vice Chair Lehman further clarified the Commission’s rationale in seeking feedback on the current process standard before any potential future complaints came before the body, noting that the Commission had only received one complaint since its re-establishment, which had been subsequently withdrawn.

Mayor Roe recognized the Commission’s concerns that, if private data was redacted and not available to the Commission, their concern was whether they would be able to determine if there was clear and convincing evidence.

At the request of Councilmember McGehee, City Attorney Bartholdi defined “clear and convincing evidence” just short of a situation being beyond reasonable doubt and the standard for a “preponderance of evidence,” determined at 51% or a majority of evidence available, and not as difficult to prove as the former standard. At the request of Councilmember McGehee, City Attorney Bartholdi advised that he was unable to provide a sufficient response tonight without further review, regarding why the Ethics Commission could not be privy to confidential or non-public data in their role, or if they would have the same standards as other citizen advisory commissions to the City Council. Mr. Bartholdi noted that the City Council had much more latitude in what they could have access to under the State’s data privacy laws.

At the request of Mayor Roe, Vice Chair Lehman advised that City Attorney Gaughan had raised the issue under current Ethics Code language; basically related to the Commission’s inability to go into Closed Executive Session to consider items that may fall into data privacy areas, making them out of compliance with Open Meeting laws.

Mayor Roe noted that, while the Ethics Commission may be able to review the private data, the public could not, with the Commission required to carry out their business in public.

Councilmember McGehee recognized that this put the Commission in a difficult position and spoke in support of moving to the “preponderance of evidence” standard.

Recognizing the serious work of the Ethics Commission, Councilmember Willmus expressed his dire concern if the burden of proof standard was lowered. Councilmember Willmus opined that the bar was intentionally set high and that it should remain high; and stated that he would not support this recommended change in standards. Councilmember Willmus further opined that he would hate to see ethics complaints and charges being generated under the knowledge that there was less of a standard for burden of proof. If charges come forward in the future, Councilmember Willmus opined that the higher standard should be in place and complaints fully vetted under that standard.

Mayor Roe noted that one issue was the current process with the initial investigation done by the City Manager or City Attorney depending on the type of complaint and against whom, with both of those individuals having full access to all information – private and public. With the City Council also able to have full access to the data, but not its Ethics Commission, Mayor Roe opined that there seemed to be question raised about the process itself. While State Statute 13.b was quite clear on the Open Meeting Law, Mayor Roe asked if the Commissioners had any thoughts on the process itself; and asked the City Attorney to further research whether or not the Commission could go into Closed Session in such instances.

Mayor Roe concurred with the comments expressed by Councilmember Willmus; opining that he also preferred to keep the standard high.

Vice Chair Lehman concurred with Mayor Roe and Councilmember Willmus; opining that he would like the Commission to be able to go into Closed Session if information under review was not public data.

While not interested in lowering the bar either, Councilmember McGehee noted the realities if the current standards didn’t allow the Commission to effectively review information to maintain the integrity of the overall organization.

Mayor Roe suggested action on any revision to the standard be postponed until the City Attorney provided further research on whether or not the Commission could go into Closed Session. If they could do so, Mayor Roe opined that this would essentially solve the problem and standards could remain as is. Mayor Roe noted that the next step would be to refer this back to the Ethics Commission and City Attorney for their review and future update to the City Council at any time, not necessarily only during the quarterly meeting.

City Attorney Bartholdi advised that his office would be in discussion with the Ethics Commission.

Chair Fjelstad advised that the Commission had also held conversations about how best to change the process if the complaint concerned the City Manager, City Council or Mayor; opining that the current process was not as clear as it could be. Chair Fjelstad advised that the Commission's intent was to ask Interim City Manager Trudgeon to set up another discussion about the process; and how to address dismissal or withdrawal of a case, since current language did not allow a case to be withdrawn or define a clear process to follow if doing so.

Mayor Roe opined that this discussion made perfect sense given the withdrawal of the previous case.

Councilmember Willmus concurred, opining that it made sense at that time, and still does.

Vice Chair Lehman questioned how the City Council envisioned a process if the complaint was made against the entire City Council, since they were the ultimate decision-makers; and how the Ethics Commission should establish their discussions.

Mayor Roe responded that, as part of the process, ethics investigations against elected officials or elected bodies, subsequently enforced by the body itself, with those being held to the standard are the actual deciders of the sanctions. Mayor Roe further noted that part of the reason may not be bad, with political ramifications serving as the backstop for the process with elected officials, individual Councilmembers or the City Manager; but supported having further discussion.

Councilmember Etten spoke in support of discussions tonight retaining more strength to the Ethics Commission with the current higher standard of proof versus a reduced standard.

Councilmember Laliberte concurred, opining that if clear and convincing evidence standards were maintained, if provided less wiggle room for the group as a whole if it reaches that level. Having not been on the City Council that the time the previous formal complaint came forward, Councilmember Laliberte sought clarification on the final action, with Mayor Roe advising that the City Council took action to dismiss the complaint.

At the request of Councilmember Laliberte, Vice Chair Lehman confirmed that, in hindsight, the process needed additional work from the perspective of the Commission.

Mayor Roe noted that neither body acted as a super majority regarding ethics complaints, but using a simple majority approach, the City Council needed to weigh the decision, and in a democratic process, be subject to any political consequences. Mayor Roe expressed his interest in hearing further deliberations and recommendations from the Ethics Commission.

Vice Chair Lehman thanked Councilmembers for their input, opining that it helped the Commission out considerably.

Councilmember Laliberte thanked the Commission; noting that during her and Councilmember McGehee's Subcommittee work on citizen advisory commissions, they had found few communities having Ethics Commissions.

Councilmember McGehee concurred with those thanks; opining that this was an important commission; and expressed her personal appreciation of the Ethics tips and training provided; as well as the commitment of citizens to keep local government ethical.

11. Public Hearings

12. Budget Items

13. Business Items (Action Items)

a. Designate 2014 Acting Mayor

Mayor Roe briefly reviewed Minnesota State Statute 412.121 requiring designation of an Acting Mayor from among Councilmembers, along with the City's ordinance. In that context Councilmember Willmus recommended appointment of Councilmember Laliberte in fulfilling that role if she was willing to do so.

Given her current schedule, Councilmember Laliberte expressed her ability in fulfilling that role and her willingness to serve.

Willmus moved, Etten seconded, designation of Councilmember Laliberte as the 2014 Acting Mayor.

Roll Call

Ayes: Laliberte; McGehee; Willmus; Etten; and Roe.

Nays: None.

b. Consider Citizen Advisory Commission Reappointments

Mayor Roe briefly reviewed the RCA and City Council policy, noting those current commissioners who are eligible for reappointment and willing to be reappointed

V. Discuss Ethics Tip

The Roseville City Council recently adopted the Ethics Commission's recommendation to amend two provisions of Section 3 – Ethical Considerations of the Roseville Code of Ethics. As a reminder, Section 3 enumerates specific ethical violations for the guidance of Public Officials, but is not meant as an exhaustive list of all the potential ethical considerations that might arise.

The emphasized text contains the amended language in the two provisions.

B. 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.**

M. 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 take such action but for the Public Official's family relationship, friendship, or business relationship with such person or entity.

Most public officials and city employees will have conflicting interests on occasion. The Ethics Code is not meant to be a roadmap on how to prevent those conflicts, but rather a guide on how to manage them honestly and responsibly when they do arise.

The Ethics Commission determined that these amended provisions provide further guidance to Public Officials in the discharge of their duties in the public interest. The principal objective of an ethics codes is that the official or employee should not favor their own interests or the interests of a family member, friend, or business relationship over the public interest when acting in their official capacity. Generally, if it appears to others that you might be giving someone special treatment or non-public beneficial information, then you should recuse yourself or not act with respect to that person or entity.

As an example of where the amended language may apply is if the City Council and the Public Works Department were soliciting a Request for Proposal or Bid for products and services for the Streets Division. You know how specific provisions in the submitted proposals are going to be weighed and a family friend plans on submitting a proposal. If you provide the friend with information on the proposal scoring and then talk to City Council members or the Public Works Director about the merits of that specific submission, you have violated the Code of Ethics by providing confidential information for the benefit of another person and attempted to influence the process for selecting the winning proposal.

It is important to give city residents confidence that their officials and employees are treating everyone the same as the credibility of Roseville government hinges on the proper discharge of duties in the public interest.