



Ethics Commission Agenda

Tuesday, December 12, 2023

6:00 PM

City Council Chambers

(Any times listed are approximate – please note that items may be earlier or later than listed on the agenda)

- 1. Call to Order**
 - a. Ethics Commission Memo
- 2. Election of Officers**
- 3. Public Comment**
- 4. Approval of Minutes**
 - a. Approve December 15, 2022 Ethics Commission Meeting Minutes
- 5. Business**
 - a. Discuss April 10, 2024 Ethics Training
- 6. Other Business**
- 7. Adjourn**

Memo

To: Ethics Commission
From: Patrick Trudgeon, City Manager
Date: November 30, 2023
Re: December 12, 2023 Ethics Commission Meeting

The Ethics Commission will meet on December 12 at 6:00 p.m. Agenda items include:

- **Election of Officers-Chair and Vice Chair.** Annually each City Commission elects officers. Last year, Bob Murphy of the Police Civil Service Commission and Bruce Bester of the Finance Commission were elected Chair and Vice Chair. Both are returning to the Ethics Commission. Even if there is no desire to change the current Chair and Vice Chair, the Ethics Commission should take a nominations for officers and elect the Chair and Vice Chair for the next year.
- **Approval of December 15, 2022 Ethics Commission Meeting Minutes.** Draft minutes from the December 15, 2022 meeting are attached to the packet. Please review the minutes and note any corrections. At the meeting, a motion and second should be made to approve the minutes.
- **Discuss 2024 Ethics Training.** Staff would like to have the Ethics Commission talk about the 2024 Ethics Training, which is set for April 10, 2024. For the past few years, the City Attorney has presented at the training. Rachel Tierney, the City Attorney, is available again to conduct the Ethics Training. Ms. Tierney will be at the December 12 Ethics Commission meeting and I would like to have a discussion on what format you would like to see for the annual Ethics training. For your information, I have attached the Roseville Ethics Code for your reference.

**Ethic Commission Meeting Minutes
City Hall Council Chambers, 2660 Civic Center Drive
Thursday, December 15, 2022**

I. Call to Order

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

Members Present: Joe Arneson, Bob Murphy, Jarrod Cicha, Bruce Bester

Members Absent: Karen Schaffhausen

Others Present: City Manager Patrick Trudgeon

II. Election of Officers

Chair

Commissioner Murphy volunteered to serve as Chair, and Commissioner Bester volunteered to serve a Vice Chair.

Commissioner Arneson made the motion to elect Commissioner Murphy as Chair and the Commissioner Bester as Vice-Chair of the Ethics Commission. Commissioner Cicha seconded the motion.

Ayes: 4

Nays: 0

Motion carried.

III. Public Comment

None.

IV. Approve Minutes of December 16, 2021

City Manager Trudgeon handed out an updated draft of the minutes to reflect the correct spelling of a Commissioners name. Commissioner Bester approval of the December 16, 2021 minutes as amended and this was seconded by Commissioner Arneson.

Ayes: 3 (Murphy, Bester, Arneson)

Nays: 0

Abstain: Cicha

Motion carried.

V. Annual Ethics Training – April 12, 2022

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1 City Manager Trudgeon announced the 2023 Ethics Training will take place on April 12,
2 2023 at 6:30 p.m. and stated that City requires all Commissioners, Department Heads,
3 and elected officials to attend. Mr. Trudgeon mentioned that he will be asking the
4 presenter to be the new City Attorney Rachel Tierney.

5
6 Mr. Trudgeon stated that as part of the presentation, the City Attorney can also touch on
7 the open meeting law and how it applies to the City Council and Commissioners.

8
9 Chair Murphy stated that he liked the scenarios that the former City Attorney brought
10 forward as part of the presentation and wondered if there were some real life examples of
11 ethics violations.

12
13 Mr. Trudgeon indicated that he look to see if any examples can be dug up and used as
14 part of the presentation.

15
16 Commissioner Bester asked if the City has received any ethics complaints of note that
17 could be used as an example.

18
19 Mr. Trudgeon indicated that he cannot recall any examples in his 15 years with the City,
20 but did mention that there have only been a few ethics complaints during that time, but
21 they have all been dismissed.

22
23 Commissioner Arneson mentioned that last year the Ethics Commission talked about the
24 service of the Youth Commissioners and asked how that turned out.

25
26 Mr. Trudgeon replied that the City Code was changed to allow Youth Commissioners to
27 vote and therefore the Ethics Code would apply to them.

28
29 Mr. Trudgeon stated, barring any other input, the Ethics Training would follow the same
30 format of walking through the provisions of the code, giving some examples and
31 scenarios of potential ethics violations, and discuss the Open Meeting Law.

32
33
34 Commissioner Arneson moved the have the new City Attorney to do the Ethics Training,
35 Commissioner Cicha seconded.

36
37 **Ayes: 4**
38 **Nays: 0**

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40 **Motion carried.**

41
42 **VI. Other Business**

43 Mr. Trudgeon said that he had no other business for the Commission to undertake.

44

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1 Chair Murphy asked about the timing of when each City Commission makes their
2 appointment to the Ethics Commission.

3

4 Mr. Trudgeon indicated that it depends on the Commission, but most typically look to
5 appoint at the start of the year and typically appoint a member that has served on the
6 Commission for at least a year.

7

8 **VII. Adjourn**

9 Commissioner Arneson moved to adjourn the meeting at approximately 6:20 p.m.,
10 seconded by Commissioner Cicha.

11

12 **Ayes: 4**

13 **Nays: 0**

14 **Motion carried.**

15

16 Respectfully submitted,
17 Patrick J. Trudgeon, City Manager

18

DRAFT

**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.

