CHAPTER 15. ETHICS IN GOVERNMENT*

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***Editor's note:** Ord. No. 2003-Or-033, § 1, adopted March 21, 2003, repealed former Ch. 15, in its entirety, which pertained to ethics in government. Ord. No. 2003-Or-034, § 1, adopted March 21, 2003, enacted provisions designated as a new Ch. 15 to read as herein set out. See the Code Comparative Table for a detailed analysis of inclusion.

Charter references: Officers, election, Ch. 2; officers not to be interested in contracts, Ch. 2, § 19; giving or taking of money or service for position with city deemed a misdemeanor, Ch. 19, § 21.

Cross references: Campaign contribution limits, Ch. 167.

State law references: Ethics in government, M.S. Ch. 10A; conflicts of interest, M.S. § 471.87.

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15.10. Code of ethics; preamble. Minneapolis government exists to serve the people of Minneapolis. In order to do so effectively, the people must have confidence and trust in the integrity of their city government. They deserve elected and appointed officials, city employees and volunteers who maintain the highest ethical principles and avoid misconduct and conflicts of interest, apparent or real. Effective democracy depends on a government that is fair, ethical and accountable to the people it serves.

This comprehensive code of ethics provides an ethical guide and specific rules that reflect the ethical values of our city. It is both inspirational and a basis for disciplinary action. The ethical aspirations that begin each section represent the inspirational objectives toward which each local official and employee should strive. Except for the ethical aspirations set forth in 15.20, 15.130, 15.180, the code of ethics defines levels of conduct below which no local official or employee can fall without being subject to disciplinary action.

The code of ethics is designed to promote high ethical standards and conduct, and to foster a healthy ethical culture throughout city government. It is a touchstone for all who work with and for the city to assist them in fulfilling their responsibilities to the people of Minneapolis. (2003-Or-034, § 1, 3-21-03)

ARTICLE I. TRUST

15.20. Ethical aspiration. We put the public interest ahead of our own personal advancement and financial interests. We disclose conflicts of interest and refrain from participating in decisions where we have a financial interest. We avoid actions that might impair independence of judgment or give the appearance of impropriety or a conflict of interest. We do not use our positions to gain privileges or special treatment and do not use public property or personnel for private or personal purposes. (2003-Or-034, § 1, 3-21-03)

15.30. Fiduciary duty. In the performance of their official duties, local officials and employees shall act for the benefit of the city. (2003-Or-034, § 1, 3-21-03)

15.40. Conflicts of interest. (a) Definition of conflicts of interest. A local official or employee, whether paid or unpaid, shall avoid any situation that might give rise to a conflict of interest. A conflict of interest is present when, in the discharge of official duties, a local official or employee participates in a governmental decision, action or transaction in which he or she has a financial interest, except when that financial interest is no greater than that of another member of his or her business classification, profession or occupation or in matters involving city litigation when that financial interest is no greater than that of another member of the public impacted by the litigation. A financial interest is any interest, including loans, which shall yield, directly or indirectly, a monetary or other material benefit to the local official or employee (other than monetary or material benefits authorized by the city). A financial interest of a local official's or employee's employer (other than the City of Minneapolis), his or her associated business, or his or her spouse, domestic partner, or dependent, and their employers or associated businesses shall also be considered a financial interest of the local official or employee. The following assets shall not be considered a financial interest for purposes of this section:

(1) Ownership of shares in a diversified mutual fund.

(2) Membership in a pension plan or employee benefit plan.

(3) Ownership of bonds or publicly traded securities with a market value of less than two thousand five hundred dollars ($2,500.00).

(4) Ownership of a whole life insurance policy.

(b) Addressing conflicts of interest. To address conflicts of interest:

(1) A local official or employee shall not participate in making or attempt to use his or her position to influence any city governmental decision, action, or transaction in which the local official or employee knows or has reason to know that he or she has a conflict of interest. To participate or participation means making the decision, taking action, entering into a transaction, providing advice or a recommendation, introducing, sponsoring, debating, voting on, approving, and investigating the decision, action, or transaction. Participation includes the direct and active supervision of the participation of a subordinate in the matter. Participation is more than official responsibility, knowledge, perfunctory involvement, or involvement on an administrative or peripheral basis.

(2) A local official or employee may participate in a city governmental decision, action, or transaction involving an organization or entity when the local official or employee, or his or her spouse, domestic partner, or dependent is an officer, director, board member, or trustee, if the local official or employee does not have a financial interest in the governmental decision, action, or transaction. However, the local official or employee must disclose his or her affiliation with the organization or entity as though it were a conflict of interest. A local official or employee may participate in a city governmental decision, action, or transaction when the local official or employee has a financial interest in a matter involving city litigation but that financial interest is no greater than that of another member of the public impacted by the litigation. However, the local

official or employee must disclose his or her financial interest in the litigation as though it were a conflict of interest.

(3) A local official or employee may participate in a city governmental decision involving a related person, other than his or her spouse, domestic partner, or dependent, if the local official or employee does not have a financial interest in the governmental decision, action, or transaction. However, the local official or employee must disclose his or her relationship with the related person as though it were a conflict of interest.

(4) Any lobbyist (other than an employee of the city) who is lobbying on behalf of the city must disclose a complete list of the principals represented by that lobbyist or other lobbyists in the same firm, along with the project or projects on which lobbying is expected to occur on a principal's behalf, to all elected officials of the city and the city clerk. The ethics officer will report to the intergovernmental relations committee on what projects, if any, create, or may create a professional conflict of interest for the lobbyist. A professional conflict of interest is a situation where the interests of a principal of the lobbyist are or may be adverse to the interests of the city. The lobbyist must update the list any time there is a change in his or her list.

(c) Disclosure of conflicts of interest. If a local official or employee, in the discharge of his or her official duties, recognizes that his or her participation would create a conflict of interest, the local official or employee shall disclose the conflict of interest as follows:

(1) The mayor and members of the city council shall disclose the conflict of interest to each other as soon as they become aware of the conflict. If such official becomes aware of a conflict during a meeting of the city council, or one (1) of its committees, or the executive committee, the official shall immediately disclose the conflict of interest orally. The mayor or city council member shall also prepare, on a form prescribed by the city clerk, a written statement describing the matter requiring action or decision and the nature of his or her conflict of interest. The written statement shall be distributed to the mayor and the members of the city council and filed with the city clerk. After the first time the official has orally disclosed a conflict of interest and filed the form, the elected official may subsequently orally disclose a conflict by referring to the form. Because the mayor or city council members may not attend all city council or committee meetings, oral disclosure may consist of the written statement being read into the record by the presiding officer at the first regular meeting of the city council after the form has been filed.

(2) A department head shall disclose a conflict of interest to the mayor and the city council by preparing, on a form prescribed by the city clerk, a written statement describing the matter requiring action or decision and the nature of his or her conflict of interest. The form shall be distributed to the mayor and the members of the city council and filed with the city clerk.

(3) A local official who is not an employee and who is not covered by paragraphs (1) and (2) above shall disclose a conflict of interest to the other individuals on the agency, authority or instrumentality as soon as the local official becomes

aware of the conflict. If a local official becomes aware of a conflict during a meeting, the local official shall immediately disclose the conflict of interest orally. The local official shall also prepare, on a form prescribed by the city clerk, a written statement describing the matter requiring action or decision and the nature of his or her conflict of interest. The written statement shall be distributed to the mayor and city council, any department head whose jurisdiction or agency could be affected, and filed with the city clerk.

(4) An employee who is not covered by paragraphs (1), (2) or (3) above shall disclose a conflict of interest (i) orally to his or her supervisor; and (ii) in writing as described below. If there is no supervisor, an employee shall disclose a conflict of interest in writing as described below. An employee who is required to disclose a conflict of interest in writing under this paragraph (4) shall prepare, on a form prescribed by the city clerk, a written statement describing the matter requiring action or decision and the nature of his or her conflict of interest. The written statement shall be distributed to the employee's immediate supervisor and department head, and filed with the city clerk.

(5) All initial written statements required by this section shall be filed not later than June 1, 2003. Thereafter, they shall be filed and distributed within one (1) week after the local official or employee becomes aware of the conflict of interest.

(6) If the local official or employee has a supervisor, the supervisor shall assign the matter, if possible, to another person who does not have a conflict of interest. If they have no immediate supervisor, the local official or employee shall remove himself or herself from participating in the action or decision in question. If the local official is a member of the city council or the mayor, the local official shall not participate in any discussion or vote on any matter involving the conflict of interest. Although the mayor or city council member must abstain from voting on the matter, he or she shall be counted present for purposes of a quorum. (2003-Or-034, § 1, 3-21-03; 2007-Or-066, § 1, 8-31-07; 2009-Or-033, § 1, 4-24-09)

15.50. Soliciting or accepting gifts. (a) A local official or employee shall not solicit or accept any gift from an interested person, lobbyist, or principal who has a direct financial interest in a decision that the local official or employee is authorized to make.

(b) Exceptions. The prohibitions in this section do not apply if the gift is:

(1) A campaign contribution as defined in Minnesota Statutes, Section 10A.01, subd. 11;

(2) A service 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, or services to constituents;

(3) A service of insignificant monetary value;

(4) A plaque or similar memento with a resale value of five dollars ($5.00) or less;

(5) A trinket or memento costing five dollars ($5.00) or less;

(6) Informational material of unexceptional value;

(7) 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;

(8) Given because of the recipient's membership in a group, a majority of whose members are not officials, and an equivalent gift is given to the other members of the group; or

(9) Given by an interested person, lobbyist, or principal who is a related person to the recipient, unless the gift is given on behalf of someone who is not a related person.

(10) A solicitation for city purposes conducted pursuant to a city council approved solicitation policy. Absent a city council approved solicitation policy, a solicitation for city purposes must be pre-approved by city council.

(c) A local official or employee who receives any gift prohibited by this section shall return, dispose of, or request that the city council accept the gift on behalf of the city. (2003-Or-034, § 1, 3-21-03; 2007-Or-066, § 2, 8-31-07; 2009-Or-033, § 2, 4-24-09)

15.60. Outside employment. (a) A local official or employee shall not accept employment or enter into a contract that:

(1) Interferes with the proper discharge of his or her public duty; or

(2) Creates a conflict of interest that would materially impair the local official's or employee's ability to serve the city.

Local officials, as defined in section 15.280(m)(3), who are not subject to provisions (c) and (d) of this section must still comply with this provision.

(b) Except for employment with the city, a local official or employee shall not accept employment or enter into a contract with any party or beneficiary to:

(1) A pending or existing city contract if the local official or employee participated in the negotiation, development, awarding, or management of that contract; or

(2) Any other matter involving the local official's or employee's department or agency if the local official or employee participated in that matter.

(c) A local official, as defined in section 15.280(m)(1) or (m)(2) of this ordinance, or an employee shall not solicit or accept any money or other thing of value in return for advice or assistance on matters concerning the operation or business of city government.

(d) A local official, as defined in section 15.280(m)(1) or (m)(2) of this ordinance, or an employee shall not represent any person or organization for a fee or any other thing of value, before the mayor, the city council, any city council committee member, or the executive committee, before any department of the city, or before any city board, agency, commission, or committee of a city board, agency or commission.

(e) An appointed local official, as defined in section 15.280(m)(2) of this ordinance, or an employee shall:

(1) Notify his or her department head before accepting outside employment or entering into a contract for services. Notification shall be in writing on the form prescribed by the city clerk.

(2) Not use city facilities or equipment to solicit or perform outside work. This provision shall not apply to sworn employees of the police or fire department who use city facilities or equipment for outside work in accordance with written department policies.

(3) Not solicit or perform outside work during the local official's or employee's hours of employment. The written permission must address the use of vacation or compensatory time, if applicable. (2003-Or-034, § 1, 3-21-03; Ord. No. 2003-Or-101, § 1, 7-25-03; 2007-Or-066, § 3, 8-31-07)

15.70. Use of official position to solicit privileges or special treatment. A local official or employee shall not use his or her official position to solicit privileges or special treatment, unless the privileges or special treatment are for the benefit of the city. (2003-Or-034, § 1, 3-21-03)

15.80. Statements of economic interest. (a) Minnesota Statutes, Sections 10A.01 and 10A.09 require a local official who holds elective office in the city or who is appointed to or employed in a public position in the city in which the person has authority to make, to recommend, or to vote on as a member of a decision making body, major decisions regarding the expenditure or investment of public money to file a statement of economic interest. In accordance with these statutes and with the provisions of this ordinance, the following persons shall file a statement of economic interest with the city clerk on a form prescribed by the city clerk. The statement of economic interest shall include sections for disclosing sources of compensation, securities, real property, investments in pari-mutuel horse racing, and loans. A loan from a financial lending institution, negotiated by unrelated parties each acting in his or her own self interest, with an interest rate of at least a market rate, does not need to be reported. The statement shall include the economic interests of the person filing the statement and his or her spouse or domestic partner, if any.

(1) A candidate for the office of mayor, city council member, or board of estimate and taxation member within fourteen (14) days after filing an affidavit of candidacy or petition to appear on the ballot for an elective city office; and

(2) An elected local official, as defined in section 15.280(m)(1) of this ordinance, within sixty (60) days after commencing his or her term of office; and

(3) Appointed local officials, as defined in section 15.280(m)(2) of this ordinance, or employees, within sixty (60) days of accepting appointment or employment as a local official or employee in a position which the city council has determined has authority to make, to recommend, or to vote on as a member of a decision making body, major decisions regarding the expenditure or investment of public money. The list of these positions shall be maintained by the department of human resources; and

(4) Individuals appointed or designated by the mayor or appointed by the city council to the following agencies, authorities, or instrumentalities, within sixty (60) days of accepting appointment or employment as a local official:

Bassett Creek Watershed Management Commission

Family Housing Fund, Minneapolis/St. Paul

Planning Commission, Minneapolis

Public Housing Authority, Minneapolis

Shingle Creek Watershed Management Commission

Sports Facilities Commission, Metropolitan.

(b) Each individual who is required to file a statement of economic interest shall file a supplementary statement on April 15 of each year that he or she remains a local official if information on the most recently filed statement has changed. A local official shall file a supplementary statement within ten (10) days after becoming aware of an inaccuracy in any previously filed statement.

(c) Within thirty (30) days after leaving office, a local official shall file a statement of economic interest covering the period from the end date of the most recent statement through the last day of service as a local official if information on the most recently filed statement has changed.

(d) Individuals required to file a statement of economic interest are subject to the penalty provisions of Minnesota Statutes, Section 10A.09 and this ordinance. All statements filed with the city clerk shall be public data. (2003-Or-034, § 1, 3-21-03; 2007-Or-066, § 4, 8-31-07)

15.90. Post employment restrictions. (a) A former local official or employee shall not disclose or use any confidential, private, nonpublic, privileged or proprietary information gained by reason of his or her city employment.

(b) During the period of one (1) year after leaving city office or employment:

(1) A local official, as defined in section 15.280(m)(1) of this ordinance, shall not represent or lobby on behalf of any person or organization on any matter before the city.

(2) A local official, as defined in section 15.280(m)(2) of this ordinance, or an employee shall not represent or lobby on behalf of any person or organization on any matter before the city in which the former local official or employee participated. A local official, as defined in section 15.280(m)(3) of this ordinance, may only represent or lobby on behalf of a person or organization on a matter before the city in which the former local official participated when that participation was only advisory in nature.

(3) A local official or employee shall not participate as a competitor in any competitive selection process for a city contract, nor shall any city contract be awarded to such a former local official or employee, in which they assisted the city in recommending or approving the project or work to be done or recommending or approving the process to be used.

(c) The prohibitions of this section shall not apply to a former local official or employee acting on behalf of the city, its departments, independent boards and

commissions, or another governmental agency unless such assistance or representation is adverse to an adopted policy or position of the city. (2003-Or-034, § 1, 3-21-03)

15.100. City property. A local official or employee shall not engage in or permit the unauthorized use or destruction of city property. (2003-Or-034, § 1, 3-21-03)

15.110. Political activity. (a) A local official or employee shall not use his or her official authority or influence to compel any person to apply for membership in or become a member of any political organization, to pay or promise to pay a political contribution, or to take part in political activity.

(b) A candidate for, or holder of, elective office is subject to the campaign finance and public disclosure provisions of Minnesota Statutes, Chapter 10A and Chapter 383B. (2003-Or-034, § 1, 3-21-03)

15.120. Loans. (a) A local official or employee, or the spouse or domestic partner of the local official or employee, or any entity in which the local official or employee or his or her spouse or domestic partner has a financial interest, shall not apply for, solicit, accept or receive a loan of any amount from any person, organization, or entity that is either doing business with or seeking to do business with the city. However, this section shall not prohibit application for, solicitation for, acceptance of or receipt of a loan from a financial lending institution if the loan is negotiated by unrelated parties, each acting in his or her own self interest and the interest rate charged is at least a market rate.

(b) This section shall not prohibit a local official or employee, or the spouse or domestic partner of a local official or employee, from applying for, soliciting, accepting, or receiving a loan from an entity such as an employer-sponsored credit union, insurance provider or deferred compensation plan that does business with the city or is seeking to do business with the city.

(c) This section shall not prohibit an appointed local official or employee, or the spouse or domestic partner of an appointed local official or employee, from applying for, soliciting, accepting, or receiving a loan from the Minneapolis Community Development Agency (MCDA), the Neighborhood Revitalization Program (NRP), or another city-sponsored or city-administered loan program. (2003-Or-034, § 1, 3-21-03)

ARTICLE II. FAIRNESS

15.130. Ethical aspiration. We act honestly, fairly, and openly so that others can rely in good faith on our words and actions. We do not engage in or tolerate any act of discrimination, retaliation, harassment or abuse. We maintain and respect confidentiality and decide all matters based on their merits, free from improper influences (2003-Or-034, § 1, 3-21-03)

15.140. Required reporting of fraud; unlawful use of public funds or property. Whenever a local official or employee discovers evidence of fraud, theft, embezzlement, forgery, or unlawful use of public funds or property, the local official or employee shall promptly report the discovery in writing to the city coordinator and the internal auditor or to the confidential reporting line. If necessary under state law, the city coordinator shall forward the report to the Minnesota State Auditor. (2003-Or-034, § 1, 3-21-03; 2007-Or-066, § 5, 8-31-07)

15.150. Discrimination or harassment. A local official or employee shall not engage in discrimination or harassment in the workplace based on race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation or age. (2003-Or-034, § 1, 3-21-03; 2006-Or-063, § 1, 6-16-06)

15.160. Nepotism. (a) No local official or employee shall be the immediate supervisor, or that supervisor's immediate supervisor, of a related person. The human resources department will work with the affected related persons to resolve violations of this provision that exist because of existing supervisory relationships. All such violations must be resolved by June 1, 2005.

(b) A local official or employee of the city shall not influence or attempt to influence the hiring, transfer, suspension, promotion, discharge, reward, discipline or the adjustment of grievances of a related person.

(c) A local official or employee of the city shall not influence or attempt to influence the awarding of a city contract to a related person. No local official or employee shall be responsible for managing a city contract with a related person. (2003-Or-034, § 1, 3-21-03; 2005-Or-010, § 1, 2-11-05)

15.170. Use or disclosure of information. (a) A local official or employee shall not use or disclose any information gained in the course of or by reason of his or her official position in any way that violates his or her fiduciary duty to the city or the Minnesota Government Data Practices Act.

(b) A local official or employee shall not use or disclose privileged, nonpublic, confidential, private, or proprietary information gained in the course of his or her official duties in any way that could result in financial gain for the local official or employee, or for the spouse, domestic partner, or dependent of the local official or employee, or for a person in a committed relationship with the local official or employee, or for any associated business of the local official or employee, or his or her spouse, domestic partner, dependent, or person with whom he or she has a committed relationship. (2003-Or-034, § 1, 3-21-03)

ARTICLE III. ACCOUNTABILITY

15.180. Ethical aspiration. We comply with both the letter and the spirit of applicable federal and state law and regulations, the city charter, the Minneapolis Code of Ordinances and city policies and procedures. (2003-Or-034, § 1, 3-21-03)

15.190. Avoiding bias or favoritism. When making decisions, a local official or employee shall act for the benefit of the city, avoid bias or favoritism, and shall respect cultural differences. (2003-Or-034, § 1, 3-21-03)

15.200. Inappropriate influence. (a) The role of a local official or employee is to exercise his or her judgment to further the best interests of the city. For an appointed local official or employee this includes making recommendations to elected officials and providing elected officials with multiple policy options and the advantages and disadvantages of these options. Once the city council and/or the mayor officially sets policy, the job of a local official, as defined in section 15.280(m)(2) of this ordinance, or an employee is to implement the policy in good faith, regardless of his or her personal views.

(b) An elected local official or the employee of an elected local official shall not inappropriately influence the exercise of professional judgment by the city's staff. Examples of inappropriate influence by an elected official, or the employee of an elected official, include asking or ordering an appointed local official or employee to:

(1) Violate this code of ethics or an applicable code of professional responsibility under which the local official or employee operates; or

(2) Do a special favor or make an exception for a constituent or other individual or organization contrary to existing law or adopted city policy; or

(3) Misrepresent that local official's or employee's recommendation to other elected officials. (2003-Or-034, § 1, 3-21-03)

15.210. Ethical practices board. (a) The ethical practices board will be composed of three (3) members appointed by an appointing committee. The members of the appointing committee shall be the Chief Judge of Hennepin County District Court, the Dean of the University of Minnesota Law School, and the Dean of the University of St. Thomas School of Law. In making the appointments, the committee shall follow the city's open appointments process, supplemented by the following:

(1) The ethics officer shall notify non-partisan civic and community groups, colleges and universities of any openings on the board.

(2) At least thirty (30) days prior to making an appointment, the committee shall submit the names of the finalists for the position to the mayor and the city council for comment.

(3) Upon receiving the names, the city council shall schedule a public hearing to solicit public input on the finalists.

(b) One (1) member of the ethical practices board will be appointed for an initial term to expire on January 2, 2005; two (2) members will be appointed for an initial term to expire on January 2, 2006. All subsequent appointments will be made for three (3) year terms. All members shall serve until their successors have been appointed and qualified. The appointing committee may remove a board member for cause at any time during the board member's term of office. The chair of the board shall be elected by the membership from among its members.

(c) No member of the ethical practices board may be a local official or city employee; the related person of a local official or city employee; a candidate for elected public office; a person who, for compensation, represents the private interests of others before the city council or mayor; or a paid campaign worker or political consultant of a current local official.

(d) The ethical practices board shall have jurisdiction to review and make findings concerning any alleged violation of this ethics code by any person subject to those provisions, including but not limited to a current or former elected or appointed local official who is a member of an agency, authority, or instrumentality listed in section 15.280(m)(3) of this Code. The ethical practices board may not consider any alleged violation that occurred before the adoption of this Code or more than one (1) year before the date of the filing of a complaint.

(e) The ethical practices board has the following powers only:

(1) To establish, amend and repeal rules and procedures governing its own internal organization and operations in a manner and form consistent with this Code.

(2) To meet as often as necessary to fulfill its responsibilities.

(3) To request from the mayor and city council the appointment of such staff as is necessary to carry out the duties of the board.

(4) To make notifications, extend deadlines and conduct investigations.

(5) To respond to local official and employee complaints and questions regarding this Code.

(6) To give opinions on the interpretation of this Code.

(7) To make findings of fact as necessary.

(8) To make recommendations of discipline for violations of this Code by elected and non-employee local officials.

(9) To review, index, maintain on file and dispose of complaints.

(10) Such other powers as are specifically granted in this Code.

(f) The ethical practices board shall prepare and submit an annual report to the mayor and the city council detailing the ethics activities of the board and the city during the prior year. The format of the report must be designed to maximize public and private understanding of the board and city ethics activities. The report may recommend changes to the text or administration of this Code. The city clerk shall take reasonable steps to ensure wide dissemination and availability of the annual report of the ethical practices board and other ethics information reported by the board. (2003-Or-034, § 1, 3-21-03; 2007-Or-066, § 6, 8-31-07; 2009-Or-033, § 3, 4-24-09)

15.220. Ethics officer. The city attorney shall designate an assistant city attorney as the city's ethics officer. The ethics officer shall respond to local official and employee questions about this Code, give opinions on interpretation of this Code, and serve as the staff to the ethical practices board. The ethics officer shall work with the human resources department to design the ethics education seminars required by this Code. The ethics officer shall also work to promote the city's ethics program and high ethical standards in city government. (2003-Or-034, § 1, 3-21-03)

15.230. Code of ethics violations. (a) A local official or employee must report any conduct by other local officials or employees that he or she believes violates this Code of ethics.

(1) The suspected misconduct of a non-appointed employee must be reported to either the alleged violator's supervisor or department head or to the ethics officer or to the confidential reporting line. Conduct reported shall be referred to the appropriate official for investigation.

(2) The suspected misconduct of an appointed employee who is not a department head must be reported to either the alleged violator's supervisor or department head or to the ethics officer or to the confidential reporting line. Conduct reported shall be referred to the appropriate official for investigation.

(3) The suspected misconduct of a department head, an elected official, or an appointed local official who is a member of an agency, authority, or instrumentality listed in section 15.280(m)(3) must be reported to either the ethical practices board or the confidential reporting line.

(b) Once a situation is reported under clause (a)(1) or (a)(2) above, the supervisor or department head has a duty to immediately investigate the alleged violation.

(c) When a situation reported under clause (a)(1) or (a)(2) above is resolved, the supervisor or department head must notify the ethics officer of the report and resolution. (2003-Or-034, § 1, 3-21-03; 2007-Or-066, § 7, 8-31-07)

15.240. Sanctions. (a) An appointed or classified employee who violates the code of ethics may be subject to disciplinary action, up to and including termination of city employment.

(b) The ethical practices board shall review allegations of violations of this Code of ethics by an elected official, a department head, or an appointed local official who is a member of a city agency, authority or instrumentality listed in section 15.280(m)(3) of this Code. Once the review is complete the ethical practices board shall report its findings regarding an elected official to the mayor, the ways and means/budget committee and the city council. The ethical practices board shall report findings regarding a department head to the appropriate appointing authority. The ethical practices board shall report findings regarding an appointed local official who is a member of a city agency, authority or instrumentality listed in section 15.280(m)(3) of this Code to the appropriate appointing authority.

(c) The statement of economic interest required by this Code of ethics shall be signed and certified as true by the person required to file the report. Any person who signs and certifies that a report or statement is true, which he or she knows contains false information or knows omits required information is guilty of a misdemeanor. (2003-Or-034, § 1, 3-21-03)

15.250. City contract compliance. All city contracts shall include a provision requiring compliance with this code of ethics. Any contracts negotiated, entered into or performed in violation of any of the provisions of this Code shall be voidable as to the city. Any permit, license, ruling, determination or other official action of the city applied for or in any other manner sought, obtained or undertaken in violation of the provisions of this Code may be invalidated or rescinded. (2003-Or-034, § 1, 3-21-03)

15.260. Ethics education. Each local official or employee shall attend an ethics education seminar within twelve (12) months of the effective date of this ordinance. New employees and local officials shall attend an ethics education seminar within six (6) months of becoming a local official or employee. Employees shall attend ethics education seminars every three (3) years thereafter. Non-employee local officials and elected local officials shall attend an ethics education seminar every four (4) years thereafter. The seminar shall educate persons as to their duties and responsibilities under this Code. The human resources department shall design and implement the ethics education seminars. Department heads are responsible for ensuring that all of their employees attend this training. (2003-Or-034, § 1, 3-21-03; 2009-Or-033, § 3, 4-24-09)

15.270. Additional ethical standards permitted. The code of ethics defines standards of conduct below which no local official or employee should fall. A city department, agency, authority, or instrumentality may adopt and enforce additional ethical standards as needed. (2003-Or-034, § 1, 3-21-03)

15.280. Definitions. (a) Associated business means any association in connection with which the individual is compensated in excess of fifty dollars ($50.00) in any month, except for actual and reasonable expenses, as a director, officer, owner, member, partner, employer or employee, or is a holder of securities worth two thousand five hundred dollars ($2,500.00) or more at fair market value.

(b) Candidate means any individual who files an affidavit of candidacy or petition to appear on the ballot for the offices for mayor, city council member or board of estimate and taxation member.

(c) Confidential information means information that is not accessible to the public or to the subject of the information, if any.

(d) Conflict of interest means a situation where a local official or employee, in the discharge of official duties, participates in a governmental decision, action or transaction in which he or she has a financial interest, except when that interest is no greater than that of another member of his or her business classification, profession or occupation.

(e) Department head means:

Assistant city coordinator, chief information officer

Assistant city coordinator, city finance officer

Assistant city coordinator, communications

Assistant city coordinator, director, intergovernmental relations

Assistant city coordinator, director of human resources

Assistant city coordinator, emergency communications director

Assistant city coordinator, Minneapolis Convention Center

Assistant city coordinator, regulatory services and emergency preparedness

City assessor

City attorney

City coordinator

Commissioner of health

Chief of fire

Chief of police

City clerk

Director of the department of civil rights

Director of the department of community planning and economic development director of public works.

(f) Election means a general, special, primary or special primary election.

(g) Employee means a person who holds a civil service title or position in the city. The term "employee" shall not include a local official, anyone in the hire of the park and recreation board or library board, or any independent contractor.

(h) Financial interest means any interest, including loans, which shall yield, directly or indirectly, a monetary or other material benefit to the local official or employee (other than monetary or material benefits authorized by the city). A financial interest of a local official's or employee's employer (other than the City of Minneapolis), his or her associated business, or his or her spouse, domestic partner, or dependent shall also be considered a financial interest of the local official or employee. The following assets shall not be considered a financial interest for purposes of this section:

(1) Ownership of shares in a diversified mutual fund.

(2) Membership in a pension plan or employee benefit plan.

(3) Ownership of bonds or publicly traded securities with a market value of less than two thousand five hundred dollars ($2,500.00).

(4) Ownership of a whole life insurance policy.

(i) Gift means money, real or personal property, a service, a loan, a forbearance or forgiveness of indebtedness, or a promise of future employment, that is given and received without the giver receiving consideration of equal or greater value in return.

(j) Interested person means a person or a representative of a person or association that has a direct financial interest in a decision that a local official or employee is authorized to make.

(k) Lobby means to attempt to influence any city council or mayoral action, city administrative action, or city proceeding by communicating or urging others to communicate with local officials or employees.

(l) Lobbyist means an individual engaged for pay or other consideration, or authorized to spend money by another individual, association, political subdivision, or public higher education system, or an individual who spends more than two hundred fifty dollars ($250.00) in any year, for the purpose of attempting to influence legislative or administrative action, or other city action, by communicating or urging others to communicate with public or local officials.

(m) Local official means a person holding the following elected or appointed positions:

(1) The following elected officials: city council members; the mayor; and elected members of the board of estimate and taxation; and

(2) Persons employed by the city in appointed positions, or holding the title of an appointed position. A list of the city's appointed positions shall be maintained by the department of human resources.

(3) Individuals appointed or designated by the mayor or appointed by the city council to agencies, authorities, or instrumentalities including, but not limited to, the following:

Arts Commission, Minneapolis

Bassett Creek Watershed Management Commission

Central Avenue Special Service District Advisory Board

Citizen Environmental Advisory Committee (CEAC)

Civil Rights Commission, Minneapolis

Civil Service Commission, Minneapolis

Civilian Review Authority, Minneapolis

Community Development Agency, Minneapolis

Dinkytown Special Service District Advisory Board

Disabilities, Minneapolis Advisory Committee on People With

Downtown Skyway Advisory Committee

Family Housing Fund, Minneapolis/St. Paul

Forty-Third Street West and Upton Avenue South Special Service District

Franklin Avenue East Special Service District Advisory Board

Hennepin Theatre District Special Services District

Heritage Preservation Commission, Minneapolis

Housing Board of Appeals

Latino Community Advisory Committee to the Mayor and City Council

Nicollet Avenue South Special Services District

Nicollet Mall Advisory Board

Planning Commission, Minneapolis

Public Health Advisory Committee

Public Housing Authority, Minneapolis

Real Estate Advisory Board

Rental Dwelling License Board of Appeals

Riverview Special Service District Advisory Board

Senior Citizen Advisory Committee to the Mayor and City Council

Shingle Creek Watershed Management Commission

South Hennepin Avenue Special Service District

Sports Facilities Commission, Metropolitan

Stadium Village Special Service District Advisory Board

Telecommunications Network, Minneapolis, (MTN)

Truth in Sale of Housing Board of Appeals

Uptown Special Service District Advisory Committee

Urban Environment, Committee on (CUE)

Workforce Investment Board (formerly Private Industry Council)

Zoning Board of Adjustment

The term local official shall not include individuals appointed to the following agencies, authorities, or instrumentalities:

Metropolitan Airports Commission

Capital Long Range Improvements Committee

Empowerment Zone Governance Board

Homelessness, County Advisory Board

(n) Nonpublic information means information that is not accessible to the public, but is accessible to the subject of the information, if any.

(o) Official means a public official, an employee of the legislature, or a local official of a metropolitan governmental unit.

(p) Participate or participation means making a decision, taking action, providing advice or a recommendation, introducing, sponsoring, debating, voting on, approving, or investigating the decision, action, or transaction. Participation includes the direct and active supervision of the participation of a subordinate in the matter. Participation is more than official responsibility, knowledge, perfunctory involvement, or involvement on an administrative or peripheral issue.

(q) Principal means an individual or association that:

(1) Spends more that five hundred dollars ($500.00) in the aggregate in any calendar year to engage a lobbyist, compensate a lobbyist, or authorize the expenditure of money by a lobbyist; or

(2) Is not included in clause (1) and spends a total of at least fifty thousand dollars ($50,000.00) in any calendar year on efforts to influence city council action, administrative action, or other city action.

(r) Private information means information that is not accessible to the public but is accessible to the subject of the information.

(s) Privileged information means information that is learned by a local official or employee in the course and scope of his or her duties, and includes information that the law protects from forced disclosure because of a protected relationship, such as the attorney-client relationship.

(t) Professional conflict of interest means a situation where the interests of a principal of the lobbyist are or may be adverse to the interests of the city.

(u) Proprietary information means information belonging exclusively to the city.

(v) Related person shall mean a person in a marital relationship, a domestic partner relationship or other committed relationship with a local official or employee, or in a significant familial relationship with a local official or employee.

(w) Significant familial relationship means:

(1) By blood or adoption: parent, child, grandparent, grandchild, brother, sister, half-brother, half-sister, uncle, aunt, nephew, niece, first cousin.

(2) By marriage: husband, wife, stepparent, stepchild, stepbrother, stepsister, brother-in-law, sister-in-law, father-in-law, mother-in-law, son-in-law, daughter-in-law, uncle, aunt, nephew, niece. Divorce terminates a significant familial relationship by marriage. (2003-Or-034, § 1, 3-21-03; 2005-Or-010, § 2, 2-11-05; 2007-Or-066, § 8, 8-31-07)