RESOLUTION

By B. Johnson

Finding Council Member Cano's posting of constituent contact information stored in the City's Constituent Relationship Management System on her twitter account violated the ethical aspirations but not the substantive rules of the Ethics in Government Ordinance and dismissing ethics complaint 2015-44.

Whereas, on March 21, 2003, the City adopted the Ethics in Government Code ("Ethics Code") to promote high ethical standards and conduct, to foster a healthy ethical culture throughout government, and guide employees and elected officials in fulfilling their responsibilities to the people of Minneapolis; and

Whereas, the Ethics Code consists of both ethical aspirations encouraging high ethical standards and conduct which foster a healthy ethical culture as well as rules defining levels of conduct below which no local official or employee can fall without being subject to disciplinary action; and

Whereas, the Ethics Code, §15.20, states in part that "[we] put the public interest ahead of our own personal advancement and financial interests" and "do not use our positions to gain privileges or special treatment and do not use public property or personnel for private or personal purposes;" and

Whereas, the Ethics Code, §15.130, states in part "[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;" and

Whereas, the Ethics Code, §15.180, states in part "[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;" and

Whereas, the Ethics Code, §15.100, prohibits the unauthorized use or destruction of city property and the Electronic Communications Policy requires the City's electronic communications system to be used primarily for matters directly related to the business activities of the City and to provide services that are efficient, accurate, timely, and complete; and

Whereas, between December 23, 2015, and January 11, 2016, the Ethics Officer received complaints regarding Council Member Cano's December 23 posting of constituent contact information obtained from the City's Constituent Relationship Management System; and

Whereas, such posting does not adhere to the high ethical principles and conduct which the Ethics Code demands from elected officials in fulfilling their responsibilities to the people of the City of Minneapolis; and

Whereas, the complaints were consolidated into Ethics Complaint 2015-44; and

Whereas, the Ethical Practices Board ("Board") has jurisdiction to consider and make recommendations regarding ethical complaints against council members alleging incidents occurring not more than one year prior to the date of the filing of the complaint. Ethics Complaint 2015-44 was timely and the Board has jurisdiction; and

Whereas, on March 22, 2016, the Board conducted a hearing on this matter as required by §8.4 of the Rules. Pursuant to Minnesota Statute §13D.05, subdivision 2B, the hearing was closed; and

Whereas, on May 17, 2016, pursuant to §9.1 of the Rules, the Board issued Findings of Fact, Conclusions of Law, and Recommendation accompanied by a memorandum; and

Whereas, pursuant to Minneapolis Code of Ordinances §15.240(b) and §8.2 of the Rules, the Board is obligated to forward complaints regarding an elected official to the Mayor and City Council for final determination; and

Whereas, on August 19, 2016, the City Council preliminarily reviewed the record of this matter, fully considering the Ethical Practices Board's Findings of Fact, Conclusions of Law and Recommendation and the corresponding memorandum; and

Whereas, the City Council is committed to maintaining the highest ethical standards and to holding its members personally accountable for conduct in violation of the Ethics Code;

Now, Therefore, Be it Resolved by The City Council of the City of Minneapolis:

That the City Council determines Council Member Cano violated all three ethical aspirations but not the substantive rule sections of the Ethics in Government Code by posting constituent contact information on her Twitter account.

Be It Further Resolved that the City Council hereby dismisses the complaint.