



**Request for City Council Committee Action  
From the City Attorney's Office**

**Date:** August 16, 2007  
**To:** Ways & Means/Budget Committee  
**Subject:** Proposed Amendments to the Ethics Ordinance

**Recommendation:** That your Committee approve the Ethics Ordinance amendments amending sections relating to conflicts of interest, gifts, outside employment, statements of economic interest, required reporting, the Ethical Practices Board, ethics violations, and corresponding definitions.

**Previous Directives:** None

**Prepared by:** Susan Trammell, Ethics Officer Phone: 612-673-3230

**Approved by:** *Jay M. Heffern*  
Jay M. Heffern,  
City Attorney

**Presenter in Committee:** Susan L. Trammell,  
Assistant City Attorney  
Minneapolis Ethics Officer

**Financial Impact** (Check those that apply)

No financial impact (If checked, go directly to Background/Supporting Information).

Action requires an appropriation increase to the \_\_\_\_\_ Capital Budget or \_\_\_\_\_ Operating Budget.

Action provides increased revenue for appropriation increase.

Action requires use of contingency or reserves.

Business Plan: \_\_\_\_\_ Action is within the plan. \_\_\_\_\_ Action requires a change to plan.

Other financial impact (Explain):

Budget request previously provided to the Budget Office and Mayor's Office pursuant to the 2007 budget cycle schedule.

**Community Impact:** See below

**Background/Supporting Information**

A number of amendments are being proposed to the City's Ethics Ordinance initially adopted on March 23, 2003. A number of these changes result from issues encountered while both implementing the ordinance and interpreting the ordinance for officials and employees. Each proposed amendment is discussed below.

**15.40, Conflicts of interest**

The first change is to section 15.40, Conflicts of interest. The definition of conflict of interest is amended to take into account situations in which an elected official or employee could be impacted by the litigation but has no interest greater than the interest of other similarly impacted citizens of the City. In these litigation situations, participation would be

permitted but disclosure of the financial interest would also be required. An example of this situation is the Metropolitan Airport Commission litigation. A number of City employees own property within the areas at issue for soundproofing. Without the amendment, the City would be left without the advice, technical expertise and professional experience of the employees. The proposed amendment would not apply to situations in which the employee's property or other financial interest is the sole issue of the litigation.

As currently drafted, 15.40(b)(4) requires that lobbyists disclose all "clients" of the principals for whom they lobby. Literal application of this language would require Lobbyist A, who is a lobbyist for both the City and Insurance Company, to disclose a list of all Insurance Company's "clients". Information received from members of the original Ethics Task Force indicates that the intent was only to require a list of all principals that are clients of the lobbyist and the lobbyist's firm.

Amendments to 15.40(c)(3) and the addition of a new employee declaration section recognize that the members of the City's boards and committees usually do not have supervisors. Separate provisions for employees and members of the boards and committees should result in more clarity surrounding disclosure requirements. The amendments are also intended to address situations in which the City's appointed officials, non-employee, discover conflicts during meetings of the board or committee upon which they serve.

### **15.50, Soliciting or accepting gifts**

The second section amended is the prohibition against gifts, section 15.50. The heading is changed to delete the word "personal" as the inclusion gives the impression that the scope of the ordinance is narrower than the plain reading supports. The heading is not part of the ordinance itself and should be corrected to reflect the language of the ordinance.

Exception (b)(9) was added because the city council has requested that the Ethics Officer prepare recommendations for a city solicitation policy. This language would make it clear that solicitations conducted pursuant to that policy would be permissible. A solicitation policy is being prepared and should be ready for council review in the beginning of the fourth quarter 2007.

### **15.60, Outside employment**

The third section amended is the outside employment section. "Obtain written permission from" was changed to "notify" because of the number of concerns raised by employees about the City's permission being required for activities outside of City employment. The resulting language would still permit a department head to inform the employee that the outside employment would either interfere with the proper discharge of the employee's public duty in violation of 15.60(a) (1) or would create a conflict of interest that would materially impair the employee's ability to serve the City in violation of 15.60(a)(2). In such situations, the notification would result in the employee not being able to accept the outside employment.

The inclusion of the sworn firefighters in subsection 15.60(e)(2) resulted from discussions with the Fire Department about outside employment. There are situations where firefighters might use their city-issued gear when responding to outside employment emergency calls.

### **15.80, Statements of economic interest**

The fourth section amended is the Statements of Economic Interest section. Section 15.280(m)(1) of the Ethics Code defines the elected officials subject to the Ethics Code as the mayor, city council members, and the elected board of estimate and taxation members. As currently written, the Ethics Code, section 15.80(a)(2) requires the elected officials to file a SEI within 60 days of commencing his or her term but section 15.80(a)(1) requires only candidates for mayor and city council to file SEI. The proposed amendment to section 15.80(a)(1) makes the filing of SEI a requirement for all Board of Estimate candidates as it does for the mayoral and city council candidates.

### **15.140, Required reporting of fraud; unlawful use of public funds or property.**

The fifth amendment is an addition of language permitting an employee to make a required report of fraud through use of a City confidential reporting line. This amendment is in anticipation of the implementation of the confidential reporting

line pursuant to the Council Action of January 12, 2007. The assigned confidential reporting line implementation committee is in the process of reviewing vendor proposals and is moving forward towards implementation.

### **15.210, Ethical practices board**

The sixth amendment is a housekeeping amendment to section 15.210, the Ethical Practices Board section. The change does not substantively change the ordinance.

### **15.230, Code of ethics violations**

The seventh amendment is to section 15.230, relating to ethics code violations. The change from "improper conduct" to "suspected misconduct" was a change suggested by the EPB in response to concerns as to why employees may not report suspected ethical violations. The premise is that use of the phrase improper conduct signifies a level of certainty of misconduct that is not actually required. The changes also anticipate the implementation of the confidential reporting line pursuant to the Council Action of January 12, 2007.

### **15.280 Definitions.**

The last proposed amendments involve changes to various current definitions and the addition of a definition for the term "official".

#### **Local Official**

Pursuant to the definition of "local official" in section 15.280(m)(1) of the Ethics Code, the elected officials subject to the Code are the mayor, city council members, and the board of estimate and taxation members. The definition of candidate, 15.280(b) has been changed to reflect only the offices subject to the Ethics Code and keep the definition of candidate consistent with other related definitions.

#### **Department Head**

Section 15.280(e) has been amended to reflect the March 31, 2006, City Council action approving a department of human resources request related to positions in the unclassified service. Titles were officially changed as a result of that City Council action. In addition, the MCDA no longer has a director as that role has been assumed by the Director of the Department of Community Planning and Economic Development and the current ordinance definition omitted the director of the convention center.

#### **Local Official**

Section 15.280(m) has been amended to eliminate the Hiawatha Corridor Light Rail Transit Community Advisory Committee as it is no longer an active committee of the City according to the City Clerk's office.

Section 15.280(m) has also been amended to add a list of specific exclusions. The proposed amendment is to address an issue created at the time of the adoption of the original ethics ordinance. On the date of adoption, Council Member Goodman moved to amend the proposed Ordinance to delete reference to the above commissions/boards from §15.80, Statements of economic interest. The amendment was adopted. The effect of that amendment is clear: individuals appointed or designated by the Mayor or City Council to those four commissions are NOT required to file a statement of economic interest with the City pursuant to the City's Ethics Code. Note, however, that the statutory provision regarding filing of SEI's, Minn. Stat. §10A.09, may apply directly to the members of one or more of these commissions or boards.

Council Member Goodman made a related motion to amend that was also adopted. The definition of "local official" in §15.280 (m) was amended prior to adoption to deleting the Metropolitan Airports Commission, Capital Long Range Improvements Committee, Empowerment Zone Governance Board, Homelessness, County Advisory Board, Minneapolis Public Library Board of Trustees.

Former Ethics Officer Lansing's notes from the Council meeting indicate that it was Council Member Goodman's intent to exempt members of these four commissions from the jurisdiction of the City's Ethics Code altogether. However, the

actual effect of the amendment to 15.280(m)(3) is ambiguous because the preface to the list of affected agencies applies to the agencies "including, but not limited to, the following." 15.280(m)(3) defines as "local officials" those "individuals appointed or designated by the mayor or appointed by the city council to agencies, authorities, or instrumentalities . . . ." The list that follows is intended to be as comprehensive as possible, but ultimately, it is only illustrative. Section 15.280(m)(3) was drafted in this manner in order that City appointees to new (or overlooked) agencies would be subject to the Ethics Code without need for an amendment to the definition of "local official."

Thus, although the names of the four commissions identified in Council Member Goodman's motion were deleted from the list of agencies in 15.280(m)(3), it is fair to say that individuals appointed by the Mayor or Council to those four organizations remain subject to the Ethics Code as it is currently written. The proposed amendment would clarify that the individuals appointed to the list of excluded commissions would not be subject to the Ethics Code. The Minneapolis Public Library is not included on the exclusion list due to its upcoming merger with the Hennepin County Library System.

### **Official**

A definition is proposed for the term "official" because that term is used in the gift prohibition ordinance, section 15.50(b)(8), but the term is not currently defined by the Ethics Code. When questions have been asked of the various Ethics Officers regarding the meaning of the term "official", all of the Ethics Officers have looked to the state's gift prohibition language which contains an exception identical to our section 15.50(b)(8). The proposed definition is the same definition used in the state gift prohibition statute.

PM: SLT 07-01926/98129

**Amending Title 2, Chapter 15 of the Minneapolis Code of Ordinances relating to Administrations: Ethics in Government.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 15.40 (a), (b)(2) and (4), and (c)(3), (4), (5) of the above-entitled ordinance be amended to read as follows:

**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:
- (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.

(4) Any lobbyist (other than an employee of the city) who is lobbying on behalf of the city must disclose a complete list of ~~his or her~~ the principals, the principal's clients, represented by that lobbyist or other lobbyists in the same firm, along with and the project or projects on which ~~he or she is working~~ 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:

(3) A local official ~~or who is not an employee and~~ who is not covered by paragraphs (1) and (2) above shall disclose a conflict of interest (i) orally to his or her supervisor; and (ii) in writing as described below. 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. If there is no supervisor, a local official or employee shall disclose a conflict of interest in writing as described below. A local official or employee who is required to disclose a conflict of interest in writing under this paragraph (3) The local official shall also prepare a written statement, 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, or in the case of these local officials, 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 (3) 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.

~~(4)~~ (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.

~~(5)~~ (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.

Section 2. That Section 15.50 of the above-entitled ordinance be amended to read as follows:

**15.50. Soliciting or accepting personal 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 recognizing individual services in a field of specialty or to a charitable cause;
- (5) A trinket or memento of insignificant value;

- (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.

Section 3. That Section 15.60 (e) of the above-entitled ordinance be amended to read as follows:

**15.60. Outside employment.**

- (e) An appointed local official, as defined in section 15.280(m)(2) of this ordinance, or an employee shall:
  - (1) ~~Obtain written permission from~~ 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 ~~police~~ 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.

Section 4. That Section 15.80 (a) of the above-entitled ordinance be amended to read as follows:

**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, ~~or~~ 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.

Section 5. That Section 15.140 of the above-entitled ordinance be amended to read as follows:

**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.

Section 6. That Section 15.210 (a) and (b) of the above-entitled ordinance be amended to read as follows:

**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 city clerk 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) Within five (5) days of receiving the names, the city council shall schedule a public hearing to solicit public input on the finalists. ~~The chair of the board shall be elected by the membership from among its members.~~

- (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.

Section 7. That Section 15.230 (a) of the above-entitled ordinance be amended to read as follows:

**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 improper conduct~~ 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 ~~to the ethics officer~~ shall be referred to the appropriate official for investigation.

(2) The ~~improper conduct~~ 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 ~~to the ethics officer~~ shall be referred to the appropriate official for investigation.

(3) The ~~improper conduct~~ 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.

Section 8. That Section 15.280 (b), (e), (m), (o), (p), (q), (r), (s), (t), (u), and (v) of the above-entitled ordinance be amended to read as follows:

#### **15.280 Definitions.**

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

(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

~~Director, civil rights~~

~~City engineer~~

City clerk

Director of the department of civil rights

Director of the department of community planning and economic development

Director of public works

~~Director, planning~~  
~~Executive director, MCDA~~  
~~Director, human resources~~  
~~Director, communications~~  
~~Assistant city coordinator, operations/regulatory services~~  
~~Chief information officer~~  
~~Finance officer~~  
~~Director, government relations~~

(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  
~~Hiawatha Corridor Light Rail Transit Community Advisory Committee~~  
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

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

~~(p)~~ (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)~~ (q) Principal means an individual or association that:

- (1) Spends more than 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.

- (e) (r) *Private information* means information that is not accessible to the public but is accessible to the subject of the information.
- (f) (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.
- (g) (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.
- (h) (u) *Proprietary information* means information belonging exclusively to the city.
- (i) (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.
- (j) (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.