

# Neighborhood and Community Engagement Commission

## *Bylaws Proposed Amendment*

### ***Ethics/Conflict-of-Interest***

The purpose of this policy is to ensure that all recommendations and decisions made by the Neighborhood and Community Engagement Commission ("Commission" or "NCEC") are made in a manner that both models ethical conduct and encourages public confidence in the NCEC process and outcomes.

The Commission anticipates that, based on its structure and charge, the Commission may have in its membership residents that are affiliated with Minneapolis neighborhood and community organizations. In this context, it is important that Commissioners be mindful of actual and perceived conflicts of interest. As a Commission addressing community engagement directly, it is important to avoid compromising the Commission's work or decisions by understanding the requirements for disclosure and recusal.

The Commission shall comply with the ethics and conflict of interest rules as outlined in the Minneapolis Code of Ordinances [Title 2 Chapter 15 ETHICS IN GOVERNMENT](#). As it applies to the Neighborhood and Community Engagement Commission, Commissioners shall use the following procedures for disclosure and recusal. These procedures supplement but do not supersede the Minneapolis Code of Ordinances [Title 2 Chapter 15 ETHICS IN GOVERNMENT](#).

#### **Section 1. Use of Information**

Everyone is entitled to fair access to the NCEC process and all public information related to NCEC activities. In the interest of transparency of NCEC processes, all matters that have been discussed or reviewed at NCEC meetings, Committee of the Whole meetings, or other task force meetings shall be deemed public information unless there is a legal exclusion due to a specific legal or personnel basis.

A Commissioner may not use information that is not public for personal or organizational financial gain.

A Commissioner may not disclose information that is not public to someone else for their or someone else's personal or organizational financial gain.

#### **Section 2. Cause and Process for Conflict of Interest Disclosure**

The purpose of disclosure is to ensure transparency in decision-making and provide the public and Commissioners with information relevant to the decision before the NCEC. Consistent with Minneapolis Code of Ordinances [Title 2 Chapter 15 ETHICS IN GOVERNMENT](#), a Commissioner who is receiving compensation from an organization that receives funds through the NCR department is considered to have a financial conflict of interest whenever a decision regarding that organization is pending before the NCEC. A Commissioner who serves without compensation on the board of or as an officer of an organization that receives funds through the NCR department is considered to have a relevant affiliation whenever a decision regarding that organization is pending before the NCEC. A financial conflict of interest or relevant affiliation does not include participation in financial decisions that are determined through a formula that applies to all organizational applicants.

1. Commissioners must annually disclose any potential financial conflicts of interest using the City's current form that is submitted to the Neighborhood and Community Relations department and filed with the City Clerk's Office. The City Clerk's office will make the completed annual disclosure forms available to the Mayor, City Council members, the full commission, and the public.
2. Commissioners must verbally disclose a potential financial conflict of interest or any relevant affiliation to the commission and the public each time a decision is before the NCEC regarding that organization. To make such a disclosure the Commissioner need only indicate the name of the organization and the Commissioner's role with that organization prior to the discussion. A Commissioner may continue to participate in a decision in which they have a relevant affiliation following disclosure of the affiliation unless they have a financial conflict of interest (see Section 3. Cause and Process for Recusal).

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### ~~(Proposal 1 — NCEC to discuss for inclusion)~~ Section 3. Cause and Process for Recusal

1. Consistent with [Minneapolis Code of Ordinances, Title 2, Chapter 15, ETHICS IN GOVERNMENT](#), a Commissioner who is receiving compensation from an organization that receives funds through the NCR department is considered to have a financial conflict of interest whenever a decision regarding that organization is pending before the NCEC. Commissioners with such conflict of interests are required to withdraw from the discussion and decisions. To emphasize they are not participating, such Commissioners shall remove themselves from the commission seating area during the discussion and decision.
2. Commissioners who have a financial conflict of interest involving an organization that has a competitive funding request pending before the NCEC shall not participate in any decision regarding another organization's funding request for the same funds. The Commissioner shall recuse himself/herself from the discussion of both matters when they come before the NCEC. This subsection does not apply to financial decisions that are determined through a formula that applies to all organizational applicants.
3. A Commissioner who is unsure as to whether a conflict of interest exists in a particular situation, may contact the City's Ethics Officer for informal written or oral non-binding guidance.
4. There is a rebuttable presumption that a conflict of interest does not exist when a Commissioner, who has a financial interest in an organization, participates in Commission actions as described in subsections **1 and 2** above, and those financial decisions of the Commission are determined through a formula that applies to all organizational applicants.
- 5. A rebuttable presumption is an assumption that is taken to be true unless someone comes forward to contest it and prove otherwise.**

### ~~(Proposal 2 — NCEC to discuss for inclusion)~~ Section 3. Cause and Process for Recusal

~~Consistent with Minneapolis Code of Ordinances [Title 2 Chapter 15 ETHICS IN GOVERNMENT](#), a Commissioner who is receiving compensation from an organization that receives funds through the NCR department is considered to have a financial conflict of interest whenever a decision regarding that organization is pending before the NCEC. A financial conflict of interest does not include participation in financial decisions that are determined through a formula that applies to all organizational applicants.~~

~~Commissioners who have a financial conflict of interest involving an organization that has a competitive funding request pending before the NCEC are encouraged to contact the City of Minneapolis ethics officer for an advisory opinion as to when they should recuse themselves to avoid violating the [Minneapolis Code of Ordinances](#) by participating in a decision that favors the organization in which they have a financial interest.~~

~~For commissioners who have a financial conflict of interest, as defined by the Minneapolis Code of Ordinances, withdrawing from the discussion and the decision are required. To emphasize they are not participating, such Commissioners shall remove themselves from the commission seating area during the discussion and decision.~~

### Section 4. Ethics Complaints; Ethics Policy Enforcement

1. Individuals who believe a Commissioner participated in a decision in which they had a financial conflict of interest in violation of the Minneapolis Code of Ordinances, [Title 2 Chapter 15 ETHICS IN GOVERNMENT](#), may file an ethics complaint using the complaint form proscribed by the Ethical Practices Board. The NCR Director must promptly notify the Commission if the Ethical Practices Board determines that a Commissioner has participated in a decision in which the Commissioner had a financial conflict of interest in violation of the Minneapolis Code of Ordinances, [Title 2 Chapter 15 ETHICS IN GOVERNMENT](#). Complaints shall be made in a time frame consistent with the Minneapolis Code of Ordinances section 15.230.
2. If Commissioner is found to have participated in a decision in which the Commissioner had a financial conflict of interest in violation of the Minneapolis Code of Ordinances, [Title 2 Chapter 15 ETHICS IN GOVERNMENT](#),

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their membership in good standing shall be reviewed based on the seriousness of the breach in conduct (See Membership Section 3).

3. At no time shall a challenge to a commissioner's compliance with the NCEC ethics policy or the Minneapolis Code of Ordinances, [Title 2 Chapter 15 ETHICS IN GOVERNMENT](#), be germane to discussion or action pending before the NCEC, the NCEC Committee of the Whole, other NCEC committees or task forces.
4. Whenever practicable, the commission must reconsider decisions previously made by the NCEC that involved the participation of a commissioner determined to have had a financial conflict of interest at the time of the decision.

Working Draft