

CHAPTER 34 ETHICS

Contents

§ 34.01 STATEMENT OF POLICY..... 30

§ 34.02 CREATION AND PURPOSE 30

§ 34.03 APPLICABILITY 30

§ 34.04 DEFINITIONS..... 31

§ 34.05 RESPONSIBILITIES OF PUBLIC OFFICIAL 32

§ 34.06 STANDARDS OF SERVICE AND CONDUCT 32

§ 34.07 FAIR TREATMENT FOR EMPLOYEES 32

§ 34.08 PROHIBITION OF SPECIAL TREATMENT 33

§ 34.09 CONFLICT OF INTEREST..... 33

§ 34.10 PROHIBITED POLITICAL ACTIVITIES..... 34

§ 34.98 VIOLATIONS 34

§ 34.01 STATEMENT OF POLICY

Proper and efficient operation of municipal government in the city requires that its public officials be independent, impartial and responsible to the citizens; that municipal governmental decisions and policy be made in accord with the proper procedures established by the city; that municipal public office not be used for personal gain; and that the citizens of the city have confidence in the integrity of its municipal government.

§ 34.02 CREATION AND PURPOSE

In recognition of the above-stated policy, there is established this Code of Ethics for all public officials of the city. The purpose of this code is to establish ethical standards of conduct for all public officials by delineating those actions that are incompatible with the best interest of the city and by directing disclosure by public officials of private, financial or other interests in matters affecting the city.

§ 34.03 APPLICABILITY

(A) *Board of construction.* It is intended that this Code of Ethics be construed broadly so as to encompass all questionable situations and actions.

(B) *Advisory opinions.*

(1) *How requested.* Where any public official has a doubt as to the applicability of any provision of this Code to a particular situation or as to the definition of terms used herein, the Council may apply to the City Attorney for an advisory opinion. The public official shall have the opportunity

to present his or her interpretation of the facts at issue and the applicability of provisions of this Code before the advisory opinion is rendered.

(2) *Status of advisory opinion.* The opinion rendered by the City Attorney, until amended or revoked, shall be binding on the city, the City Council and the City Attorney in any subsequent actions concerning the public official who sought the opinion and acted on it in good faith, unless material facts were omitted or misstated in the public official's request for the advisory opinion. The opinion shall not be binding in any action initiated by any citizen.

(3) *Availability of information.* Any advisory opinion of the City Attorney shall be made public upon request. However, the names of all persons or business entities mentioned in the opinion, except that of the public official requesting the opinion, shall be deemed private information and shall not be disclosed by the City Attorney, unless the persons or business entities mentioned in the opinion waive such confidentiality.

§ 34.04 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Business Entity. Any business, proprietorship, firm, partnership, person in representative or fiduciary capacity, association, venture, trust or corporation.

Interest. Direct or indirect financial or material benefit realized by a public official as a result of a contract or transaction which is or may be the subject of an official act or action by or with the city, except for such contracts or transactions which confer a similar benefit on a significant number of persons who are not public officials. For the purposes of this Code, a public official shall be deemed to have an interest in the affairs of:

(1) A member of the family of a Council member which includes the Council member's spouse, parent, child, spouse of a child, brother, sister or spouse of a brother or sister.

(2) Any person or business entity with whom a contractual relationship exists with the public official.

(3) Any business entity in which the public official is an employee, officer, director or member.

(4) Any business entity in which in excess of 5% of the total stock or total legal and beneficial ownership is controlled or owned directly or indirectly by the public official.

Public Official. Any person, officer or employee holding a position by election, appointment or employment in the service of the city, whether paid or unpaid, including members of any board, committee or commission thereof.

§ 34.05 RESPONSIBILITIES OF PUBLIC OFFICIAL

Public officials are agents of public purpose and hold office for the benefit of the public. They are bound to uphold the Constitution of the United States and the Constitution of the State of Minnesota. Public officials must carry out impartially the laws of the State of Minnesota, Isanti County and the City of Cambridge. Public officials must undertake their official duties with the highest standards of morality and discharge the specific duties of their respective offices, regardless of personal considerations, recognizing that the public interest must be their primary concern. Their conduct in carrying out their official responsibilities must be above reproach.

§ 34.06 STANDARDS OF SERVICE AND CONDUCT

A Council member of the city shall discharge the duties of the position of Council member in good faith, in a manner that the Council member reasonably believes to be in the best interests of the city and with the care an ordinarily prudent person in a like position would exercise under similar circumstances. A Council member who so performs those duties is not liable by reason of being or having been a Council member of the city.

(A) *Adherence to objectives.* All public officials of the city should be loyal to the political objectives expressed by the electorate and the programs developed by appropriate municipal action to achieve those objectives. Appointed officials and employees should adhere to the rules of work and performance established as the standards for the positions by their appointing authorities.

(B) *Exercising of care and skill.* The duty to exercise reasonable care and skill, measured by the degree of care and skill than an ordinarily prudent person serving as a Council member of a similar municipality would exercise.

(C) *Interests of the city.* The duty of loyalty to the city requires a Council member to prefer the interests of the city over the Council member's own interests or the interests of others.

(D) *Providing of information.* All Council members must provide information to other Council members where the Council member or Council members have relevant information to a transaction for consideration by the Council. This assures that the same information will be imparted to all Council members. Likewise, a Council member who has taken action purportedly on behalf of or in the name of the city is obligated to inform other Council members and the City Administrator of such action.

(E) *Conformance with law/cooperation.* Public officials shall not exceed their authority or breach the law or ask others to do so. They should work in full cooperation with other public officials, unless prohibited from doing so by law or by legally recognized confidentiality of their work.

§ 34.07 FAIR TREATMENT FOR EMPLOYEES

Council members shall not cause employees to suffer recriminations, abuse or humiliation for acting in a forthright, proper, honest and candid manner in performing their duties.

§ 34.08 PROHIBITION OF SPECIAL TREATMENT

- (A) *Use of public property.* No public official shall request or permit the use of city-owned vehicles, equipment, materials or property for personal convenience or profit, except when such items are available to the public generally or are provided pursuant to municipal policy for the use of the public official in the conduct of Cambridge municipal businesses.
- (B) *Equal treatment of citizens.* No public official shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen.

§ 34.09 CONFLICT OF INTEREST

No public official shall engage in any business or transaction or shall have an interest which is incompatible with the discharge in the public interest of his or her official duties or which would tend to impair his or her independence of judgment or action in the performance of his or her official duties. Conflicts of interest include, but are not limited to the following.

- (A) *Incompatible employment.* No public official shall engage in or accept private employment or render services for private interests when the employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of those official duties.
- (B) *Use of information.* No public official shall use any information gained exclusively from his or her public position or endeavors to in any way further his or her interest.
- (C) *Disclosure of confidential information.* No public official shall, without proper legal authorization, disclose confidential information concerning the property, governmental or other affairs of the city.
- (D) *Gifts and favors.* Public officials shall comply with the provision of M.S. § 471.895, as it may be amended from time to time, no public official shall accept any gift of more than token value, whether in the form of a service, loan, thing or promise, from any person, firm or corporation which to the public official's knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the city. For purposes of this section, token value shall mean a gift, a favor or thing worth no more than \$25.
- (E) *Representation of private industries.* No public official whose salary is paid in full or in part by the city shall undertake any of the following actions.
- (1) *Appearances before city agencies.* Except as provided in subsection (4), no public official shall appear on behalf of the private interests of any person or entity before any agency, board, committee, commission or other entity of the city.

(2) *Proceedings involving the city.* Except as provided in subsection (4), no public official shall represent the private interests of a person or entity in any threatened or commenced legal action or legal proceeding in which the city is a party when the private interests are contrary to the interests of the city.

(3) *Consultation/advice to private interests.* No public official shall counsel or provide advice regarding the private interests of any person or entity with respect to a threatened or commenced legal action or legal proceeding in which the city is a party when the private interests are contrary to the city's interests.

(4) *Representation exception.* A public official may represent his or her own private interests before the city in matters or proceedings set forth in subsections (1) and (2) of this section if:

(a) The public official renounces his or her public position and authority at all times relevant to representation of his or her own interests; and

(b) The representation is limited to the public official's own interests and does not directly encompass representation of the private interests of another person or entity.

(F) *Contracts with the city.* Except as otherwise provided in M.S. §§ 471.87 through 471.89, as they may be amended from time to time, no public official shall take part in the making of a sale, lease or contract for the city when he or she has an interest in the transaction; nor shall a member of the Cambridge City Council be directly or indirectly interested in any contract the City Council makes.

(G) *Interest in legislation.* No public official shall use his or her official position with the city to influence the passage or defeat of legislation, whether at the municipal or state level, in which the public official has an interest.

§ 34.10 PROHIBITED POLITICAL ACTIVITIES

(A) *Solicitations.* No public official shall in any way solicit funds for any political party or for any political purpose from another public official.

(B) *Promises and appointments.* No public official shall promise an appointment to any city position or any other benefit or reward emanating from the official powers of the public official to a person in exchange for political activity.

§ 34.98 VIOLATIONS

(A) *City Council members.* Any member of the City Council who violates this Code should consider whether voluntary resignation or other disciplinary action is indicated to promote the best interest of the city. The remainder of the City Council may censure any member of the Council who violates this Code.

(B) *Other public officials.* Any appointed officials or other employees of the city may be subject to suspension or dismissal from office as a result of violation of this Code.