

# CITY OF MINNETRISTA



## WORK SESSION AGENDA ITEM

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**Subject:** City Council and Commissions Code of Conduct

**Prepared By:** Jasper Kruggel, City Administrator  
Allie Polsfuss, Assistant City Administrator

**Meeting Date:** May 5, 2025

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**Issue:** Member of City Council have directed staff to develop and provide a draft “Code of Conduct” document to be reviewed by the full City Council.

**Overview:** The Code of Conduct aims to ensure ethical behavior by the Mayor, City Council, and advisory board/commission members to eliminate conflicts of interest, promote public trust, and encourage citizen participation in governance. It also seeks to maintain a safe, respectful, and harassment-free environment for all involved in city business.

Below is a summary of the draft code of conduct; the full version is attached.

**Standards of Conduct:** Elected officials and advisory members must not:

- Violate open meeting laws.
- Engage in matters affecting their financial interests or associated businesses unless the impact is equal to others in the same group, requiring recusal if a conflict exists.
- Participate in violence, threats, harassment, intimidation, or disrespectful behavior.
- Use their position for special privileges, personal gain, or to solicit gifts/favors.
- Accept gifts that could influence or reward official actions, except as permitted by Minnesota Statute §471.895.
- Disclose or use non-public information gained through their role for personal gain.
- Share privileged information from legal counsel discussions without council approval.

**Exceptions:** No violation occurs if a member discloses a conflict, refrains from discussion/voting, and follows Minnesota Statutes §471.87 and §471.88 procedures.

**Complaint and Hearing Process:**

- Complaints alleging violations must be filed with the City Administrator, supported by facts.

**Mission Statement:**

The City of Minnetrista will deliver quality services in a cost effective and innovative manner and provide opportunities for a high quality of life while protecting natural resources and maintaining a rural character.

- The city council, advised by legal counsel, determines within 30 days if a hearing is justified based on the complaint's validity and good faith.
- If approved, a hearing occurs within 30 days, allowing the accused to respond.
- If a violation is found, the council may censure, refer for prosecution, request non-participation, or remove appointed members.

**Recommended City Council Action:** Staff request that the City Council discuss the draft code of conduct. If finalized, staff recommends the draft code of conduct then be reviewed by the Park Commission and Planning Commission, and feedback be delivered to City Council before finalizing and adopting a code of conduct.

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## City Council and Commissions

### Code of Conduct

#### **Purpose**

The Mayor and City Council of the City of Minnetrista determines that a code of conduct for its members, *as well as the members of the various advisory boards and commissions* of the City of Minnetrista, is essential for the public affairs of the city. By eliminating conflicts of interest and providing standards for conduct in city matters, the city council hopes to promote the faith and confidence of the citizens of Minnetrista in their government and to encourage its citizens to serve on its council and boards and commissions.

It is the policy of the City of Minnetrista to provide a safe, secure and healthy environment for employees, public officials and citizens when engaged in city business. The City is committed to working to maintain a work environment free from acts or threats of violence, harassment, intimidation and disruptive or disrespectful behavior.

#### **Standards of Conduct**

No elected official or a city advisory board or commission member may knowingly:

- a. Violate the open meeting law.
- b. Participate in a matter that is before the city council or relevant board that affects the person's financial interests or those of a business with which the person is associated, unless the effect on the person or business is no greater than on other members of the same business classification, profession, or occupation. If a conflict of interest does exist, the person will remove themselves from the table and sit with the audience until the discussion / action on the item has been concluded.
- c. Participate in acts of violence, threats, harassment, intimidation, and disruptive or disrespectful behavior in the workplace. The behavior described includes, but is not limited to, oral or written statements, gestures, or expressions that are communicated either directly or indirectly.
- d. Use the person's public position to secure special privileges or exemptions for the person or for others.
- e. Use the person's public position to solicit personal gifts or favors.
- f. Use the person's public position for personal gain.
- g. Except as specifically permitted pursuant to Minnesota Statute §471.895, accept or receive any gift of substance, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or any other form, under circumstances in which it could be reasonably expected to influence the person, the person's performance of official action, or be intended as a reward for the person's official action.
- h. Disclose to the public, or use for the person's or another person's personal gain, information that was gained by reason of the person's public position if the information was not public data or was discussed at a closed session of the city council or committee.

- i. Disclose information that was received, discussed, or decided in conference with the city's legal counsel that is protected by the attorney-client privilege unless a majority of the city council has authorized the disclosure.

Except as prohibited by the provisions of Minnesota Statute Section §471.87, there is no violation of item b. of this section for a matter that comes before the council, board, or commission, if the member of the council, board, or commission publicly discloses the circumstances that would violate these standards and refrains from participating in the discussion and vote on the matter. Nothing herein shall be construed to prohibit a contract with an elected official under the circumstances described under Minnesota Statute Section §471.88, if proper statutory procedures are followed.

### **Complaint, Hearing**

Any person may file a written complaint with the City Administrator alleging a violation of the aforementioned standards of conduct. The complaint must contain supporting facts for the allegation. The city council may hold a hearing after receiving the written complaint or upon the council's own volition.

A hearing must be held only if the city council determines (1) upon advice of the city attorney, designee, or other attorney appointed by the council, that the factual allegations state a sufficient claim of a violation of these standards or rise to the level of a legally-recognized conflict of interest, and (2) that the complaint has been lodged in good faith and not for impermissible purposes such as delay.

The city council's determination must be made within 30 days of the filing of the allegation with the city administrator. If the council determines that there is an adequate justification for holding a hearing, the hearing must be held within 30 days of the city council's determination. At the hearing, the person accused must have the opportunity to be heard. If after the hearing, the council finds that a violation of a standard has occurred or does exist, the council may censure the person, refer the matter for criminal prosecution, request an official not to participate in a decision, or remove an appointed member of a board or commission from office.