

City of Ramsey
Agenda
City Council Work Session
Tuesday June 4, 2013
6:00 p.m.
Lake Itasca Room 7550 Sunwood Drive NW

- 1. Call to Order**
- 2. Topics for Discussion**
 1. City Attorney Finalist Review
 2. Conflict of Interest Policy and Disclosure Form
 3. Council Committee Utilization
- 3. Future Topics for Discussion**
- 4. Mayor/Council/Staff Input**
- 5. Adjournment**

CC Work Session

2. 1.

Meeting Date: 06/04/2013

By: Jo Thieling, Administrative Services

Title:

City Attorney Finalist Review

Background:

The City Council conducted interviews on May 7th with seven of the law firms who had submitted proposals in answer to the City's RFP for City Attorney - Civil and Prosecution services. Following the interviews, the City Council chose to remain with Randall & Goodrich for prosecution; however, suggested follow-up with two different firms for civil. The firms chosen to move forward in the process were Michael Couri, Couri & Ruppe, P.L.L.P. and Joseph Langel, Ratwik, Roszak & Maloney, P.A.

Staff has requested retainer proposals from the two firms, which are attached to this topic report. Staff has also conducted telephone interviews with each of their references and will report at the meeting. The minutes from the first interviews for each of these firms are also attached.

Staff has contacted each of the two attorneys to request they come to the meeting for a brief follow-up interview.

The City policy is to review outside professional contracts on a 3-5 year basis. The current City Attorney contract for Civil and Criminal (also known as "prosecution") legal services has been in place for 3 years. The contract runs until July 1, but can be extended indefinitely under a 30-day termination provision if desired. The City has had a long-standing legal services arrangement with Bill Goodrich for over 30 plus years and they had re-submitted to continue the contract at the current retainer of \$48,000 per year. In total, 14 firms submitted for either combined civil and criminal, or civil, or criminal services only.

Legal billings for the last 3 years are as follows:

2010

Criminal	\$ 72,239
Civil	<u>\$ 67,235</u>
Combined	\$134,474

2011

Criminal	\$ 70,606
Civil	<u>\$ 61,274</u>
Combined	\$131,880

2012

Criminal	\$ 70,234
Civil	<u>\$ 66,131</u>
Combined	\$136,365

Notification:

Observations/Alternatives:

Each of these firm have presented an annual retainer:

Michael Couri, Couri & Ruppe, P.L.L.P. \$59,000 per year, plus \$140/hr for exclusions and \$160 per hour work billed 3rd party
Joseph Langel, Ratwik, Roszak & Maloney (RRM), \$48,000 per year, plus \$145/hr for exclusions and \$185 per hour work billed 3rd party

The City's current law firm is retained (and has proposed) at \$48,000 per year and the exclusions are billed at \$110 per hour. Additional work has averaged somewhat less than \$20,000 per year over the retainer. Abatements and forfeitures are also covered under the current contract and would not be covered under the other proposals.

The two finalist firms both are qualified with municipal law and have strong experience with Minnesota municipalities. Couri and Ruppe is a two attorney firm located in St, Micheal, and RRM has eleven attorneys and is located in Minneapolis.

Couri and Ruppe has identified under conflict-of-interest that they currently represent the City of Nowthen. They state that Nowthen has no objections to their firm representing Ramsey and there are no outstanding conflicts, although the potential exists that each City may want independant representation in the future.

Recommendation:

It is recommended that the City Council consider the retainer proposals and interview each of the finalists prior to making a selection.

Funding Source:

Under the proposals of the two finalists, the City's expenditures for legal fees may increase \$5-16,000 per year. This amount would need to be added to future annual budgets.

Council Action:

Based upon disucssion.

Attachments

Legal Services

Retainer Proposal Couri

Retainer Proposal Langel

Initial Interview Couri

Initial Interview Langel

Form Review

Inbox

Kurt Ulrich

Reviewed By

Kurt Ulrich

Date

05/30/2013 04:08 PM

Form Started By: Jo Thieling

Started On: 05/30/2013 11:21 AM

Final Approval Date: 05/30/2013

COURI & RUPPE, P.L.L.P

Michael C. Couri*
Robert T. Ruppe**

Attorneys at law
705 Central Avenue East
PO Box 369
St. Michael, MN 55376-0369
(763) 497-1930
(763) 497-2599 (FAX)
www.couriruppe.com

**Also Licensed in Illinois*

***Also Licensed in California*

May 17, 2013

City of Ramsey
Attn: Jo Thieling, City Clerk
7550 Sunwood Drive NW
Ramsey, MN 55303

Re: City of Ramsey Proposal for Legal Services.

Dear Ms. Thieling:

Thank you for your inquiry regarding the possibility of our firm representing the City of Ramsey on a retainer basis. We have reviewed the amount of retainer work performed by your current City Attorney over the past year, and have reviewed the City's minutes and other information in an attempt to gauge the amount of legal work that would be performed under a retainer with the City. Based on this research, it is our belief that the City Attorney is not current on all of the City's legal work, which makes it difficult to accurately estimate Ramsey's legal needs.

As I noted in the May 7th interview, when we take on a client, we do so with the understanding that first and foremost the City Attorney must consistently deliver legal services on a timely basis. We understand that the City Council and City Department Heads cannot wait weeks or months for the City Attorney to research an issue or prepare documents. We fully intend to deliver on this promise, and will devote the resources necessary to meet the City's needs and expectations.

Based on our research of the City and our experience in working with other cities, it is our best estimate that it would take approximately \$59,000 per year in a retainer to timely and adequately service Ramsey's current legal needs. We understand Ramsey's need to be able to predictably budget for legal services, and are therefore proposing a \$59,000 retainer which would cover items very similar to those which the City currently operates under.

Specifically, we propose the following fee arrangement for the City's civil legal services:

Retainer

\$59,000/year for legal services covered under the retainer. The retainer services will include:

1. Attendance at all regular and special City Council meetings and work sessions, as directed by the City Administrator, including review of the agenda and preparation for the meeting.
2. Attendance at Commission meetings, including Charter Commission, as directed by the City Administrator.
3. Attendance at all regular HRA meetings.
4. Regular office hours, (likely on the same morning as the City Staff bi-monthly agenda setting meetings).
5. Travel time to and from City Hall and mileage.
6. Review and drafting of ordinances, resolutions and correspondence as requested.
7. Attendance at City Staff bi-monthly agenda setting meetings.
8. Review of municipal contracts, including, but not limited to, contracts for public improvement, joint power agreements, construction agreements, service agreements, purchase of equipment, and non-union employment agreements.
9. Meetings with and telephone conversations with the Mayor, City Council Members, City Administrator, Department Heads and other City staff on general legal matters.
10. Legal research and opinions on general legal issues as directed by the City Council, City Administrator and/or Department heads.
11. Advice on day-to-day personnel/employment matters, including drafting of non-union employment agreements when requested.
12. HRA and EDA representation as directed by the City Administrator.
13. Data practices/open meeting law advice.
14. Non-contested case zoning, building and housing code enforcement.

15. Updates on relevant new legislation and case law affecting municipal government.

Non-retainer

Hourly rates of \$140/hour, over and above retainer:

1. Personnel matters requiring in excess of three hours consultation, research or negotiation (the first three hours on a project are covered under the retainer).
2. Union negotiations and contract preparation.
3. Legal research and opinions on general legal matters in excess of eight hours (the first eight hours on a matter are covered under the retainer).
4. City, EDA and/or HRA real estate sales and/or acquisitions.
5. Easement drafting and acquisition process.
6. Administrative hearings, litigation, and other contested cases, including eminent domain.
7. Civil forfeiture matters, including court appearances and litigation.
8. Special assessment proceedings, including work with the City's appraiser and assessment appeal work.
9. Other legal matters not included in the retainer set out above.

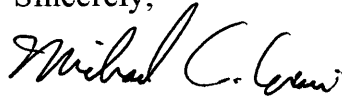
Hourly rates of \$160/hour for all land use and development matters where the developer or applicant is required to reimburse the City for legal services.

The City's Request for Proposals specified that the proposal must set out a fee arrangement that would cover a four-year period. Our initial proposal set out an hourly fee covering the required four-year period. However, because our retainer proposal contains many assumptions that are not able to be verified until we have spent some time as the City's attorney, we would prefer that this retainer agreement cover a two-year period, giving both the City and our office a chance to assess the accuracy of the assumptions in this proposal. As stated in our interview, our goal is to establish a long-term relationship with the City that is mutually beneficial for both parties. I expect that both parties would be in a position at the end of two years to enter into a longer-term fee agreement with greater confidence that the terms of that agreement provided the best value for all concerned.

Jo Thieling, City Clerk
May 17, 2013
Page 4 of 4

Thank you again for your interest in our firm. We are pleased that the City has found our proposal appealing, and look forward to the opportunity to work with the City in the future. Please feel free to contact me if you have any questions regarding this proposal. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Michael C. Couri". The signature is written in a cursive style with a large, stylized initial "M".

Michael C. Couri
Couri & Ruppe, P.L.L.P.

Joseph J. Langel
Direct Phone: (612) 225-6837
Direct Fax: (612) 225-6860
jjl@ratwiklaw.com

Eric J. Quiring
ejq@ratwiklaw.com



Ratvik, Roszak & Maloney, P.A.

May 21, 2013

VIA E-MAIL

Ms. Jo Thieling
City Clerk
City of Ramsey
7550 Sunwood Drive NW
Ramsey, MN 55303

RE: *Proposal for Civil Legal Services*
Our File No. 9999-0077

Dear Ms. Thieling:

We are writing in response to your recent request for a monthly retainer proposal to provide civil legal services for the City of Ramsey. We propose a monthly retainer fee of \$4,000, which would include the following:

- Attendance at all regular and special City Council meetings and work sessions, Commission meetings, and HRA meetings, as directed by the City Administrator.
- Attendance at staff agenda setting meetings, as directed by the City Administrator.
- Review and drafting of ordinances and contracts.
- Advising City staff on legal matters by telephone, e-mail, or in person.

730 Second Avenue South, Suite 300, Minneapolis, MN 55402 • p (612) 339-0060 • f (612) 339-0038 • www.ratwiklaw.com

Patricia A. Maloney*
Terrence J. Foy*
Ann R. Goering
Nancy E. Blumstein*

Joseph J. Langel*
Margaret A. Skelton
Eric J. Quiring
Erin E. Benson

Christian R. Shafer
Scott E. Schraut
Timothy A. Sullivan

* Also admitted in WI
Paul C. Ratwik (Retired)
John M. Roszak (1944 – 2011)

Ms. Jo Thieling
May 21, 2013

- Conducting legal research and rendering legal opinions as directed by the City Council, City Administrator, and/or Department heads.
- Legal training sessions for City Council and/or City staff.

We propose that the following civil legal services outside the scope of the retainer would be billed at \$145 per hour.

- City, EDA, and/or HRA real estate sales and acquisitions, and easement drafting and acquisitions.
- Contested case matters, which includes all adversarial proceedings such as litigation, arbitration, eminent domain proceedings, administrative proceedings, veterans preference proceedings, unemployment hearings, and the like.
- Investigations and labor negotiations, as requested.

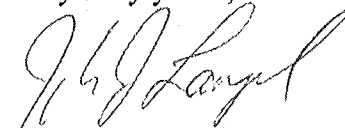
In addition, development matters where the project proposer is required to reimburse the City for legal services would be billed at \$185 per hour.

As part of this proposal, and at no charge to the City, we would meet with City staff immediately after being appointed to review all ongoing legal matters to facilitate the smooth transition of the City's civil legal services.

We believe this retainer based proposal will provide the City with a cost effective and efficient means of obtaining civil legal services. We remain open to discussing alternative fee arrangements with the City. We would welcome the opportunity to meet with you to further discuss this proposal and any alternative fee arrangements that the City would prefer. Please let us know when a meeting could be scheduled. We are available all day tomorrow and Thursday and Friday mornings.

Thank you again for the opportunity to submit this proposal. Please do not hesitate to contact us with any questions.

Very truly yours,



Joseph J. Langel
Eric J. Quiring

RRM: #175405

From Council Interview

COURI & RUPPE (Civil Only)

Describe the backgrounds of the civil and/or prosecuting attorneys who will be assigned to Ramsey.

Mike Couri stated he and Bob Ruppe are the firm, been in municipal law for 21 years, and practice almost exclusively (90%) municipal law with 10% in municipal-related cases like condemnation. Their hallmark has been growing cities with Albertville being their primary client. They have represented Albertville for 22 years including development of the outlet mall, Highway 19 corridor, and the new exit ramp from I-94 to the outlet mall. Mr. Couri stated he has been working with cities since 1991 and attended about 1,000 Council meetings. He explained the hallmark of their firm is to get things moving and done and they will not sit back silently at Council meeting when they need to address an issue of law. Mr. Couri stated he reviewed the Council's past meeting minutes and it may be a preference to approve a lease subject to legal drafting but it is his preference to have the lease in front of the Council prior to approval. He stated they try to be ahead of things and provide a fairly quick response with same day or next day call back, or evening e-mail. Mr. Couri stated he understands the Council serves the public and his firm does not want to hold that up.

Mr. Couri disclosed that Bob Ruppe represents Nowthen and in 2008, had worked to incorporate Nowthen and also drafted a joint fire agreement with Ramsey Fire Chief Kapler. He explained that Nowthen is okay with their firm representing Ramsey. Mr. Couri stated they have also worked, on a fairly regular basis, with Shane Nelson of Hakanson Anderson, who had been Ramsey's interim/consulting engineer. He stated if approved, he would be the primary contact for Ramsey and attend its Council meetings. If he is not available, then Mr. Ruppe would be the contact and he would be knowledgeable with what is going on.

How will your firm make Ramsey a priority and meet the terms outlined in the RFP for meeting attendance, response time for Council staff inquiries, document review turn-around, and office hours?

Mr. Couri stated they have recently gone to a paperless office; however, he takes his laptop to meetings and during meetings, will complete documents and e-mail them to the City Administrator. He stated technology has changed their profession for the better if you are willing to embrace it so Ramsey will see documents quickly and telephone calls will be responded to quickly. Mr. Couri stated they have time in their schedule to accommodate the needs of Ramsey and since they practice only municipal law, they are familiar with the Statutes. In addition, his firm has extensive files and can quickly find the law and documents needed.

If your firm is not located locally, how do you intend to manage drive time, getting to City Hall on short notice, would officers be required to come to your office or would you come here for compliant processing, etc?

Mr. Couri stated their office is about 30 minutes away and they currently represent clients from five minutes to two hours distance. He stated most of their work is done via e-mail but he will attend regular staff meetings and is available by telephone. He stated they do not charge for

travel time and if approved he would attend weekly or semi-weekly staff meetings and Council meetings. He stated they are used to traveling so that will not be an issue or problem.

Do you bill hourly for civil work or are you open to retainer to assure staying within budget?

Mr. Couri stated they are willing to consider a retainer once they know the scope of work involved. He stated he would be happy to meet with staff to determine the number of hours and types of work. Mr. Couri stated he is interested in a long-term relationship and will do what they need to assure that occurs. He stated it either works for them or it does not and it has to be mutual.

Do you feel it is appropriate for City staff to draft legal documents such as ordinances, purchase agreements, development agreements? If not, why? If so, what is your role to ensure the City's interests are protected?

Mr. Couri stated they represent a number of cities and townships and encourage staff to draft the document as part of the educational process and he then reviews the document. He noted the documents are relatively standard with the basics and some embellishments. Mr. Couri stated it is cheaper for the City and their view is how to keep the relationship beneficial to both long term.

Describe the most challenging municipal issues you have faced during your legal career? What were the circumstances and what was the outcome?

Mr. Couri stated they had a situation where a Councilmember and former Councilmember were running against each other and finished one vote apart. It went before the City Council and while he wrote a memorandum, he did not tell the Council how to interpret the ballot but told them what the law was. The Council deadlocked two-two with the sitting Councilmember abstaining. The Council did not accept the ballot, as he thought it should have been. It went to a coin flip and the sitting councilmember won. Mr. Couri noted in those discussions, he had to tell the sitting Council that if they deadlocked two-two, he would have to, on his own initiative without direction from the Council, take them into court and ask the judge to make the decision. He stated he thinks the court would have ruled in favor of the sitting Council member.

Please describe your philosophy with serving as the City Attorney.

Mr. Couri stated over time, it is about public service. It is a job he likes and the best of both worlds to be in private practice yet serving the public. He stated he understands his job is to represent the Council in front of their constituents, which reflects on the City. Mr. Couri stated it is crucial that the public have good faith in what the Council is doing and how he advises the Council. He stated he does not set policy and the Council knows what is best for its community. His job is to advise the Council while it is forming policy.

Any other questions and/or concerns?

Mr. Couri stated he has reviewed past Council minutes and worked with the Fire Chief Kapler so he knows a fair amount about Ramsey, appreciates the City's undertaking with The COR, and

applauds what the City is attempting to do. He stated he finds it challenging and if approved, would look forward to working with the City of Ramsey.

From Council Interview

RATWIK, ROSZAK & MALONEY (Civil Only)

Describe the backgrounds of the civil and/or prosecuting attorneys who will be assigned to Ramsey.

Joe Langel, shareholder with Ratwik, Roszak & Maloney, stated he has practiced municipal law for 17 years, is the city attorney for several cities in Minnesota, the most similar being Lino Lakes. Mr. Langel stated he has represented Lino Lakes for several years, noting it is similar in size to Ramsey with an outer tier with a lot of agricultural area open and development to hope for. Mr. Langel stated they are a municipal only firm or about 99%, since the firm began 26 years ago. Their firm has 11 attorneys and is growing so it has the depth to handle a City of Ramsey's size without difficulty. Mr. Langel stated they have expertise in municipal law, labor employment, zoning, and general counsel.

Eric Quiring stated he has been with this firm for 12 years and represents some municipalities.

How will your firm make Ramsey a priority and meet the terms outlined in the RFP for meeting attendance, response time for Council staff inquiries, document review turn-around, and office hours?

Mr. Langel stated they would have office hours the first and third Monday for three hours and there would be no problem or conflicts with the Council's meeting days because all of his cities have gone to not having counsel at their Council meetings. He felt office hours were a good idea to keep all up-to-speed and assure efficient use of counsel time. Mr. Langel stated they would look at a flat rate for those hours. He explained that broad retainers are difficult because of exceptions carved out of them. Typically, they use an hourly basis because other cities prefer it that way. Mr. Langel stated if Ramsey wants counsel at Council meetings and office hours, they would use a flat rate at two hours with no travel time and eat the rest of it. In terms of priority, he stated it helps to have 11 attorneys in the office, a deep bench, and they would not have submitted an RFP if they did not think they had the wherewithal to handle the load. Mr. Langel stated they have not responded to other RFPs but believe they can handle the services required by the City of Ramsey.

If your firm is not located locally, how do you intend to manage drive time, getting to City Hall on short notice, would officers be required to come to your office or would you come here for compliant processing, etc?

Mr. Langel stated the practice has become more electronic over time and even with Lino Lakes, the vast majority of communications are via telephone and e-mail. He stated he does go to Lino Lakes for meetings and it has never been a problem to schedule on short notice. Mr. Langel stated they represent clients Statewide but most times not on site for those client meetings. He stated it would not be a problem to get to the Ramsey City Hall.

Mr. Quiring stated they propose a flat rate for office hours and meetings and no travel time, which would address concerns with cost.

Do you bill hourly for civil work or are you open to retainer to assure staying within budget?

Mr. Langel stated they have done retainers before but the challenge is to get a handle on the City's usage of legal services so everyone is on the same page.

Do you feel it is appropriate for City staff to draft legal documents such as ordinances, purchase agreements, development agreements? If not, why? If so, what is your role to ensure the City's interests are protected?

Mr. Langel stated it is entirely appropriate and City staff drafts legal documents all the time, unless the City has extremely limited staff. He stated it would be expected that Ramsey's professional staff would draft the document and, at that point, his role would be to review the document and advise of problems or holes that need to be addressed. He stated that is his view of efficient legal services.

Describe the most challenging municipal issues you have faced during your legal career? What were the circumstances and what was the outcome?

Mr. Langel stated the most delicate cases are those involving Councilmembers, investigations involving Councilmembers, or misconduct by Councilmembers. He stated they work for the City Council and answer to them so when dealing with misconduct and allegations of use of position for financial benefit, they have to be handled in a delicate manner. Mr. Langel stated their firm has done hundreds of investigations and has the ability to send out someone other than the City Attorney to conduct the investigation and write up the report with the City Attorney presenting the report before the Council. In this way, the issue is taken care of without becoming a public debacle.

Mr. Quiring stated the firm has a wealth of experience and holds contracts with the State of Minnesota to do investigations. In the past 12 months, the firm has conducted 30 investigations on behalf of the State relating to employee misconduct and politically sensitive investigations. Mr. Quiring stated the firm has had that contract for 20 years and also conducted investigations for school districts, counties, and municipal clients.

Please describe your philosophy with serving as the City Attorney.

Mr. Langel stated if retained as counsel to the City, their role is to not just answer questions or be a "yes man" but to tell staff and the Council of the options and what he thinks is the best option. The ultimate decision is up to the Council. Mr. Langel stated it is not his job to say only what the Council wants to hear but to recognize the risks and assure full disclosure. He stated he is here to provide advice and it is then up to the Council to decide if they want to take the advice. Mr. Langel stated it is not his job to become an adjunct councilmember and make the decisions.

Any other questions and/or concerns?

Mr. Langel stated they proposed \$145/hour but in reality, it is his experience that because of how long they have practiced and their number of attorneys, they are able to provide a very efficient

level of municipal legal work to cities and all of their clients. They do not turn files or spin wheels and are acutely aware of financial difficulties faced by all municipal clients. Mr. Langel stated they are efficient and can come to agreement with a retainer at a place comfortable in the City's budget. He asked what is the Council's number one aspect in a City Attorney.

Councilmember Backous stated he wants to hear what is needed and not what he wants to hear.

Mr. Langel stated some do not want that and instead want a City Attorney who is a "yes man." He stated he has lost clients because of that, giving the brutal honest answer. Mr. Langel stated that is key to their services and part of their firm's ethic. He stated they have a fairly narrow clientele of counties, school districts, and municipalities but their services are very broad and he does not think Ramsey will come up with something they have not already seen and done. Mr. Langel stated they would love the opportunity to serve Ramsey, a growing community.

Councilmember Backous asked if it is necessary for counsel to attend all Council meetings.

Mr. Langel stated it is not and when he started at Lino Lakes, the City Attorney was historically at the meetings but the City Administrator said they needed to address the budget so he suggested that he not be required to attend the Council meetings. Mr. Langel noted that most times if an issue is coming up, he works through the issue with staff before the Council meeting. He stated on average, he attends the Lino Lakes three times a year.

Mr. Quiring stated if there is a big issue at the meeting, it would be appropriate for the City Attorney to attend so it does not have to be an all or nothing.

Mayor Strommen asked if they wait to be asked for input.

Mr. Langel stated he always reviews agenda packets ahead of time and if there is an issue that could be a problem, staff has probably called him already. He stated he can meet with staff during office hours or during Council Work Sessions to work through the issues. Mr. Langel stated he and his staff work to avoid issues popping up at a Council meeting.

CC Work Session

2. 2.

Meeting Date: 06/04/2013

By: Colleen Lasher, Administrative Services

Title:

Conflict of Interest Policy and Disclosure Form

Background:

As part of the City's recent strategic planning, City Council and staff discussed many possibilities for improving the future for the City of Ramsey and its residents; i.e. "A New Day - A New Beginning". One of the outcomes of this process included a set of Guiding Principals listed below.

As a means to achieve these guiding principals, it is critical that elected officials, appointed commission members and staff understand how their outside actions and affiliations may or may not influence the City. The City may wish to establish a policy and procedure (disclosure form) as a guide to follow in order to declare and monitor conflicts of interest as they may arise. The intent is to develop a sound policy with disclosure form to identify and disclose conflicts of interest, avoiding pit-falls (conflicts of interest) that ultimately deter or prevent the City's responsiveness to the public; alignment of goals and resources; success of the City; operating with clear roles, responsibilities, authority, accountability, and transparency; "win-win" strategic thinking; avoiding personal agendas; and taking action based upon objective analysis of the facts.

Staff spoke with the League of Minnesota Cities HR staff and Susan Hansen, of Madden, Galanter, and Hansen, LLP (the City's employment law attorney) regarding such a policy. Both sources expressed that it is critical, from an employment perspective, that terms and conditions of City employment remain unchanged and that conditions or circumstances that may exist are evaluated cautiously. Staff will provide additional detail as part of the discussion at the worksession.

Notification:

OUR GUIDING PRINCIPLES

The elected officials, appointed commission members and staff will:

1. Ensure responsiveness to the public (residents, business owners, taxpayers) that fosters an atmosphere of communication within and outside the organization.
2. Ensure alignment of goals and resources.
3. Take personal ownership for the success of the City of Ramsey.
4. Operate with clear roles, responsibilities, authority, and accountability.
5. Operate in a transparent environment.
6. Strive for "win-win" strategic thinking and planning under which interests and objectives of the city, commissions, and departments are considered; avoid personal agendas and department and commission turf protection.
7. Take action based upon objective analysis of the facts.

Observations/Alternatives:

City Attorney Bill Goodrich will provide the City Council with his insight and advice regarding the best and legally defensible approach to such a policy and disclosure form. He will reference the applicable laws that must be followed and offer his comments related to the pros and cons of the various options.

There are several attachments for review and discussion; staff will be prepared to discuss the pros and cons of each.

Recommendation:

To consider the best approach to protect the City against conflicts of interests while maintaining rights to privacy and adhering to all State and Federal laws.

Funding Source:

There is no funding required.

Council Action:

Future action will be based on discussion; no action is necessary at this time.

Attachments

A New Day COI Draft Policy

LMC Model Statement of Values

Sample from Willmar

Sample from Woodbury

Sample from Bloomington

SHRM C.O.I. Outside Interests

SHRM C.O.I. Disc. Form

Form Review

Inbox
Kurt Ulrich

Reviewed By
Kurt Ulrich

Date
05/30/2013 01:39 PM
Started On: 05/30/2013

Form Started By: Colleen Lasher

Final Approval Date: 05/30/2013



City Conflict Of Interest Policy

Introduction

City of Ramsey Policy Concerning Conflict of Interest and Divided Allegiance

The City Council and the City Administrator of the City of Ramsey ~~the "City" are~~ committed to governing the City organization in a manner that is free of personal conflicts. For the purposes of this Policy, ~~the term~~ "conflicts" ~~shall mean~~ both "conflicts of interest" as they are defined under applicable state and federal law, and "divided allegiances," as they are defined in this Policy.

The purpose of this Policy is to inform ~~City of Ramsey~~ elected officials, appointed commissioners ~~members~~, and staff of the ~~City's of Ramsey~~ broad definitions of Conflicts and to establish procedures ~~for elected officials, appointed commissioners, and staff~~ to follow to declare and monitor conflicts as they arise. The City Council requires each elected official, appointed commissioner ~~members~~ and staff member to be advised of this Policy, and ~~each of said persons are to be~~ provided a copy of this Policy, immediately upon assuming their ~~City's of Ramsey~~ duties or relationship. All individuals subject to this Policy are responsible for knowing and observing the Policy.

Background

This Policy addresses how the ~~City of Ramsey~~ approaches actual or perceived conflicts. The definitions that apply cover more than the specific conflict of interest scenarios addressed by state government or federal tax laws. This Policy recognizes that a conflict of interest may exist, from a practical perspective, whenever the personal or professional interests of an elected official, appointed commissioners or staff member are potentially at odds with ~~City's of Ramsey's~~ interest(s). Since the City Council is responsible for ensuring that the organization's management serves the ~~City's of Ramsey~~ best interests, over and above the interests of any insider, this Policy broadly defines potential conflicts of interest to include all instances when a person within the organization may be able to exert his or her authority, influence, or bias on any issue in which he or she may have divided allegiances.

The City Council recognizes that conflicts may exist not only when an individual has a financial interest in a transaction, but also when his or her nonfinancial interests are involved. In all cases, the City Council is committed to ensuring that whenever a dual interest between an individual's personal, business, organizational or professional affiliations and the position and interests of the City of Ramsey exists, disclosure of such conflict is given and the resulting decision-making is fairly and appropriately managed. Furthermore, this Policy's procedures apply not only when an actual conflict is demonstrated, but also when the interests or concerns of another party to which one has allegiance may reasonably be seen as competing with ~~City's of Ramsey's~~ interests or concerns. The decision of the City Council to effect a level of higher scrutiny and procedures when an elected official, appointed commissioner, or staff member of the City of Ramsey appears to have a conflict acknowledges the public's increasing sensitivity to self-dealing and/or lax management by elected officials, appointed commissioners, and staff. The City Council and City Administrator appreciate that this Policy will both satisfy the legal responsibility and protect the ~~City of Ramsey~~ from poor public relations, including the possibility of elected officials, appointed commissioners or staff members being exposed to third-party actions.

The three types (or "Tiers") of conflicts defined in the Policy are not mutually exclusive. Rather, they can be viewed as increasingly wider concentric circles.

Conflict of Interest and Divided Allegiances, Definitions

Tier 1 -- Direct conflict: A direct conflict exists whenever there is any proposed transaction or action of the City of Ramsey in which an elected official, appointed commissioner, or staff member has any direct involvement or interest. These transactions are subject to the highest scrutiny.



City Conflict Of Interest Policy

Tier 2 -- Indirect conflict: An elected official, appointed commissioner or staff member has an indirect involvement or interest in a proposed transaction or action of the City of Ramsey whenever:

- a) any other party to the transaction or party affected by the action is a "family member" (i.e., a relative¹) of the elected official, appointed commissioner, or staff member,
- b) any other party to the transaction or party affected by the action is an entity in which the elected official, appointed commissioner or staff member has a material financial interest²), or
- c) the elected official, appointed commissioner or staff member is an officer, director, trustee, staff member or partner of any other party to the transaction or party affected by the action.

Conflicts involving more immediate "family members" should generally be subject to a higher level of scrutiny by the City of Ramsey than those involving relatives who are removed, although each situation involves individual circumstances to be weighed by the City Council and City Administrator.

¹ The City of Ramsey intends to define "relative" to include all of the following individuals: spouses, domestic-partners-in-fact, parents, children, children's spouses or children's domestic-partners-in- fact, siblings, spouses or domestic-partners-in-fact of siblings, aunts, uncles, first cousins, step-parents and step-children. ["Domestic-partner-in-fact" is used with respect to those designated as the intended life partner of an individual or otherwise identified as being related to that individual through intended long term ties of love, affection, responsibility, and commitment common to those undertaken in marriages recognized by the State, regardless of whether such relationship is defined by or otherwise recognized by any governmental authority.]

² A "material financial interest" exists when an individual or their relative has rights (whether or not yet vested) to be paid compensation, employee or retiree benefits, dividends, or profit-sharing, or to have their expenses reimbursed or obligations or other liabilities repaid, etc. The term is intended to include any and all remunerative expectations.

Tier 3 -- Potential conflict or the appearance of conflict: elected official, appointed commissioner and staff members should follow the disclosure procedures of this Policy when the interests or concerns of any elected official, appointed commissioner or staff member, or of any of those individual's relatives, or any other individual group or organization to which such person has allegiance, may reasonably be seen as competing with the interests or concerns of the City of Ramsey.

Procedure When Elected Official or Appointed Commissioner has a Conflict

1. Each elected official or appointed commissioner of the City of Ramsey has a duty to disclose to the City Council (and to any applicable committee of the City that one is addressing) the material facts of any proposed transaction or action of the City of Ramsey in which such elected official or appointed commissioner has any conflict(s).
2. The disclosure required under #1 (above) must be made, to the extent possible, prior to any consideration of such proposed transaction or action by the elected body or by any applicable board/committee of the City of Ramsey. If an elected official or appointed commissioner does not recognize the existence of a conflict prior to the Board's a decision regarding the transaction, the elected official or appointed commissioner has a duty to disclose the material facts of the conflict as soon as the conflict is recognized.



City Conflict Of Interest Policy

3. The elected official or appointed commissioner having a conflict shall not participate in the deliberation or decision regarding the matter under consideration and shall retire from the room during deliberations except to the extent he or she has been invited by the City Council or board/committee to participate, after consideration of the significance to ~~the City of Ramsey~~ of the disclosed conflict. The City Council or board/committee may also request that ~~he or she~~ the interested person provide ~~the City of Ramsey~~ with any relevant information known to the ~~individual~~ director regarding the matter.

Procedure When Staff has a Conflict

1. Each staff member has a duty to disclose to the City Administrator, Finance Director and/or Human Resources Manager of ~~the City of Ramsey~~ the material facts of any proposed transaction of ~~the City of Ramsey~~ in which such person has ~~any~~ conflict(s).

2. The disclosure required under #1 (above) is to be made immediately, and to the extent possible, before any consideration of such proposed transaction by ~~the City of Ramsey~~. If a staff member does not recognize the existence of a conflict prior to ~~a City of Ramsey's~~ decision regarding the transaction, the staff member has a duty to disclose the material facts of the conflict as soon as it is recognized.

3. A staff member having a conflict shall not participate in the deliberation or decision by ~~the City of Ramsey~~ regarding the transaction under consideration, unless invited by the City Administrator, Finance Director, and/or Human Resources Manager of ~~the City of Ramsey~~ to do so, after consideration of the significance to ~~the City of Ramsey~~ of the disclosed conflict. The City Administrator, Finance Director, and/or Human Resources Manager of ~~the City of Ramsey~~ may also request that he or she provide ~~the City of Ramsey~~ with any relevant information regarding the matter.

4. The City Administrator, Finance Director and/or Human Resources of ~~the City of Ramsey~~ shall take such additional action as may be required to ensure that the conflict is properly noticed to management and that appropriate steps are employed as the transaction and its terms are brought forth for decision-making and/or implementation. Furthermore, the City Administrator, Finance Director, and/or Human Resources Manager of ~~the City of Ramsey~~ shall maintain a record of the existence, procedures employed in managing, and resolution of the conflict.

5. When there is any doubt as to whether a conflict exists, the matter shall be resolved by the City Attorney.

~~5.6. Gift Ban~~ ~~The City's of Ramsey's~~ elected officials, appointed commissioners, staff, and consultants, shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, donors, grantees or parties to sub-agreements (with the exception that unsolicited gifts of nominal value may be accepted).

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I ~~have read the above City Conflict of Interest Policy and agree to its terms~~ agree with and will adhere to the above policy.

Signature Date

Print Name

Adopted April 2013



City Conflict Of Interest Policy



Model Statement of Values

Preamble

The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The City of _____ has adopted this Statement of Values to promote and maintain the highest standards of personal and professional conduct in the City's government. All (*select*: elected and appointed officials, City employees, and volunteers) are required to subscribe to this statement, understand how it applies to their specific responsibilities, and practice its (*number*) core values in their work. Because we seek public confidence in the City's services and public trust of its decision-makers, our decisions and our work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this statement.

The Values

As a Representative of the City of _____,

1. I serve the public interest.
2. I fulfill the duties and responsibilities of holding public office.
3. I am ethical.
4. I am professional.
5. I am fiscally responsible.
6. I am conscientious.
7. I communicate effectively.
8. I am collaborative.
9. I am forward thinking.
10. I am _____.

Value examples/expressions

- 1. I serve the public interest. In practice this value means that:**
 - a. I provide courteous, equitable, and prompt service to everyone.
 - b. I am attuned to, and care about, the needs and issues of citizens, public officials, and city workers.
 - c. I am interested, engaged, and responsive in my interactions with constituents.
 - d. I recognize and support the public's right to know the public's business.

- 2. I fulfill the duties and responsibilities of holding public office. In practice this value means that:**
 - a. I observe the highest standards of integrity in my official acts and undertake my responsibilities for the benefit of the greater public good.
 - b. I faithfully discharge the duties of my office regardless of my personal considerations, recognizing that the public interest is my primary concern.
 - c. I uphold the Constitution of the United States and the Constitution of the State of Minnesota and carry out impartially the laws of the nation, state, and municipality and thus foster respect for all government.

- d. I comply with both the letter and the spirit of the laws and policies affecting operations of the City.
 - e. I recognize my obligation to implement the adopted goals and objectives of the City in good faith, regardless of my personal views.
 - f. I conduct myself in both my official and personal actions in a manner that is above reproach.
 - g. I do not use my position to secure for others or myself special privileges or exemptions that are different from those available to the general public.
 - h. I understand and abide by the respective roles and responsibilities of elected and appointed officials and city staff and will not undermine them in their work.
 - i. I am independent, impartial, and fair in my judgment and actions.
- 3. I am ethical. In practice this value means that:**
- a. I am trustworthy, acting with the utmost integrity and moral courage.
 - b. I am truthful, do what I say I will do, and am reliable.
 - c. I am accountable for my actions and behavior and accept responsibility for my decisions.
 - d. I make impartial decisions, free of influence from unlawful gifts, narrow political interests, and financial and other personal interests that impair my independence of judgment or action.
 - e. I am fair, distributing benefits and burdens according to consistent and equitable criteria.
 - f. I oppose all forms of harassment and unlawful discrimination.
 - g. I extend equal opportunities and due process to all parties in matters under consideration.
 - h. I show respect for confidences and confidential information.
 - i. I avoid giving the appearance of impropriety and of using my position for personal gain.
- 4. I am professional. In practice this value means that:**
- a. I apply my knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of my job in a consistent, confident, competent, and productive manner.
 - b. I approach my job and work-related relationships with a positive attitude, contributing to a supportive, respectful, and non-threatening work environment.
 - c. I keep my professional knowledge and skills current and growing.
 - d. I am respectful of all city staff, officials, volunteers, and others who participate in the City's government.
- 5. I am fiscally responsible. In practice this value means that:**
- a. I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the City, especially its financial stability.
 - b. I demonstrate concern for the proper use of City assets (e.g., personnel, time, property, equipment, funds), follow established procedures, and do not use public resources for personal gain.
 - c. I make decisions that seek to preserve the financial capacity of the City to provide programs and services for City residents.
 - d. I provide full disclosure of any potential financial or other private conflict of interest. I abstain from participating in the discussion and vote on these matters.

- e. I prevent misuse of public funds by establishing, maintaining, and following strong fiscal and management controls.
 - f. I report any misuse of public funds of which I am aware.
- 6. I am conscientious. In practice this value means that:**
- a. I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short and long-term goals.
 - b. I follow through in a responsible way, keeping others informed, and responding in a timely fashion.
 - c. I am respectful of established City processes and guidelines.
 - d. I prioritize my duties so that the work of the City may move forward.
 - e. I prepare for all meetings by reviewing any materials provided ahead of time. When I have materials to contribute, I make sure all others involved have ample time to review these materials prior to the meeting.
- 7. I communicate effectively. In practice this value means that:**
- a. I convey the City's care for and commitment to its citizens.
 - b. I communicate in various ways that I am approachable, open-minded, and willing to participate in dialog.
 - c. I engage in effective two-way communication by listening carefully, asking questions, and responding appropriately which adds value to conversations.
 - d. I do not interfere with the orderly conduct of meetings by interrupting others or making personal comments not germane to the business at hand.
 - e. I follow up on inquiries in a timely manner.
 - f. I encourage and facilitate citizen involvement in policy decision-making.
 - g. I am respectful in disagreements and contribute constructively to discussions on the issue.
- 8. I am collaborative. In practice this value means that:**
- a. I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding to accomplish common goals.
 - b. I share information with others in a timely manner so that, together, we can make informed decisions.
 - c. I work towards consensus building and gain value from diverse opinions.
 - d. I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team.
- 9. I am forward thinking. In practice this value means that:**
- a. I promote intelligent, proactive, and thoughtful innovation in order to advance the City's policy agenda and provide City services while considering the broader regional, statewide, national, and international implications of the City's decisions and issues.
 - b. I maintain consistent standards, but am also sensitive to the need for compromise, creative problem solving, and making improvements when appropriate.
 - c. I am open to new ideas and processes, adopting them as they conserve resources and provide efficient and effective service.
 - d. I consider the potential long-term consequences and implications of my actions and inactions.

Template Code of Conduct

____.01. Purpose.

The city council of the City of _____ determines that a code of conduct for its members, as well as the members of the various boards and commissions of the City of _____, 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 _____ in their government and to encourage its citizens to serve on its council and commissions.

____.02. Standards of Conduct.

Subd. 1. No member of the city council or a city board or commission may knowingly:

- a. Violate the open meeting law.
- b. Participate in a matter 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.
- c. Use the person's public position to secure special privileges or exemptions for the person or for others.
- d. Use the person's public position to solicit personal gifts or favors.
- e. Use the person's public position for personal gain.
- f. Except as specifically permitted pursuant to Minn. Stat. 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.
- g. 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.
- h. 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.
- i. *Represent private interests before the city council or any city committee, board, commission or agency. (optional)*

Subd. 2. Except as prohibited by the provisions of Minn. Stat Sec. 471.87, there is no violation of subdivision 1 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 a member of the city council under the circumstances described under Minn. Stat. Sec. 471.88, if proper statutory procedures are followed.

___03. Complaint, Hearing.

Any person may file a written complaint with the city clerk alleging a violation of the standards of conduct in section __02. 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 clerk. 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 an advisory board or commission from office.

CITY OF WILLMAR, MINNESOTA

PERSONNEL POLICY

AND

PROCEDURES

JULY 1, 1987

Revised: 2011

2.9. Conflict of Interest

It is the responsibility of every employee to be constantly vigilant to perceive the dangers inherent in situations that give rise to a conflict of personal interests with the public interests of the City. Perfect avoidance of all conflicts of interest is not possible, but Willmar citizens expect and deserve the kind of loyalty and ethical consciousness that will motivate employees to recognize conflict situations when they occur, disclose them immediately, and endeavor to resolve them.

The following sections include representative examples of conflict of interest situations which may occur in public employment. Since all possible situations may not be anticipated, it is the responsibility of every employee to exercise careful judgment and to discuss questionable situations with supervisors.

2.9.1. Personal Gain No employee of the City shall use or attempt to use his/her employment position to secure or accept benefits, privileges, exemptions or advantages for themselves, their family, or an organization with which they are associated.

2.9.2. Outside Employment The City recognizes that it is neither proper or desirable that there be any interference with the private or personal business of employees during off-work hours. However, in order to insure that conflicts of interest with outside employment do not arise, such situations shall require prior disclosure to supervisors by the employee and investigation by the proper City authority to determine if a conflict does exist.

2.9.3. Self Dealing No employee of the City shall engage in any activity, become employed or affiliated for personal gain with any agency or organization which is or may become subject to the control, regulation, inspection, review, audit, or enforcement authority of the City by that individual; nor may that individual approve or execute a purchase obligation on behalf of the City with any firm or organization with which they are affiliated.

2.9.4. Acceptance of Gifts No employee of the City shall directly or indirectly receive or agree to receive any payment, compensation, gift, reward, gratuity, favor, service, employment, promise of future employment, or other benefit from any source other than the City for services or any activity which is part of the normal duties of that official or employee. Any such gifts or compensation shall be disclosed to supervisors for

consideration of an exception. Exceptions to this provision may include: personal gifts of nominal value; plaques or similar mementos recognizing individual service such as to a charitable cause; payment of expenses for travel or meals, not to exceed actual expenses, which are not reimbursed by the City; and honoraria or expense reimbursement for papers, presentations, or appearances made by officers or employees on their own time for which they are not compensated by the City.

2.9.5. Use of Confidential Information No appointed official or employee of the City shall use or allow the use of confidential information obtained in their normal employment capacity to further their own or other private interests, and shall not accept outside employment or involvement in a business or activity that will require use or disclosure of such information.

2.9.6. Use of City Property No appointed official or employee of the City shall use or allow the use of work time, supplies, equipment or other City property to further their own private interest or in any capacity not in the interests of the City.

Supervisory Responsibility Supervisors and Department Directors should be constantly aware of conflicts, potential conflicts, and the appearance of conflicts, and are responsible to insure that all employees are made aware of this policy and are advised of its requirements. Questions of conflict of interest should be submitted immediately to supervisors.

Employee Responsibility All appointed officials and employees are responsible to conduct themselves in accordance with this policy; to develop and maintain an attitude of awareness of those situations in which an appearance of a conflict of interest might arise; and to strive at all times to avoid not only actual conflicts, but also the appearance thereof. Conflict of interest situations, actual and apparent, shall be disclosed to superiors immediately upon discovery.

ARTICLE V. PERSONNEL*

***Editor's note**--It should be noted that following Ord. No. 1708, adopted Oct. 11, 2000, the following was set out "The **City of Woodbury** is subject to Title II of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability by public entities. The City is committed to full implementation of the Act to our services, programs, and activities. Information regarding the provisions of the Americans with Disabilities Act is available from the City Administrator's office at 651-714-3500. Auxiliary aids for disabled persons are available upon request at least 72 hours in advance of an event. Please call the ADA Coordinator, at 651-714-3500 (TDD 714-3568) to make arrangements."

Note--See the editor's footnote to Art. III of this chapter.

DIVISION 1. GENERALLY

Sec. 2-190. City administrator's responsibility.

The city administrator shall be responsible for carrying out the provisions of this policy with the exception that he/she may designate responsibility to other suitable city employees as appropriate.

(Ord. No. 1708, 10-11-2000)

Sec. 2-191. Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning.

Benefits means privileges granted to an employee in the form of vacation leave, sick leave, holiday leaves, military leave, military induction pay, insurance, or unused sick leave pay.

Classification plan means an orderly plan under which positions, on the basis of duties and responsibilities, are grouped into classes, each class designated by a descriptive title and defined by a class specification.

Demotion means the movement of an employee to either a class having a lower pay grade or to a lower step in his/her existing pay grade.

Department director means the director of a department, namely the community development director, finance director, administration and human resources director, park and recreation director, public safety director, or public works director.

Division director means the director or supervisor of a division or work group, namely the senior planner, chief building official, accounting supervisor, ~~assistant finance director, city assessor, assistant to the city administrator,~~ communications and environmental education coordinator, recreation supervisor, parks supervisor, ice arena manager, golf course manager, deputy public safety director, fire services manager, ~~police operations manager,~~ public works superintendent, streets supervisor, utilities supervisor, or fleet management specialist.

Employee means a person legally holding a position in the city service.

law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or any step relations of the preceding.

The provisions of this policy shall not apply to relatives of the city, elected officials of the city, the city administrator, or confidential employees of the city who are employed by the city prior to October 14, 1993, the effective date of this policy. This policy shall not apply to relatives of elected officials who are elected after the employee has been hired by the city.

(Ord. No. 1708, 10-11-2000)

Editor's note--At the city's instruction, Ord. No. 1708, adopted Oct. 11, 2000, replaced § 2-204 which derived from Ord. No. 1597, § 1597.01, adopted Aug. 11, 1993. Formerly, § 2-204 pertained to retirement.

Sec. 2-205. Physical examination for continued employment.

A condition of employment for every employee is the employee's ability to perform the duties of the position satisfactorily. Every employee shall demonstrate his physical, mental, and emotional fitness to perform his/her work. The employer may require a yearly **or periodical physical and/or psychological** examination. If a physical examination is ordered by the city for an employee the city will pay for the examination.

(Ord. No. 1597, § 1597.01, 8-11-93)

Sec. 2-206. Layoffs.

Fourteen (14) calendar days after written notice, the city administrator, following approval by the city council, may lay off regular employees because of shortage of work or funds, abolition of positions, or other reasons. The city administrator may lay off or terminate temporary or seasonal employees with no prior notice and without city council approval.

(Ord. No. 1597, § 1597.01, 8-11-93)

Sec. 2-207. Regular work day and week.

Except for certain sworn employees in the police department and full-time firefighters, the full-time regular work week shall be forty (40) hours, generally with at least two (2) consecutive days off each week and the regular day generally shall be eight (8) working hours. Supervisors may require their employees to work overtime in situations where it is required in order to ensure the orderly and efficient operation of the government. Employees designated as exempt from overtime according to the provisions of the Fair Labor Standards Act may require additional working hours as needed to complete the responsibilities of the position.

(Ord. No. 1597, § 1597.01, 8-11-93)

Sec. 2-208. Activities incompatible with employment--Generally.

- (a) A city employee shall not engage in any employment, activity or enterprise which is inconsistent, incompatible or in conflict with his/her duties as a city employee, or with the duties, functions and responsibilities of the department by which he is employed.

- (b) The following activities shall be considered inconsistent, incompatible or in conflict with city employment:
- (1) Any employment, activity or enterprise which involves the use for private gain or advantage of the city's time, facilities, equipment or supplies, prestige or influence of a city office or employment.
 - (2) Involves the receipt or acceptance by the officer or employee of any money or other consideration from anyone other than the city for the performance of an act which the officer or employee would be required or expected to render in the regular course of his/her city employment or a part of his/her duties as a city officer or employee.
 - (3) Involves the performance of an act in other than his/her capacity as a city officer or employee which may later be subject directly or indirectly, to the control, inspection, review, audit or enforcement by such officer or employee or the department by which he/she is employed.
 - (4) Involves so much of the employee's time that it impairs his/her attendance or efficiency in the performance of his duties as a city officer or employee.

(Ord. No. 1597, § 1597.01, 8-11-93)

Sec. 2-209. Same--Political activity.

- (a) ~~No employee shall directly or indirectly, during his/her hours of employment solicit or receive funds or at any time use his/her authority or official influence to compel any employee to apply for membership or become a member of, pay or promise to pay any assessment, subscription, or contribution, or to take part in any political activity. Any employee found guilty of violating any provision of this subsection is automatically separated from service as per Minnesota Statutes Section 210A.081. No employee shall participate in activities that involve the public employee's use of his or her official authority or influence to compel a person to apply for membership in or become a member of a political organization, to pay or promise to pay a political contribution, or to take part in political activity.~~
- (b) Employees are free to engage in any political activity of their choice provided it does not conflict with subsection (a).

(Ord. No. 1597, § 1597.01, 8-11-93)

Sec. 2-210. Same--Outside employment.

Employees may not engage in outside employment which would conflict with their job or might in any way hinder their objective and impartial performance of their public duties, embarrass the city government, or impair their efficiency on the job.

(Ord. No. 1597, § 1597.01, 8-11-93)

Secs. 2-211--2-119. Reserved.

DIVISION 2. PAY PLAN AND COMPENSATION



CITY OF
BLOOMINGTON
MINNESOTA

EMPLOYMENT RULES

Approved by the Merit Board: February 28, 2005

Approved by the City Council: March 28, 2005

general public, or as a member of a select group, the majority of which are not public employees.

3. Informational materials of unexceptional value.
4. Food or beverage given at a reception, meal, or meeting away from the normal place of work by an organization before whom the employee is appearing to make a speech, or as a panelist to answer questions as part of a program which specifically includes your participation.
5. Usual or customary gift giving among employees during the holiday season; birthdays, retirements, weddings, baby showers; rolls, cookies, flowers, etc., provided by co-workers.
6. Gifts from a family member.

Section 20.4 **Conflicts of Interest**

Employees are prohibited from engaging in any activity, either directly or through an immediate family member, or other person acting on their behalf which will conflict, or may reasonably be viewed as conflicting with the employees' obligations and responsibilities to the City. An employee shall not use the City's name, information, or goodwill for personal gain.

Employees shall disclose to the employee's immediate supervisor any personal financial interest in the buying or selling of goods or service for the City of Bloomington. Purchase orders, contracts or service agreements shall not be given to an employee of the City or to a partnership or corporation in which an employee is a major stockholder or principal.

Employees shall not use their authority or City position for the purpose of personal financial gain from any holdings in the City of Bloomington bonds or notes. No employee shall enter into a relationship with a vendor where the employee's actions are, or could reasonably be viewed as, not in the best interests of the City. If an employee becomes involved in a possible conflict situation, the employee shall disclose the nature of the possible conflict to the employee's supervisor and to the City Manager. The City Manager will promptly notify the individual in writing of an approval or disapproval of the activity. If disapproved, the employee shall remove himself or herself from the conflict situation.

In order to prevent any conflict of interest, probationary and regular employees shall hold no other regular full-time or part-time employment without the express approval of the Department Head and the Human Resources Director. However, the Department Head may assign employees to outside work such as police duty at private or public functions.

Section 20.5 **Endorsements**

Employees shall not endorse commercial products by agreeing to use the employee's photograph, endorsement, or quotation in paid advertisements, unless the endorsement is for a public purpose, is approved in writing by the City Manager and the member receives no compensation. Examples of public purposes include economic development for local government, the sale of local government products and other similar purposes.

Section 20.6 **Honoraria**

Employees may accept honoraria if received in connection with services provided on employee's own personal leave or vacation time. If the employee is on City time, the honorarium shall become property of the City.

Section 20.7 **Nepotism**

Employment in the City service shall be based on merit and fitness and appointments shall be made by the procedures established in the Employment Rules. No position shall be granted and no appointment shall be made to an immediate family member of a current City employee if the appointment is clearly inconsistent with the City's Merit System and the Employment Rules.

Regular full-time and regular part-time City positions in the classified service shall be noticed in the designated City newspaper in order to allow all eligible persons to apply. Final selection of employees shall be approved by the Human Resources Director or City Manager.

Agreement: Conflict of Interest Agreement

Outside Interest:

In order to safeguard the activities and assets of {enter company name}, employees of {enter company name} should not have interests in outside businesses which conflict or appear to conflict with their ability to act and make independent decisions in the best interest of {enter company name}.

An employee is considered to have an interest in an outside business if the employee or any member of his/her immediate family holds any ownership in the business or its property; furnishes goods or services to the business; is a creditor, employee, agent, officer, director, or consultant of the business. Outside businesses include any person, firm, corporation, or government agency that sells or provides a service to, purchases from, or competes with {enter company name}.

At the time of hire, and periodically thereafter as requested, all employees will be required to complete an Agreement concerning ethical standards of conduct & conflict of interest. Periodic checks will be conducted by the Human Resources Department to determine changes that have occurred; however, all employees are expected to exercise good judgment and discretion in evaluating a particular activity so as to avoid any actual, or apparent, conflict of interest. If there is a doubt, the employee should discuss it with his/her supervisor and/or the Director of Human Resources.

Excluded are investments in the securities of a bank, public utilities, and transportation companies subject to regulations by government authority or a mutual fund or investment company registered under the Investment Company Act. Also excluded are securities listed on a national securities exchange or customarily bought and sold at least once a week in the over-the-counter market or in which the employee and/or his or her family have less than \$10,000 invested, at cost or market value, or hold less than one percent of such outstanding securities.

Ethical Standards:

{Enter company name} expects its employees to observe the highest standards of business ethics.

No employee should take any action on behalf of the Company that they know, or reasonably should know, violates any applicable law or regulation. This obviously includes such activities as bribery, kickbacks, falsehoods, and misrepresentation.

{Enter company name} prohibits all employees from accepting gifts, gratuities, or entertainment from individuals and firms with whom {enter company name} does business. It is also a violation to give gifts to individuals or firms with whom {enter company name} does business. Excluded from this prohibition is the exchange of normal business courtesies such as luncheons or dinners, when they are proper and consistent with regular business practice. Also excluded are advertising or promotional materials and holiday or other gifts, which are of nominal value (less than \$25.00).

Failure to comply with the aforementioned provisions may result in corrective action, up to and including termination of employment.

A. Do you or any member of your immediate family hold any "interest" in an "outside business" in such terms as defined above (check only one)?

YES NO

If YES, please describe:

B. Do you have any other relationships that might reasonably be regarded as creating a possible conflict of interest (check only one)?

YES NO

If YES, please describe:

I certify that I have read, understand and will comply with the {enter company name} position on Conflict of Interest.

DATE	EMPLOYEE NAME	EMPLOYEE SIGNATURE
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Agreement: Conflict of Interest Disclosure

7/12/2010

Name:**Position Title:****Department:**

Circle one:

Yes No 1. Did **you**, in a private capacity, provide consulting, advisory or outreach services to an entity or persons outside the company that might, in your good faith judgment, present or appear to present a conflict of commitment with your company obligations (especially within the past twelve (12) months)?

Yes No 2. Did any of your immediate family members have an employment, consulting, or other financial relationship with (especially within the past twelve (12) months):

a) A company that does business with [Company name]?

b) An outside organization contributing gift funds to [Company Name] that are under your control or of direct benefit to your work activities?

Yes No 3. Did you or any members of your immediate family, acquired "significant financial interests*" (especially within the past twelve (12) months):

a) That directly affect or reasonably appear to affect your work or company business; or

b) In entities whose financial interests directly or reasonably appear to affect your work or company business.

***Significant financial interests:** *Financial interests valued in excess of \$5,000 or which equal or exceed 5% ownership (i.e. as the actual or beneficial owner of more than five percent (5%) of the voting stock or controlling interest), for any one enterprise or entity when aggregated for you and your immediate family.*

If you have answered "yes" to any of the above questions, please attach a statement identifying the entity or entities involved and a description of the relevant activities. Please describe any other relationships, commitments, or activities that you or any members of your immediate family have that might present or reasonably appear to present a financial conflict of interest in your employment with [Company Name].

NOTE: This form must be updated and submitted to Human Resources within 60 days of any change in status of financial interests (i.e. when financial interests in an entity increase to the \$5,000/5% threshold) as well as provide an update annually.

Certification:

In signing and submitting this form, I certify that the above information is true to the best of my knowledge, and that I am in compliance, to the best of my knowledge, with federal law, state law and all company policies related to conflicts of interest.

Signature:**Date:**

CC Work Session**2.3.****Meeting Date:** 06/04/2013**Submitted For:** Kurt Ulrich**By:** Jo Thieling, Administrative Services

Title:

Council Committee Utilization

Background:

During the strategic planning sessions, there was some discussion relating to streamlining processes as well as holding less meetings, if possible.

Currently, Council Committees consist of the Personnel Committee, Finance Committee, and Public Works Committee. All of these Committees consist of three Councilmembers who make recommendations to the full Council for action. Staff brings the items to the following Council meeting for formal action under the Consent (unless otherwise directed by the committee or if there is a split vote) in the form of a "report from" the committee.

Occasionally, time is of the essence, and an item is forwarded to the Council that same evening as the Committee meeting. This results in two "report from" cases for one Committee meeting. Staff discussed writing one case for all of Council instead and either referring to the report by reference (e.g., "see Item 4.5" on the Council Agenda") or bypassing the Committee on many items. It should be noted that neither the Charter nor the City Code specifically calls for or names standing Committees of Council.

Staff wanted to discuss the current use of Council Committees and whether the process could be streamlined and/or revised to be more responsive to the needs of the Council.

Notification:**Observations/Alternatives:**

Omitting the Committee meetings every Tuesday will free up more time for work session item discussions if necessary, or it could eliminate the 5:30 p.m. start time, or one entire Tuesday meeting (the third Tuesday is Public Works). This will free up staff time because of having to write and present only one case per item - and will save money on secretarial services for minute taking. It may also save money on food expenditures if a later start time is implemented.

The alternatives include:

- Reducing or combining Council Committees
- Utilizing Committees only to address policy issue - possibly just one or two meetings during the year; or
- Status Quo

Staff believes that the Council Committees work best if they met only to consider policy issues on a limited basis. Staff proposes that more project decisions be made at a staff level and/or brought directly to the Council for consideration at either a work session or a Council meeting.

Currently, the Public Works and Personnel Committees meet monthly and the Finance committee has met as needed, maybe 2-3 times per year.

Committees have the advantage of making more efficient use of Council Member's time by having only three Council Members assigned to go through the details of the particular issue, meet with residents, etc.

Recommendation:

Funding Source:

This is not a new budgetary item and funding for the current operation of Council Committees is provided.

A reduced work session schedule will result in cost savings of staff and Council time, minutes, and administrative costs.

Council Action:

Based upon discussion.

Form Review

Inbox
Kurt Ulrich

Reviewed By
Kurt Ulrich

Date
05/30/2013 01:40 PM
Started On: 05/30/2013

Form Started By: Jo Thieling

Final Approval Date: 05/30/2013