

City of Red Wing City Council and City Advisory Boards and Commissions Code of Conduct

City of Red Wing City Code SECTION 2.15. CODE OF CONDUCT.

Subd. 1. Purpose. The purpose of this code is to preserve the integrity of local government and to promote public confidence in the actions of the Mayor and City Council and the members of advisory boards and commissions. The Mayor and City Council of the City of Red Wing 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 Red Wing, 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 promotes faith and confidence by the citizens of Red Wing in their government. The City encourages citizens to serve on its council and boards and commissions or run for an elected office.

Subd. 2. Standards of Conduct. Elected officials and City advisory board or commission members shall respect and comply with the law and shall behave in a manner that promotes public confidence in government. In their official capacity, the Mayor and members of the City Council and all appointed board and commission members must be patient, dignified and courteous to each other, members of the public and staff. The City Council, boards and commissions shall require similar conduct from persons appearing before them. Specific prohibited actions are listed below:

- a. Violate the open meeting law and/or make decisions outside of a public meeting.
- 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.
- 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. Violate the gift law that applies to elected and appointed City officials as set forth in Minnesota Statutes section 471.895, as amended.
- 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 or committee.
- 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. Use the City logos for personal or private benefit or modify the logos in any way not approved by the logo manual. Elected and appointed officials are not permitted to use City logos or emblems when engaging with the public unless the official has obtained approval from the appropriate Council, board or commission. The appearance of City logos can confuse the public into believing that views or opinions expressed constitute the position of the City. The use of City logos is further governed by the City Logo Guide.
- j. Hold incompatible offices. No elected person can be a full-time employee of the City, and part-time positions must be analyzed for compatibility of the two positions.
- k. Represent through written or oral means as an elected or appointed member of the body, a position that is in conflict to that of the City Council, board or commission, or a position that is premature to an action before the City Council, board or commission without clearly stating that the position is their own position and not the position of the City.
- l. Use the person's elected or appointed position to impede the efficiency of the body's decision-making.
- m. Encourage or participate in the manner that erodes order and decorum at a meeting.

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 or appointed official under the circumstances described under Minnesota Statute Section 471.88, if proper statutory procedures are followed.

Subd. 3. Standard of Conduct — Ex Parte Communication. An ex parte communication means an oral or written, off the record communication made between an interested party (such as an applicant or citizen in favor/opposition to a proposed application/project) and elected leaders, board members, and commissioners outside of a public meeting, intended to influence a decision. Ex parte communications may present a concern in the context of quasi-judicial actions (where the government body takes action based on a prescribed standard that affects an individual or small group of citizens, such as whether to grant a conditional use permit) as compared to legislative actions (where the action affects the population as a whole, such as whether to amend the zoning code). Additional examples of quasi-judicial actions are whether to grant a variance or a special use permit, and an appeal to the City Council of the Heritage Preservation Commission's decision not to grant a Certificate of Appropriateness. Elected leaders, board members, and commission members should not engage in ex parte communications in quasi-judicial actions because of the concern about the appearance of impropriety and potential for public body's decision to be overturned by a court of law if the ex parte communication led to a biased decision. Avoiding ex parte communication in quasi-judicial actions allows each decision maker to be given the same information at the same time, on which to make a decision.

Subd. 4. Complaint, Hearing. Any person may file a written complaint with the City Clerk 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 as to whether to hold a hearing must be made within 30 days of the filing of the allegation with the City Clerk, if possible. The Council may grant an extension to this 30-day timeline if additional time is needed to adequately investigate the complaint. 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. The purpose of the hearing is to provide the person accused with 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, at the same meeting or a future meeting, censure the person, refer the matter for criminal prosecution, request an official not to participate in a decision, remove an appointed member of a board or commission from office, and/or any other action within the Council's authority that the Council deems appropriate.