

**Legal Guide for Stadium Implementation Committee**

**Minnesota Open Meeting Law  
Minnesota Government Data Practices Act  
Public Records  
Minneapolis Ethics in Government Ordinance**

**August 6, 2012**

**by**

**Office of the Minneapolis City Attorney**

## TABLE OF CONTENTS

<b>I.</b>	<b>MINNESOTA OPEN MEETING LAW</b>	<b>3</b>
A.	INTRODUCTION	3
B.	APPLICATION OF THE OPEN MEETING LAW TO COMMITTEES	3
C.	DEFINITION OF “MEETING”	4
D.	REQUIREMENTS FOR PUBLIC NOTICE OF MEETINGS	5
E.	REQUIREMENT FOR RECORDING VOTES	5
F.	REQUIREMENT TO PROVIDE WRITTEN MATERIALS TO THE PUBLIC	5
G.	MEETINGS WHICH MUST OR MAY BE CLOSED	6
H.	ENFORCEMENT OF THE OPEN MEETING LAW	7
	1. Civil Penalties	7
	2. Enforcement	8
	3. Forfeiture of Office	8
<b>II.</b>	<b>MINNESOTA GOVERNMENT DATA PRACTICES ACT</b>	<b>8</b>
A.	INTRODUCTION	8
B.	ACCESS TO GOVERNMENT DATA	8
C.	PERSONNEL DATA	9
D.	ELECTED OFFICIALS’ DATA	10
E.	PENDING CIVIL LEGAL ACTIONS	10
F.	LAW ENFORCEMENT DATA	10
G.	OTHER DATA	11
H.	DATA ON PERSONS APPOINTED TO A PUBLIC BODY	11
I.	REMEDIES FOR VIOLATIONS OF THE ACT	11
<b>III.</b>	<b>PUBLIC RECORDS</b>	<b>12</b>
A.	PUBLIC RECORDS	12
B.	EXAMPLES OF IMPLEMENTATION COMMITTEE RECORDS	12
C.	RETENTION OF IMPLEMENTATION COMMITTEE RECORDS	12
D.	GOVERNMENT RECORDS	12
E.	EXAMPLES OF RECORDS THAT ARE NOT GOVERNMENT RECORDS	13
F.	EXAMPLES OF RECORDS THAT ARE GOVERNMENT RECORDS	13
G.	DIFFERENCES BETWEEN DATA PRACTICES ACT REQUESTS FOR DOCUMENTS AND REQUIREMENT TO RETAIN DOCUMENTS	13
H.	TIPS FOR KEEPING NOTES	14
<b>IV.</b>	<b>Minneapolis Ethics in Government Ordinance</b>	<b>14</b>
A.	INTRODUCTION	14
B.	APPLICATION TO STADIUM IMPLEMENTATION COMMITTEE	15

## I. MINNESOTA OPEN MEETING LAW

### A. INTRODUCTION

The Minnesota Open Meeting Law is contained in Minn. Stat. Chapter 13D and has been in effect since 1957.

The purposes of the law were summarized by the Minnesota Court of Appeals in Northwest Publ., Inc. v. City of St. Paul, 435 N.W.2d 64 (Minn. Ct. App. 1989), as follows:

1. To prohibit action being taken at a secret meeting where it is impossible for the interested public to become fully informed concerning . . . decisions or to detect improper influences;
2. To assure the public's right to be informed; and
3. To afford the public opportunity to present its views in matters of public concern.

In addition, the court in Olson stated that the statute was enacted for the public benefit and should be liberally construed. This liberal construction includes a presumption of openness subject to rare and carefully restrained exceptions.

### B. APPLICATION OF THE OPEN MEETING LAW TO COMMITTEES

The law provides that:

All meetings, including executive sessions, must be open to the public ...

of the governing body of a ...

statutory or home rule charter city,

(c) of any

- (1) committee,
- (2) subcommittee,
- (3) board,
- (4) department, or
- (5) commission,

of a public body.

The Open Meeting Law applies not only to the governing body of the city, but also to any committee, subcommittee, board, department or commission of the governing body of the City.

The Minnesota Court of Appeals has held that a committee that is advisory to the University of Minnesota Regents, whose members are not regent members and are not chosen by the regents, is

not subject to the Open Meeting Law. Minnesota Daily v. University of Minnesota, 432 N.W.2d 189 (Minn. Ct. App. 1988). The application of the Open Meeting Law to advisory committees must be reviewed on a case-by-case basis.

The Open Meeting Law likely applies to the Stadium Implementation Committee, a statutorily ordered committee of the City.

### C. DEFINITION OF "MEETING"

The provisions of the Open Meeting Law do not explain what constitutes a meeting. However, the Minnesota Supreme Court in Moberg v. Independent School District No. 281, 336 N.W.2d 510 (Minn. 1983) stated:

... 'meetings' subject to the requirements of the Open Meeting Law are those gatherings of a quorum or more members of the governing body, or a quorum of a committee, subcommittee, board, department or commission thereof, at which members discuss, decide or receive information as a group on issues relating to the official business of that governing body. Although 'chance or social gatherings' are exempt from the requirements of the statute (citation omitted), a quorum may not, as a group, discuss or receive information on official business in any setting under the guise of a private social gathering. The statute does not apply to letters or telephone conversations between fewer than a quorum. (Emphasis added.)

Thus, it would appear that as long as fewer members than a quorum are involved, there is no violation of Minnesota's Open Meeting Law. However, the following additional comments by the Court in Moberg must be kept in mind:

Appellants correctly point out that this rule may be circumvented by serial face-to-face or telephone conversations between board members to marshal their votes on an issue before it is initially raised at a public hearing. It does not follow that two or three-person conversations should be prohibited, however, because officials who are determined to act furtively will hold such discussions anyway, or might simply use an outsider as an intermediary. There is a way to illegally circumvent any rule the court might fashion, and therefore it is important that the rule not be so restrictive as to lose the public benefit of personal discussion between public officials while gaining little assurance of openness. Of course, serial meetings in groups of less than a quorum for the purposes of avoiding public hearings or fashioning agreement on an issue may also be found to be a violation of the statute depending upon the facts of the individual case. (Emphasis added.)

Considering the Court's warning, it is still possible for a meeting of fewer than a quorum to be in violation of the Open Meeting Law, if under the facts of the situation, it is clear that the intent was to circumvent the Open Meeting Law. Please keep the definition of meeting in mind when communicating with members of the Stadium Implementation Committee, whether in-person or by other means, such as by telephone, e-mails or texting.

## **D. REQUIREMENTS FOR PUBLIC NOTICE OF MEETINGS**

Notice must be given for regular meetings, special meetings, and emergency meetings as follows:

1. Regular Meetings. The public body is required to keep a schedule of its regular meetings on file at its office. If there is a deviation from the regularly scheduled meeting as to time or place, notice must be provided as required for a special meeting.
2. Special Meetings. A special meeting is a meeting other than a regular or emergency meeting. The public body is required to post written notice of the date, time, place and purpose of the meeting on its principal bulletin board. The notice also shall be mailed or otherwise delivered to each person who has filed with the public body a written request for such notice.

This notice shall be posted and mailed or delivered at least three days before the date of the meeting. An option to publish the notice is provided.

3. Emergency Meetings. An emergency meeting is a special meeting called because of circumstances that, in the judgment of the public body, require immediate consideration. The public body is required to make a good faith effort to provide notice of the emergency meetings to each news medium that has filed a written request for such notice. This notice should be provided as soon as reasonably practicable after notice has been given to the members of the public body. The notice should include the subject of the meeting. Posted or published notice of an emergency meeting is not required.

The notice requirements apply to public as well as closed meetings. The Legislature also provided that if a meeting is recessed or continued and the time and place of the meeting is established before the meeting is concluded, and the new time and place is recorded in the minutes, no further notice is necessary. If any person receives actual notice of a meeting of a public body at least 24 hours before the meeting, all notice requirements of the Open Meeting Law are satisfied with respect to that person regardless of the method of receiving notice.

All meetings of the Stadium Implementation Committee will be open to the public. The Minneapolis City Clerk's Office in conjunction with CPED, will be responsible for providing appropriate notice.

## **E. REQUIREMENT FOR RECORDING VOTES**

The Open Meeting Law requires that the votes of the members of the public body on any action taken in a meeting subject to the Open Meeting Law be recorded in a journal kept for that purpose and that such journal be open to the public during all normal business hours.

## **F. REQUIREMENT TO PROVIDE WRITTEN MATERIALS TO THE PUBLIC**

The law requires that at least one copy of any printed materials relating to the agenda items of a meeting which are prepared or distributed by or at the direction of the governing body or its

employees, and which are: (1) distributed at the meeting to all members of the governing body; or (2) distributed before the meeting to all members; or (3) available in the meeting room to all members, shall also be available in the meeting room for inspection by the public while the governing body considers their subject matter.

### **G. MEETINGS WHICH MUST OR MAY BE CLOSED**

In certain circumstances the Open Meeting Law requires closure of meetings. In other circumstances closed meetings are permitted.

1. A meeting must be closed if data is being discussed that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults.
2. A meeting must be closed if the data being discussed is active law enforcement investigative data.
3. A meeting must be closed if data is being discussed which is internal affairs data relating to allegations of law enforcement personnel misconduct.
4. A meeting must be closed if educational, health, medical, welfare or mental health data which is not public data by law is being discussed.
5. A public body shall close one or more meetings for preliminary consideration of allegations or charges against an individual subject to its authority. If the members conclude that discipline of any nature may be warranted as a result of those specific charges or allegations, further meetings or hearings relating to those specific charges or allegations held after that conclusion is reached must be open. A meeting also must be open at the request of the individual who is the subject of the meeting.
6. A governing body of a public employer can decide by a majority vote at a public meeting to hold a closed meeting to consider strategy for labor negotiations. Such closed meetings must be tape recorded and the tape preserved for two years after the contract is signed and shall be made available to the public after all labor contracts are signed by the governing body for the current budget period.
7. In Minneapolis Star and Tribune Co. v. Minneapolis Housing and Redevelopment Authority, 246 N.W.2d 448 (Minn. 1976), the Minnesota Supreme Court held that meetings of public bodies with their legal counsel to discuss litigation strategy do not have to be open to the public. In granting this attorney-client exception, however, the Supreme Court made it quite clear that the mere request for general legal advice by a public body is not sufficient to invoke the exception. A discussion relating to potential challenges to a proposed ordinance would not be covered by the attorney-client exception. Northwest Publ., Inc. v. City of St. Paul, 435 N.W.2d 64 (Minn. Ct. App. 1989). In 1990, the Legislature codified this exception by authorizing closure if “permitted by the attorney-client privilege.” A particularized statement must be made, describing the “subject to be discussed” when closing a meeting on the ground of

attorney-client privilege. Free Press v. County of Blue Earth, 677 N.W.2d 471, 477 (Minn. Ct. App. 2004); See Minn. Stat. § 13D.05, subd. 3(b).

To determine whether the attorney-client privilege exception applies, the purposes served by the privilege must be balanced against those served by the Open Meeting Law. Prior Lake American v. Mader, 642 N.W.2d 729 (Minn. 2002). The exception applies when this balancing dictates the need for absolute confidentiality. Id.

8. A public body may close a meeting to evaluate the performance of an individual who is subject to its authority. The public body shall identify the individual to be evaluated prior to closing a meeting. At its next open meeting, the public body shall summarize its conclusions regarding the evaluation. A meeting must be open at the request of the individual who is the subject of the meeting.
9. A public body may close a meeting to determine the asking price for real or personal property to be sold by the government entity; to review confidential or nonpublic appraisal data; and to develop or consider offers or counteroffers for the purchase or sale of real or personal property. The public body must identify on the record the particular real or personal property that is the subject of the closed meeting. Such closed meetings must be tape recorded and preserved for eight years after the date of the meeting and made available after the real or personal property discussed at the meeting has been purchased or sold or the purchase or sale has been abandoned. The real or personal property must be identified on the tape. The actual purchase or sale must be approved at an open meeting.
10. A public body may close a meeting to receive security briefings and reports, to discuss issues related to security systems, to discuss emergency response procedures and to discuss security deficiencies in or recommendations regarding public services, infrastructure and facilities, if disclosure of the information discussed would pose a danger to public safety or compromise security procedures or responses. Financial issues related to security must be disclosed and financial decisions must be made at an open meeting. Before closing a meeting, the public body must describe the subject to be discussed by referring to the facilities, systems, procedures, services, or infrastructure to be considered during the closed meeting. Such meeting shall be tape recorded and preserved for at least four years.

## **H. ENFORCEMENT OF THE OPEN MEETING LAW**

### 1. Civil Penalties

The Open Meeting Law subjects any person who intentionally violates the Open Meeting Law to personal liability in the form of a civil penalty in an amount not to exceed \$300 for each occurrence. Such penalty may not be paid by the public body.

## 2. Enforcement

The law provides that any person may commence a civil action to enforce the law. In addition to other remedies, the court may award reasonable costs, disbursements, and reasonable attorney fees of up to \$13,000 to any party in an action under the Open Meeting Law. The court may award costs and attorney fees to a defendant only if the court finds that the action under this section was frivolous and without merit. A public body may pay any costs, disbursements, or attorney fees incurred by or awarded against any of its members in an action under the law.

No monetary penalties or attorney fees may be awarded against a member of a public body unless the court finds that there was a specific intent to violate the Open Meeting Law.

## 3. Forfeiture of Office

On a finding by a court of a third intentional violation of the Open Meeting Law by the same person, that person forfeits office and may not serve on that government body or in any other capacity with that governing body for a period of time equal to the term of office the person was then serving.

# II. MINNESOTA GOVERNMENT DATA PRACTICES ACT

## A. INTRODUCTION

The Minnesota Government Data Practices Act is contained in Minnesota Statutes, Chapter 13. The Act regulates the collection, creation, storage, maintenance, dissemination, and access to government data in government entities, including the City of Minneapolis. The Act establishes a presumption that government data are public and are accessible by the public for both inspection and copying unless there is a federal law, a state statute or a temporary classification of data that provides that certain data are not public.

Government data are defined as "... all data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media or conditions of use." Minn. Stat. § 13.02, subd. 7. The Act defines three essential data classifications. Data may be public, private, or confidential.

Public data means data which is accessible to the public. Private data on individuals (or non-public data not on individuals) means data which is made by statute or federal law applicable to the data: (a) not public; and (b) accessible to the individual subject of that data. Confidential data on individuals (or protected non-public data not on individuals) means data which is made not public by statute or federal law applicable to the data and is inaccessible to the individual subject of that data.

## B. ACCESS TO GOVERNMENT DATA

As already noted, the Act presumes that all government data are public unless the law dictates otherwise. Public data must be made available for inspection at no charge immediately, if possible,

or as soon as possible. If a request is made for copies of public data, the City may require the requesting person to pay the actual costs of searching for and retrieving government data, including the cost of employee time, and for making, certifying, compiling, and electronically transmitting the copies of the data, but may not charge for separating public from not public data. However, if one hundred or fewer pages of black and white, letter or legal size paper copies are requested, actual costs shall not be used. Instead, the City may charge up to twenty-five cents per page. If the City is not able to provide copies at the time a request is made, copies shall be supplied as soon as reasonably possible.

When a request is made by an individual who is the subject of data, the person must be informed as to whether or not they are the subject of stored data and the data's classification. The City must comply with a request for access or copying made by the subject of the data immediately, if possible, or within ten working days of the request, excluding Saturdays, Sundays, and legal holidays, if immediate compliance is not possible.

When private or confidential data is collected from an individual, the individual has the right to be informed of: (a) the purpose and intended use of the requested data; (b) whether the individual may refuse to provide the data; (c) any known consequences of refusing to provide the data; and (d) the identity of persons or agencies authorized to receive the data. Generally speaking, private or confidential data is available only to individuals within the City whose work assignments reasonably require access.

Private or confidential data can only be used in accordance with the advisory given to the individual at the time of the collection of the data. It can only be released pursuant to a court order or with the informed consent of the subject of the data. Informed consent should be in writing.

Although the Act presumes that all government data are public, the exceptions are extensive. A few of the most commonly encountered privacy and confidentiality exceptions are noted below.

### **C. PERSONNEL DATA**

One of the most commonly raised issues involves the classification of personnel data regarding City employees. Personnel data is defined in Minn. Stat. §13.43 as data on individuals collected because the individual is or was an employee of, or an applicant for employment by, performs services on a voluntary basis for, or acts as an independent contractor with the City. The personnel data section of the statute stands alone in that it reverses the ordinary presumption that data are public under the Act. Under Section 13.43, personnel data is deemed private data unless specifically enumerated within the section as public data. The public personnel data is enumerated as follows:

1. Name; employee identification number, which must not be the employee's social security number; actual gross salary; salary range; terms and conditions of employment relationship, contract fees; actual gross pension; the value and nature of employer paid fringe benefits; and the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;
2. Job title and bargaining unit; job description; education and training background; and previous work experience;

3. Date of first and last employment;
4. The existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action;
5. The final disposition of any disciplinary action together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the public body;
6. The terms of any agreement settling any dispute arising out of an employment relationship, including a buyout agreement as defined in Minnesota Statutes, Section 123B.143, subdivision 2, paragraph (a); except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money;
7. Work location; a work telephone number; badge number; and honors and awards received; and
8. Payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data.

The interpretation of Section 13.43 can be complicated and the law changes regularly. Please contact the City Attorney's Office with questions about personnel data.

#### **D. ELECTED OFFICIALS' DATA**

In Minneapolis, full-time elected officials are treated as employees for the purposes of the Data Practices Act. However, financial disclosure statements of elected or appointed officials which, by requirement of the political subdivision, are filed with the political subdivision, are public data. Correspondence between individuals and elected officials is private data on individuals, but may be made public by either the sender or the recipient.

#### **E. PENDING CIVIL LEGAL ACTIONS**

Data collected as part of an active investigation undertaken for the purpose of the commencement or defense of a pending civil legal action, as determined by the City Attorney, is confidential. The data remain confidential until the conclusion of the civil legal action.

#### **F. LAW ENFORCEMENT DATA**

Law enforcement data is data created or maintained by agencies carrying on a law enforcement function, including but not limited to, the Police and Fire Departments. Certain law enforcement data is always public. However, criminal investigative data is confidential while the investigation is active.

The law enforcement data section of the Act also provides for protection of the identities of certain victims and witnesses.

## **G. OTHER DATA**

Other examples of private data include medical data, certain educational data, certain welfare data, and social security numbers. The City Attorney's Office is always available for consultation on these issues.

## **H. DATA ON PERSONS APPOINTED TO A PUBLIC BODY**

Under Minnesota Statutes, Section 13.601, data about members of the Stadium Implementation Committee are private, except that the following are public:

1. Name;
2. Residential address, including City of residence;
3. Education and training;
4. Employment history;
5. Volunteer work;
6. Awards and honors;
7. Prior government service;
8. The member's choice of his or her:
  - a) Telephone number;
  - b) E-mail address; or
  - c) Both telephone number and e-mail address.
9. Veteran status;
10. First and last dates of service on Committee;
11. The existence and status of any complaints or charges against an appointee;
12. Upon completion of an investigation of a complaint or charge against an appointee, the final report is public, unless access to the data would jeopardize an active investigation.

## **I. REMEDIES FOR VIOLATIONS OF THE ACT**

The Data Practices Act provides that a willful violation of its provisions is a misdemeanor. The Act also authorizes a private legal action to enjoin violations of the Act and provides for exemplary

damages of not less than \$1,000, nor more than \$15,000, for each willful violation of the Act. If the court issues an order to compel compliance, it may impose a civil penalty of up to \$1,000 against the government entity. The Act also allows a party prevailing in a suit for damages arising from a violation of the Act to recover costs and disbursements, including reasonable attorney's fees. Further, a complaint alleging a violation of the Act can be filed with the Office of Administrative Hearings. The Office of Administrative Hearings can require that the parties engage in a hearing, which may result in the government entity paying a civil penalty of up to \$300, costs, and up to \$5,000 in reasonable attorneys' fees.

### **III. PUBLIC RECORDS**

#### **A. PUBLIC RECORDS**

1. Most records of the Stadium Implementation Committee will be public and will be provided to the public in accordance with the Minnesota Government Data Practices Act.
2. Certain data on Stadium Implementation Committee members is public under Minn. Stat. §13.601.
3. Upon request by the public, public records must be produced within a reasonable time period.
4. Public requests for data should be directed to the City Attorney.

#### **B. EXAMPLES OF IMPLEMENTATION COMMITTEE RECORDS**

1. Stadium Implementation Committee training materials.
2. Stadium Implementation Committee meeting agendas and minutes.
3. Audio tapes of meetings.
4. Video tapes of meetings.
5. Written communications with the public, such as letters, e-mails, and texts.
6. E-mails, texts and other written communication related to committee business with City staff, elected officials and Stadium Implementation Committee members.
7. Background materials prepared by City staff.
8. Budget and expenses.

#### **C. RETENTION OF STADIUM IMPLEMENTATION COMMITTEE RECORDS**

Implementation committee records that are **government records** must be retained by the City. See Minnesota Statutes, Section 138.17.

#### **D. GOVERNMENT RECORDS**

Government Records, for purposes of retention of records, are:

1. All written or recorded data;
2. Made or received;

3. By the City of Minneapolis, the Stadium Implementation Committee, or any members of these public bodies;
4. Regardless of the type of physical form; and
5. That becomes part of an official transaction (or has administrative, monetary/budgetary, legal or historical value).

#### **E. EXAMPLES OF RECORDS THAT ARE NOT GOVERNMENT RECORDS**

Examples of records that are not government records, and therefore do not need to be retained, are:

1. Extra copies of documents kept for convenience purposes. Make sure one copy of a government record is kept.
2. Books, periodicals, newspapers, library materials or online materials preserved solely for reference purposes.
3. Personal materials that have no relation to official duties (e.g., a text to a friend made during a Stadium Implementation Committee meeting).
4. Preliminary drafts, computations, worksheets and informal notes which do not represent significant steps in the preparation of a record.

#### **F. EXAMPLES OF RECORDS THAT ARE GOVERNMENT RECORDS**

Examples of records that are government records, and therefore do need to be retained, are:

1. Documentation necessary to support the reports and recommendations of the Implementation Committee.
2. Rough notes, calculations, drafts, computer reports, etc., that are created and assembled in preparation of other records, to trace actions, steps, and decisions covered in the final report, product or recommendation.
3. Official documents, such as agendas, minutes, resolutions, and reports, disseminated to the Stadium Implementation Committee for review.

#### **G. DIFFERENCES BETWEEN DATA PRACTICES ACT REQUESTS FOR DOCUMENTS AND REQUIREMENT TO RETAIN DOCUMENTS**

1. The Stadium Implementation Committee members are required to retain one copy of government records.
2. If a document is not a government record, as described above, the data does not need to be retained.
3. Under the Minnesota Government Data Practices Act, "government data" is broader than for retention purposes. "Government data" under the Data Practices Act means all data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media or conditions of use. Under this broad definition of "government data," if there is a public request for existing Implementation Committee data, even if it does not need to be retained as part of an official action, the data must be provided if it is public data. For example, if a Implementation Committee member makes notes while working on committee matter, such as notations of their

thoughts or calculations, could be public and accessible to the public, even though it does not need to be retained.

## **H. TIPS FOR KEEPING NOTES**

1. When you are creating notes, keep your personal notes (e.g., phone number of friend or time and place of friend's party) separate from your committee notes.
2. When you are creating notes, keep in mind that your committee notes can probably be obtained by the public, including the media.
3. Keep one copy of documents that are government records, as defined above for retention purposes.
4. If you want to take notes on a computer laptop, notebook, tablet, smart phone or other such device, be aware that the public can request the electronic version of your notes.

## **IV. Minneapolis Ethics in Government Ordinance**

### **A. Introduction**

The City of Minneapolis has adopted a comprehensive Ethics in Government Ordinance ("Ethics Code"). M.C.O. Chapter 15. The purpose of the Ethics Code is outlined in its preamble:

Minneapolis government exists to serve the people of Minneapolis. In order to do so effectively, the people must have confidence and trust in the integrity of their city government. They deserve elected and appointed officials, city employees and volunteers who maintain the highest ethical principles and avoid misconduct and conflicts of interest, apparent or real. Effective democracy depends on a government that is fair, ethical and accountable to the people it serves.

This comprehensive code of ethics provides an ethical guide and specific rules that reflect the ethical values of our city. It is both inspirational and a basis for disciplinary action. The ethical aspirations that begin each section represent the inspirational objectives toward which each local official and employee should strive. Except for the ethical aspirations set forth in 15.20, 15.130, 15.180, the code of ethics defines levels of conduct below which no local official or employee can fall without being subject to disciplinary action.

The code of ethics is designed to promote high ethical standards and conduct, and to foster a healthy ethical culture throughout city government. It is a touchstone for all who work with and for the city to assist them in fulfilling their responsibilities to the people of Minneapolis. (2003-Or-034, § 1, 3-21-03)

## **B. Application to Stadium Implementation Committee**

Members of Boards and Commissions who are appointed or designated by either the Mayor or the City Council are considered “local officials” under the Ethics Code. See, M.C.O. § 15.280(m)(3). Local officials are required to comply with the ethics education requirements, M.C.O. § 15.260, of the Ethics Code. This includes participating in initial training on the Ethics Code.

The City Clerk’s Office and the City Attorney’s Office have coordinated to package and offer this training conveniently through an on-line interactive program. Here is the link to the required training:

<http://mpls-ethics.appspot.com/>

It should take you less than 40 minutes to complete this training and the internet training website can be accessed from any computer. Once you complete the training program, please remember to take the time to complete the on-line certificate. This allows the City Clerk and the Attorney’s Office to track the completion of the training. It would be helpful if you would either print a hard copy or email a pdf of your certificate to staff at CPED so that it can be kept in officials files for the Stadium Implementation Committee. We would request that you complete your training within the next 30 days.

Finally, please keep in mind that the City Attorney’s Office provides the City’s Ethics Officer who is available to offer guidance and assist with your questions during your tenure as an appointee to the Stadium Implementation Committee. The City’s Ethics Officer is Assistant City Attorney Susan Trammell. She can be reached at (612) 673-3230 or [susan.trammell@minneapolis.mn.gov](mailto:susan.trammell@minneapolis.mn.gov).