

CHAPTER 5

CODE OF CONDUCT

SECTION:

- 1-5-1: Purpose
- 1-5-2: Standards of Conduct
- 1-5-3: Complaint & Hearing

1-5-1: **PURPOSE:** The City Council of the City of Sartell determines that a code of conduct for its members, as well as the members of the various boards and commissions of the City of Sartell, is essential for the public affairs of the City. By eliminating conflicts of interest and providing standards for conduct, the City Council hopes to promote the faith and confidence of the citizens of the City of Sartell in their government and to encourage its citizens to serve on its City Council and commissions.

1-5-2: **STANDARDS OF CONDUCT:** Councilmembers and City 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 people appearing before them. No member of the City Council or a City board or Commission may knowingly:

- A. Violate the open meeting law more than three (3) times in their term of office.
- B. Participate in a matter that affects the persons' financial interest 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. 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.
- J. 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 in their own interest and not the position of the City.
- K. Personally endanger the City's public image and credibility due to a criminal or civil investigation, suit, or offense.
- 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 Minn. Stat. Sec. 471.87, there is no violation of subdivision b. of this section for the matter that comes before the City Council, board, or commission if the member of the City 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 circumstances described under Minnesota Statute Section 471.88, if proper statutory procedures are followed.

1-5-3:

COMPLAINTS & HEARING: Any person may file a written complaint with the City Administrator alleging a violation of the standards of conduct in 1-5-2 of this Code 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 City Council's own decision, determine other actions. 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 City Council, that the factual allegations state a sufficient claim of a violation of these standards or rise to the level of a legally recognized claim, and (2) that the complaint has been lodged in good faith and not for impermissible purposes. The City Council's determination must be made within 30 days of the filing of the allegations with the City Administrator. If the City Council determines that there is 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 City Council may censure the person, refer the matter for criminal prosecution, request an official not to participate in a decision, require a leave of absence, remove the appointed member of an advisory board or commission from office, and/or any other action within the City Council's authority that the City Council deems appropriate.