

**FRIDLEY CITY CODE**  
**CHAPTER 5. ETHICS**  
**(Ref. 661)**

**5.01. POLICY AND DEFINITIONS**

1. General Declaration of Policy.

It is necessary that all persons acting in the public service not only maintain high standards of ethical conduct in their transaction of public business but that such standards be clearly defined and known to the public, as well as to the persons acting in public service. In recognition of this goal, there is hereby established a Code of Ethics for public officials, elected and appointed, and for top level City employees. The purpose of this Code is to establish ethical standards of conduct for such officials and City employees by setting forth those acts or actions that are incompatible with the best interests of the City and by directing disclosure by such persons of private, financial or other interests in matters affecting the City.

2. Definitions

A. Top Level City Employees.

The City Manager, the City Attorney department heads and any other City employees designated by the City Manager.

B. Financial Interest.

Ownership of more than 10% of any of the following: (1) The outstanding stock in a corporation; (2) An interest in a partnership, proprietorship, or other business entity; or (3) An interest in real property. Financial interest shall apply to real or personal properties owned by the person making the disclosure and by said person's spouse.

C. Personal Interest.

Whenever a person required to make a disclosure under this Code of Ethics shall be associated with a business as an employee, officer, director, trustee, partner, advisor or consultant.

**5.02. SCOPE OF PERSONS COVERED**

The provisions of this Chapter shall be applicable to all members of the City Council and the following advisory bodies: Planning Commission, Community Development Commission, Appeals Commission, Parks and Recreation Commission, Environmental Quality Commission, Human Resources Commission, Cable Television Commission, Housing and Redevelopment Authority and Energy Commission.

### **5.03. FAIR AND EQUAL TREATMENT**

1. Subject to the provisions of Section 5.03.2 no person covered by this Chapter shall participate in the discussion of, or vote on, any issue in which he or she has any financial interest. Also subject to Section 5.03.2, no top level City employee shall recommend, advise, or in any manner influence the vote of the City Council or an advisory body on any issue in which he or she has a financial interest.

2. No person covered by this Chapter shall take any official action with respect to a matter in which he or she has a financial or personal interest, provided that participation in the decision-making process on his or her behalf as a private citizen shall not be proscribed by this Chapter and provided further that he or she may participate in matters leading up to or preliminary to official action to the extent that he or she disclosed any such direct financial or personal interest as he or she may have in the same and to the extent that he or she has no discretion to make a final controlling judgment or vote on the same. Disclosure of any such financial or personal interest shall be made to the Council, commission, board or committee of which the person is a member or, in the case of a top level City employee, to the City Manager, when the item appears on the agenda. Such disclosure shall be recorded in the minutes and shall become a matter of public record.

3. No person covered by this Code of Ethics shall, without proper legal authorization, disclose confidential information concerning the property, government or affairs of the City, nor shall he or she use such information to advance the financial or other private interest of any person.

4. No person covered by this Code of Ethics shall directly or indirectly solicit any gift or 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 inferred that the gift was intended to influence him or her or could reasonably be expected to influence him or her in the performance of official duties or was intended as a reward for any official action on his or her part. The provisions of this Subdivision shall not apply to political gifts that conform to the limitations prescribed by Minnesota Statutes for said gifts.

5. Except as specifically authorized by Section 471.88 of the Minnesota Statutes, no person covered by this Code of Ethics who is authorized to take part in any manner in making any sale, lease or contract in his or her official capacity shall have a direct financial interest in that sale, lease or contract or personally benefit financially therefrom.

### **5.04. PUBLIC DISCLOSURE BY CITY COUNCIL**

1. Each member of the City Council shall file, as a public record in the office of the City Clerk, a signed statement disclosing the following:

A. A list of the names of all business corporations, partnerships and other business enterprises or governmental agencies doing business with the City of Fridley or located within the City of Fridley:

- (1) with which he or she has a financial interest, or
- (2) with which he or she has a personal interest;

B. A list of the non-homestead real property located within the City of Fridley in which he or she currently has a financial interest;

C. A list of the non-homestead real property located within the City of Fridley in which he or she had a financial interest within the preceding three (3) years;

D. A list of the names and nature of business, of all corporations, partnerships and other business enterprises with which he or she has a financial interest and in which he or she knows one or more other persons covered by this Code of Ethics also have a financial interest in said enterprise. This list shall indicate the name or names of such other person or persons having such interest in said enterprise.

2. Each person who files as a candidate to become a member of the City Council or is filed as a candidate for City Council, at the time of filing as a candidate, shall file the disclosure statement required by this Section.

3. Within thirty (30) days after each anniversary date of an initial filing, each person required to make such a filing under this Section shall file a new disclosure statement setting forth the information required hereby as of the time of the new statement.

4. Material changes in financial interest or in positions held shall be disclosed by filing an amended disclosure statement within thirty (30) days after such interest is obtained or such changed position occurs.

#### **5.05. PUBLIC DISCLOSURE BY MEMBERS OF ADVISORY BODIES**

1. Each member of any commission or committee shall file, as a public record in the office of the City Clerk, a signed statement disclosing the following:

A. A list of names of all business corporations, partnerships and other business enterprises or governmental agencies doing business with the City of Fridley or located within the City of Fridley:

- (1) with which he or she has a financial interest, or
- (2) with which he or she has a personal interest;

B. A list of the non-homestead real property located within the City of Fridley in which he or she currently has a financial interest;

2. Each person who is appointed or reappointed to an advisory body which is included in this Code of Ethics shall file the disclosure statement within thirty (30) days of such appointment.

3. Material changes in financial interest or in positions held shall be disclosed by filing an amended disclosure statement within thirty (30) days after such interest is obtained or such changed position occurs.

#### **5.06. PUBLIC DISCLOSURE BY TOP LEVEL CITY EMPLOYEES, EXCEPT THE CITY ATTORNEY**

1. The City Manager, department heads and other employees designated by the Manager, except the City Attorney, shall annually file as a public record in the office of the City Clerk, a signed statement disclosing the following information:

A. A list of names of all business corporations, partnerships and other business enterprises or governmental agencies doing business with the City of Fridley or located within the City of Fridley:

- (1) with which he or she has a financial interest, or
- (2) with which he or she has a personal interest;

B. A list of the non-homestead real property located within the City of Fridley in which he or she currently has a financial interest;

C. A list of the names and nature of business, of all corporations, partnerships and other business enterprises with which he or she has a financial interest and in which he or she knows one or more other persons covered by this Code of Ethics also having a financial interest in said enterprise. This list shall indicate the name or names of such other person or persons having such interest in said enterprise.

2. Each newly-hired manager or department head, except the City Attorney, shall within thirty (30) days of the hiring date and annually thereafter, file the disclosure statement required by this Section.

3. Material changes in financial interest or in positions held shall be disclosed by filing an amended disclosure statement within thirty (30) days after such interest is obtained or such changed position occurs.

#### **5.07. PUBLIC DISCLOSURE BY CITY ATTORNEY**

1. The City Attorney shall annually file, as a public record in the office of the City Clerk, a signed statement disclosing the following information:

- A. A list of names of all business corporations, governmental agencies, companies, firms or partnerships and other business enterprises doing business with the City of Fridley or located within the City of Fridley in which he or she has any financial interest, except that clients of the City Attorney's private law practice shall be excluded from the list, provided that no other business relationship except that of attorney/client exists.
  - B. A list of the non-homestead real property located within the City of Fridley in which he or she currently has a financial interest
2. The City Attorney, or members of his or her law firm, shall not appear before the City Council, commission or committee for the purpose of representing any client, except the City of Fridley or employees of the City of Fridley, when such latter representation is in connection with their official duties as City employees.
  3. Any person who is appointed or hired as City Attorney shall, within thirty (30) days of said appointment, and annually thereafter, file the disclosure statement required by this Section.
  4. Material changes in financial interest or in property holdings shall be disclosed by filing an amended disclosure statement within thirty (30) days after such change occurs.

#### **5.08. EXCLUSIONS**

This Code of Ethics shall not be construed to require filing of information relating to any person's connection with, or interest in, any professional society or any charitable, religious, social, fraternal, recreational, public service, civic or political organization, or of any similar organization not conducted as a business enterprise, nor shall disclosure be required hereby where prohibited by professional or business association ethics promulgated by any State agency.

#### **5.09. METHOD OF FILING**

The City Manager shall inform each person required by the Code of Ethics to file a disclosure statement and the time and place for filing. The City Clerk shall prepare the necessary forms for the disclosure statements. The City Manager shall make available to the City Council or individual council members, copies of all disclosure statements filed within fourteen (14) days after said filing. The City Manager shall notify the City Council whenever a person who is required by this Chapter to file a disclosure fails to do so.

#### **5.10. VIOLATIONS**

Any violation of the provisions of this Chapter is a misdemeanor and is subject to all penalties provided for such violations under the provisions of Chapter 901 of the Fridley City Code. The City shall reimburse reasonable defense costs providing the defendant is found "not guilty".