

City of Badger

Code of Ethics for Public Officials in the City of Badger

WHEREAS, it is imperative that the officials in the public service not only maintain the highest possible standards of ethical conduct in their transactions of public business, but that such standards be clearly defined and known to the public as well as to the public officials. NOW THEREFORE, BE IT RESOLVED by the City of Badger City Council that the following be a Code of Ethics for the public officials of the City of Badger.

Section 1. Declaration of Policy.

The proper operation of democratic government requires that public officials be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the government structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.

In recognition of these goals, there is hereby established a Code of Ethics for all public officials of the City of Badger. The purpose of the Code is to establish ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the best interests of the city, and by directing disclosure by such officials of private financial or other interests in matters affecting the city. The provisions and purpose of this Code and such rules and regulations as may be established are hereby declared to be in the best interest of the City of Badger.

Section 2. Definitions of Terms.

Public Official: Any person that has been elected to office, appointed by the City Council, appointed to a city committee or commission or hired by the city to serve as a department head or assistant department head. This list includes the following:

- a. A member of the city council or other elected official.
- b. The department head and assistant department head of each city department.
- c. A member of any city committee or commission.
- d. Consultants retained by the city and those individual professionals (such as but not limited to engineers, architects, lawyers, auditors, and appraisers) in the consultants firm who perform work for the city.

Anything of Value: Money, real or personal property, a permit or license, a favor, a service, forgiveness of a loan or promise of future employment. It does not mean reasonable compensation or expenses paid to a public official by the government of the City of Badger for work performed.

Compensation: A payment of "anything of value" to an individual in return for that individual's services of any kind.

Association: A business entity of any kind, a labor union, a club or any other group of two or more persons other than the immediate family.

Immediate Family: A reporting individual, spouse, minor children, minor stepchildren or other persons residing in the same household.

Gift: The payment or receipt of "anything of value" unless consideration of greater or equal value is provided in return.

Section 3. Ethical Considerations.

Public officials are to serve all persons fairly and equitably without regard to their personal or financial benefit. The credibility of the City of Badger government hinges on the proper discharge of duties in the public interest. Public officials must assure that the independence of their judgment and actions, without any consideration for personal gain, is preserved.

Specific ethical considerations are enumerated below for the guidance of public officials but these do not necessarily encompass all the possible ethical considerations that might arise.

a. Other Offices or Employment. An elected public official shall not hold another “incompatible office”, as that term has been interpreted from time to time by statute, the courts, and by the Attorney General. Employed public officials shall not hold such incompatible office without notice and approval by the city council. Elected and appointed public officials shall not hold other office or employment which compromises the performance of their elected or appointed duties without disclosure of said office or employment and self disqualification from any particular action which might be compromised by such office or employment.

b. Use of Confidential Information. No public official shall use information gained as a public official which is not generally made available to and/or is not known to the public, to directly or indirectly gain anything of value.

c. Solicitation of or Receipt of Anything of Value. A public official shall not solicit or receive anything of value from any person or association, directly or indirectly, in consideration of some action to be taken or not to be taken in the performance of the public official’s duties.

d. Holding Investments. No public official shall hold any investment which might compromise the performance of the public official’s duties without disclosure of said investment and self disqualification from any particular action which might be compromised by such investment, except as permitted by statute, such as Minnesota Statute 471.88.

e. Representation of Others. A public official shall not represent persons or associations in dealings with the city in consideration of anything of value.

f. Financial Interest. Where a public official or a member of the public official’s immediate family has a financial interest in any matter being considered by the public official, such interest, if known to the public official, shall be disclosed by the public official. If the public official has such a financial interest or if the minor child of a public official has such a financial interest, the public official shall be disqualified from further participation in the matter.

g. City Property. No public official shall use city owned property such as vehicles, equipment, or supplies for personal convenience or profit except when such property is available to the public generally, or where such property is provided by specific city policy in the conduct of official city business.

h. Special Consideration. No public official shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

i. Authority. No public official shall exceed his or her authority, or breach the law, or ask others to do so.

j. Giving Anything of Value. No elected public official shall give anything of value to potential voters in return for their votes, promises, or financial considerations which would be prohibited by the State of Minnesota Fair Campaign Practices statute.

k. Public Funds, etc. No public official shall use public funds, personnel, facilities, or equipment for private gain or political campaign activities.

l. Expenses. Public officials shall provide complete documentation to support requests for expense reimbursement. Expense reimbursement shall be made in accordance with city policy.

m. Donations. No public official shall take an official action which will benefit any person or entity because of a donation of anything of value to the city by such person or entity.

n. Official Action. No public official shall take an official action which will benefit any person or entity where such public official would not have otherwise have taken such action but for the public official's family relationship, friendship, or business relationship with such person or entity.

o. Compliance with Law. Public officials shall comply with all local ordinances and state and federal statutes including, but not limited to, the criminal code, Fair Campaign Practices Act, and laws governing the functioning of municipalities, their elected and appointed officials and employees.

Section 4. Special Considerations.

Situations can arise where a member of a commission, a board, or a committee abstains from voting because of a conflict of interest, but his or her abstention becomes a vote either for or against the matter because a majority is required to pass or reject that matter. This can happen where four-fifths vote is needed to pass an issue, or the vote has to be a clear majority and a split vote does not pass or reject.

When this happens, the city attorney must be consulted and the final vote should carry a public notice explaining what took place, and how it was resolved.

Section 5. Disclosure of Financial Interests.

Not later than ninety (90) days after the date of approval of this code, each public official of the city shall file as a public record, in the office of the city clerk-treasurer; a statement containing the following:

1. A list naming all business enterprises known by the public official to be licensed by or to be doing business with the city which the public official or any member of the public official's immediate family is connected as an employee, officer, owner, investor, creditor of, director, trustee, partner, advisor, or consultant; and

2. A list of the public officials and members of the public official's immediate family's interests in real property located in the city or which may be competing with the interests of the city located elsewhere, other than property occupied as a personal residence.

Each person who enters upon duty after the date of this code in an office or position as to which a statement is required by this code shall file such a statement on forms to be provided by the city not less than thirty (30) days after the date of his/her entrance on duty.

Each person who made an initial filing shall file a new statement by January 30 of each year thereafter, or read and re-date the original statement, giving the information called for above as of the time of the new statement. If a change in financial interest or property ownership occurs between filings, a new filing shall be made within thirty (30) days of the change.

The interest of any member of the immediate family shall be considered to be an interest of a person required to file a statement by or pursuant to this ordinance.

This code shall not be construed to require the filing of any information relating to any person's connection with or interest in any professional society or any charitable religious, social, fraternal, educational, recreational, public service, civil, or political organization, or any similar organization not conducted as a business enterprise and which is not engaged in the ownership or conduct of a business enterprise,

However, if any of such organization seeking any action or benefit come before a city council or board, then membership in the organization shall be potential conflict of interest and must be reported as such to the city clerk-treasurer or like position by the public official in an amended disclosure statement. The other stipulations of this code then apply.

The city clerk shall inform each person who is required to file an initial statement of the time and place for filing. The city clerk shall inform the council whenever a person who is required to file a statement fails to do so.

Passed and adopted by the City Council this 8th day of June 2005.

The effective date of this Ordinance is the date of this publication.

Signed:

Charles E. Walsh, Mayor

Attest:

Pam Monsrud, Clerk-Treasurer

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CITY OF BADGER
Disclosure of Financial Interests by a Public Official

Initial Statement – Each person who enters upon duty in an office or position, as to which a statement of disclosure is required by the Code of Ethics for Public Officials in the City of Badger, shall file such a statement on this form no less than thirty (30) days after the date of his/her entrance on duty.

New Statement – Each person who made an initial filing shall review, initial and re-date his/her original statement by January 30 of each year thereafter. If a change in financial interest or property ownership occurs between filings, a new filing shall be made within thirty (30) days of the change.

The interest of any member of the immediate family shall be considered to be an interest of a person required to file a statement by or pursuant to this ordinance.

STATEMENT

I, _____, _____, of the City of Badger, hereby
Name Title

provide the following information pursuant to the Code of Ethics for Public Officials:

1. A list naming all business enterprises known by me to be licensed by or to be doing business with the city which I or any member of my immediate family is connected as an employee, officer, owner, investor, creditor of, director, trustee, partner, advisor, or consultant:

2. A list of my or any member of my immediate family's interests in real property located in the county, or which may be competing with the interests of the county located elsewhere, other than property occupied as a personal residence:

Signature and Title

Date