

# GUIDING PRINCIPLES

## I. General Policy Statement & Objective

The purpose of this document is to establish guiding principles for the Golden Valley City Council (the “Council”) and Golden Valley City Boards and Commissions. These principles apply to the members of the Council and the Mayor as well as the appointed members of the City’s Boards and Commissions, each of the foregoing being referred to in this document as a “Member.”

## II. Values

The City of Golden Valley has determined the following as our core set of values:

- Communication
- Community
- Inclusion
- Integrity
- Respect
- Innovation
- Courage
- Accountability

## III. Standards of Conduct

1. A Member must not use his or her official position to secure special privileges or exemptions for the person or others.
2. A Member must not act as an agent or attorney for another before the Council or a board or commission in a matter where a conflict of interest exists or may exist.
3. A Member must not knowingly accept or solicit, directly or indirectly, a gift or loan for himself, herself, or another if this is prohibited by law.
4. A Member may accept compensation or expense reimbursement for the performance of the person’s public duties only from the sources listed below. A Member must not solicit or accept compensation or expense reimbursement for the performance of the person’s public duties from any sources other than:
  - a. compensation and expenses paid by the City;
  - b. compensation and expenses from other employment, if the person happens to conduct public business while being paid for the other employment and if the other employment does not interfere with, influence, or compromise the person’s public position; or
  - c. compensation and expenses paid by another governmental agency or municipal association to a Member who serves as a City representative for that agency, but only if the City does not also pay the person for the same activity.

5. A Member must not use public money, time, personnel, facilities, or equipment for private gain or political campaign activities except when:
  - a. the use is required or authorized by law; or
  - b. the use is not greater than that allowed for members of the general public.

This paragraph does not prohibit correspondence at any time to individual residents in response to the resident's specific inquiries.

6. A Member must not disclose to the public, or use for the private gain of self or others, information that was gained by reason of the official's public position and that is not public data or was discussed at a closed session of the Council. Further, a Member must not disclose information received, discussed, or decided in conference with the City Attorney that is protected by the attorney/client privilege, unless a majority of the Council has authorized that disclosure.
7. A Member must not enter into a contract with the City, unless in accordance with law. A Member who has a proprietary interest in an agency or company doing business with the City must make known that interest in writing to the Council and the City Clerk.
8. A Member must not intentionally violate a provision of the City Code or the City ordinances.
9. Council Members are expected to be prepared for Council meetings and Council/Manager meetings by reading agenda packets and requesting further research in advance of the meetings.
10. The Mayor and Council Members direct City staff, contract employees, and consultants only through the City Manager, as established by the requisite majority vote. At Council meetings, the Council may express concerns and may provide staff specific direction, provided that the direction is the consensus of the Council. The City Manager will request further clarification if he/she feels it is required so there is a clear understanding of what the Council's expectations are in terms of the actions to be taken by staff.
11. Members shall conduct themselves in such manners as to obey and adhere to Minnesota Statutes Chapter 13D, the Open Meeting Law.
12. Members' duties shall be performed in accordance with the process and rules of order established by the Council or the City Code.
13. Public resources that are not available to the general public (e.g., City staff time, equipment, supplies and/or facilities, etc.) shall not be used by the Members for private, personal, or political purposes.

14. It is the responsibility of Council Members to publicly share, with all other Council Members, information they have received from sources outside of the public decision-making process, which pertains to a topic under consideration. Whenever possible, new information or data obtained by Council Members, pertinent to a topic being discussed, will be distributed through the City Manager to other Council Members.

#### **IV. Communications**

As elected officials, Council Members have a responsibility to communicate information to the public. Communicating accurate, timely, and professional information is important to ensuring the quality and credibility of information being provided to the public.

**Public Record:** Communications (electronic or written) involving Members are public records (with a few exceptions as stated by the Minnesota data practices act—[www.house.leg.state.mn.us/hrd/pubs/dataprac.pdf](http://www.house.leg.state.mn.us/hrd/pubs/dataprac.pdf)). Communications not considered public record may still be public information (i.e., email, text messages). Those interested in copies of these items must file a public disclosure request. Requests for private data or information outside of the scope of a Member’s role should be routed to the City Manager.

**Align With Minnesota Open Meeting Law:** Information posted or responded to should be done in alignment with the open meeting law: (See [www.house.leg.state.mn.us/hrd/pubs/openmtg.pdf](http://www.house.leg.state.mn.us/hrd/pubs/openmtg.pdf)). Members should generally act with caution when using electronic means to communicate with one another. Members who wish to share information with other Members should do so through the City Manager. Materials relating to agenda items for City business (including email) must be provided to the public at the meeting. Email or social media communications shared among three or more Members should take place at an open meeting. Example of a violation: A Member posts a comment on a Facebook page about a proposed ordinance. A second Member comments that they agree and a third Member clicks the “like” button.

**Citizen Questions, Comments, and Concerns:** It’s important that Members direct citizen questions, comments, and concerns to staff. Doing so ensures requests are routed to the appropriate staff person and holds accountability that proper follow-up is made and the task is completed. In addition, since some requests cover multiple departments there may be a request history that will be useful as staff works to resolve the issue.

**Electronic Communications:** Generally, the Golden Valley City Council receives agenda materials, background information, and other meeting information via email and/or the list serve. Contact the City Manager if there are questions about these items.

**Social Media:** Since social media is an effective and frequently chosen communication tool among the public, the City of Golden Valley has its own official social media pages.

**Communication Tips for Email and Social Media Public Perception:** Members are public officials representing the City of Golden Valley and its policies and perspectives.

**Official Versus Individual Perspectives:** Since the public connects City officials to the City of Golden Valley, it's important to clarify official perspectives from individual perspectives.

**Public information:** Any published content, written or electronic (email, for example), may be considered public information or considered covered under the Minnesota data practices act. Informal messages not related to a public official's role, such as meeting notices, reminders, telephone messages, and informal notes, are not public record.

**Large Outreach:** Information posted on social media is public and is online for a long time. Both email and social media posts can be quickly shared with other audiences, making it important to post professional messages and avoid political comments.

**Discoverability:** Generally, email is removed from the system every three years. Email is discoverable in litigation, making it important to use it cautiously. When seeking legal advice or to discuss matters of pending litigation or other "confidential" City business, ensure emails are sent to only those intended because the attorney-client privilege protecting the document from disclosure may be waived.

**Media Relations - Media Inquiries:** Members are strongly encouraged to refer all media inquiries to the City Manager prior to Council discussion and vote on an item. After a vote has been taken, individual Members may comment on their decision. It's understood that individual Member decisions may not be reflective of the Council's majority vote. Following these guidelines is important to the democratic process because it helps avoid creating the public perception that a vote or decision has been made on a topic. That perception may discourage the public from engaging in the democratic process.

**City Manager's Role:** The City Manager communicates on the City's behalf in interviews, publications, news releases, on social media sites, and related communications. The City Manager is in the best position to provide a response because many issues involve multiple departments or work may already be in progress. Many times, a department director will handle interviews and communications on behalf of the City Manager.

When the media calls about:

1. Upcoming agenda items, issues, or discussion topics: Wait to provide information until the topic is voted on. This communicates that a decision has not been made and allows the public process to work by keeping the topic open for citizen input. If a Member discusses the issue with media before a decision is made, there is potential that the public may be confused about the Council's direction. This may create a public perception that a vote or decision has been made on a topic and discourage the public from engaging in the democratic process.

2. Routine or public information (i.e., a meeting time or agenda): Provide media with the information and notify City Manager.
3. Other information: About potential litigation, controversial issues, an opinion about a City matter, or if unsure of the type of question, it's strongly recommended to work with the City Manager on these topics. The City Manager typically works with staff on these issues and can present the discussion scope or topic.

## **V. Identifying and Addressing Conflicts of Interest**

So that citizens may have the utmost confidence and trust in the integrity of their City government, and to protect the City's interest and its citizen's interests, Members must disclose and avoid conflicts of interest that arise in performing their official duties. To this end, the below principles provide Members guidance for identifying, addressing, and disclosing conflicts of interest. This guidance supplements, not supplants, the responsibilities Members have under law with regard to conflicts of interest. Members should consult with the City Manager and/or City Attorney with questions or concerns they may have regarding conflicts of interest (whether the conflicts are real or perceived, potential or in existence), and not participate in or take any official action on a matter until such questions or concerns are resolved with the City Manager or City Attorney.

### **1. Identifying Legal Conflicts of Interest**

A "legal conflict of interest" exists when, in the discharge of official duties, a Member participates in a governmental decision, action or transaction that:

- a. 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; or
- b. affects the financial interests of an organization in which the person participates as a member of the governing body, unless the person serves in that capacity as the City's representative.

### **2. Identifying Financial Interests**

A financial interest is any interest, including loans, which may yield, directly or indirectly, a monetary or other material benefit to the Member (other than monetary or material benefits authorized by the City in accordance with law). A financial interest of a Member or Member's employer (other than the City), his or her associated business, or his or her spouse, domestic partner, parent, sibling or child, and their employers or associated businesses shall also be considered a financial interest of the Member. The following assets shall not be considered a financial interest for purposes of this section:

- a. ownership of shares in a diversified mutual fund;
- b. membership in a pension plan or employee benefit plan;

- c. ownership of bonds or publicly traded securities; and
- d. ownership of a whole life insurance policy.

### **3. Addressing Legal Conflicts of Interest**

- a. When a legal conflict of interest exists, except as permitted by law, a Member must disclose the potential conflict of interest for the public record, in the manner described in Section VI below, and refrain from participating in the discussion and from voting on the matter. To participate or participation, for the purposes of this document, means making the decision, taking action, entering into a transaction, providing advice or a recommendation, introducing, sponsoring, debating, voting on, approving, and investigating the decision, action, or transaction.
- b. A Member shall not participate in making, or attempt to use his or her position to influence, any City governmental decision, action, or transaction in which the Member knows or has reason to know that he or she has a legal conflict of interest.

### **4. Non-Legal Conflicts of Interest**

- a. Members may face situations in performing their official duties that raise, or are perceived to raise, a conflict of interest but which do not fall within the above description of a legal conflict of interest and are otherwise not a conflict of interest regulated by law. These types of conflicts are referred to, for purposes of this document, as “non-legal conflicts of interest.”
- b. While non-legal conflicts of interest may be different in nature or degree from a legal conflict of interest and other conflicts of interest regulated by law, they can nevertheless impair, or give the appearance of impairing, a Member’s independence of judgement and/or harm the City’s interests and the interests of the citizens.
- c. The significance of non-legal conflicts of interest often depends on the facts and circumstances involved in each situation, and thus it is difficult to establish bright- line rules regarding when such conflicts must be disclosed and necessitate a Member to refrain from participating in a matter. Therefore, Members are entrusted to use their best judgement regarding such situations with the aim of upholding the principles established under this document and the highest possible standards of ethical conduct, and with the understanding that public disclosure of non-legal conflicts of interest, by itself, helps maintain citizens’ trust and confidence in the integrity of City government.
- d. To this end, if a Member recognizes that his or her participation may create a non-legal conflict of interest, he or she should (i) discuss the matter in advance (to the extent possible) and in confidence with the City Manager and/or City Attorney regarding the appropriate action to take; and/or (ii) disclose the conflict in accordance with Section VI below and, if necessary, refrain from participating in the matter.

- e. Without limiting the foregoing, a Member may participate in a City governmental decision, action, or transaction involving an organization or entity that the Member, or his or her partner, spouse, partner, domestic partner, sibling, or child is an officer, director, board member, or trustee of, if the Member does not have a legal conflict of interest in the governmental decision, action, or transaction. However, the Member must disclose his or her affiliation with the organization or entity as though it were a legal conflict of interest, in the manner described in Section VI below.
- f. Similarly, a Member may participate in a City governmental decision involving a person related by family to the Member, other than his or her parent, spouse, domestic partner, sibling, or child, if the Member does not have a legal conflict of interest in the governmental decision, action, or transaction. However, the Member must disclose his or her relationship with the related person as though it were a legal conflict of interest, in the manner described in Section VI below.

## **VI. Disclosure of Conflicts of Interest**

If a Member, in the discharge of his or her official duties, recognizes that his or her participation in a matter would create a legal conflict of interest, or a non-legal conflict of interest that should or must be disclosed, the Member shall disclose the conflict of interest as follows:

- a. The Member shall disclose the conflict of interest to the City Manager and his or her fellow Members as soon as he or she becomes aware of the conflict. If a Member becomes aware of a conflict during a meeting of the Council or a committee or board, the Member shall immediately disclose the conflict of interest orally.
- b. In the case of a legal conflict of interest, a Member must also prepare, on a form prescribed by the City Clerk, a written statement describing the matter requiring action or decision and the nature of his or her conflict of interest, or as otherwise required by law. In the case of a Council Member, the written statement shall be distributed to the other Council Members and Mayor and filed with the City Clerk. Likewise, in the case of a Member of a board or commission, the written statement shall be distributed to the other Members of the board or commission and filed with the City Clerk. After the first time the Member has orally disclosed a conflict of interest and filed the disclosure form, the Member may subsequently orally disclose a conflict by referring to the filed form. Because Members may not attend all meetings, oral disclosure may consist of the written statement being read into the record by the presiding Member at the first regular meeting after the form has been filed. All written statements shall be filed and distributed within one week after the Member becomes aware of the legal conflict of interest. In the case of non-legal conflicts of interest that a Member discloses, the Member may file a written statement regarding the conflict.

- c. If a Member does not participate in any discussion or vote on a matter due to a conflict of interest, he or she shall be counted present for the purposes of establishing a quorum to carry on the business of the Council, board, or commission, but shall be considered disqualified for the purpose of establishing the number of votes necessary to pass motions or resolutions.

**VII. Hearing**

Any person may file a written complaint with the City Clerk questioning a Member’s adherence to the principles stated in Section III through VI above. After reviewing the complaint, the Council may hold a public hearing only if: (1) a neutral third-party designated by the City Attorney, advises the Council that the allegations state a legally-recognized violation of the law or a legally-recognized conflict of interest; or (2) a neutral third-party designated by the City Attorney, advises the Council that the complaint has been lodged in good faith and that the alleged violation is related to the accused Member’s role as a Member.

Prior to the hearing, a letter will be sent to the accused Member stating the alleged complaint. At the hearing, the accused Member shall have the opportunity to be heard.

If, after the hearing, the Council finds a violation of the principles stated in Section III through VI above, the Council may, by a majority vote, censure the accused Member. The accused Member shall not participate in the Council’s decision to censure.

**VIII. Shared Values Statement**

I affirm that I believe in and am committed to upholding the values as stated in this City of Golden Valley Guiding Principles.

Signature \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Refusal to sign City of Golden Valley Guiding Principles:

Signature \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Adopted by the City Council - February 16, 2016  
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