

# Code of Conduct

## Purpose

The City of Underwood believes that ethical government operations require that employees and appointed/elected officials be independent, impartial, and responsible to the public; that public employment or position not be used for personal gain; and that the public have confidence in the integrity of its government. This policy will establish ethical standards and set forth actions which are incompatible with such standards. This policy is not meant to diminish the ability of employees and appointed/elected officials to participate in ceremonial, representational or informational functions related to their official duties. This policy shall be interpreted in favor of protecting public interests by a full disclosure of conflicts of interest in addition to any statutory requirements, Attorney General Opinions or court rulings stipulating allowable actions for City employees and officials.

## Standards of Conduct

Subd. 1. City employees and appointed/elected officials should not:

- a. Violate the open meeting law.
- b. Participate in a matter that 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.
- c. Discriminate against, or refuse professional services to, anyone based on race, color, creed, age, sex, religion, disability, nationality, or sexual orientation.
- d. Use the person's public position to secure special privileges or exemptions for the person or for others.
- e. Engage in private employment or conduct a private business when such employment or business creates a conflict with or impairs the proper discharge of their official duties.
- f. Use the person's public position to solicit personal gifts or favors.
- g. Use the person's public position for personal gain.
- h. Act as agent or attorney for another in any matter before the Council or any Board or Commission or before any court or administrative board in any matter in which the City is a party.
- i. 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.
- j. 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.
- k. 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.

- l. Upon termination of employment or service as Mayor, Council Member, or employee, disclose to the public any confidential information obtained concerning the business of the City.
- m. Represent private interests before the city council or any city committee, board, commission or agency.

Subd. 2. Except as prohibited by the provisions of Minn. Stat Sec. 471.87, there is no violation of subdivision 1 b. of this section for a matter that comes before the council, board, or commission if the member of the 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 a member of the city council under the circumstances described under Minn. Stat. Sec. 471.88 if proper statutory procedures are followed.

### **Complaint, Hearing**

Any person may file a written complaint with the city clerk alleging a violation of the standards of conduct represented in this document. The complaint must contain supporting facts for the allegation. The city council may hold a hearing after receiving the written complaint or upon the council's own volition. 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 council, that the factual allegations state a sufficient claim of a violation of these standards or rise to the level of a legally-recognized conflict of interest, and (2) that the complaint has been lodged in good faith and not for impermissible purposes such as delay. The city council's determination must be made within 30 days of the filing of the allegation with the city clerk. If the 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 council may censure the person, refer the matter for criminal prosecution, request an official not to participate in a decision, or remove an appointed member of an advisory board or commission from office.

Dated this 10 day of June, 2024.

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ATTEST: \_\_\_\_\_

Anna Kiser, Mayor

Judy Everett, City Clerk/Treasurer