

ORDINANCE NO. ____

AN ORDINANCE AMENDING SECTIONS 2-16-2 AND 2-16-7 OF
CHAPTER 2-16 OF TITLE 2 OF THE ROCHESTER CODE OF
ORDINANCES RELATING TO PUBLIC ETHICS.

THE COMMON COUNCIL OF THE CITY OF ROCHESTER ORDAINS:

Section 1. Section 2-16-2 of Chapter 2-16 of Title 2 of the Rochester Code is hereby amended to read as follows:

Sec. 2-16-2. – Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Appointing authority means the ~~common council~~ Common Council, the ~~mayer~~ Mayor or any other person who appoints a person to a public position.

Appointing committee means the President of Rochester Community and Technical College, the Chancellor of the University of Minnesota Rochester and the highest ranking officer of the Olmsted County Bar Association not associated with the Rochester City Attorney's Office.

Board means the ~~ethical practices board~~ Ethical Practices Board.

City Agency means any board, commission, committee, trust, department or office of city government, whether elected, appointed or otherwise constituted, regardless of its sources of funding.

Official action means any act, action, approval, decision, denial, directive, disapproval, inaction, order, performance, nonperformance, recommendation, vote or other direct result of a public official's exercise of discretionary authority in connection with the public official's public position.

Public body means the ~~common council~~ Common Council, any ~~city agency~~ City Agency, board, commission, committee or other voting body authorized to act in any capacity on behalf of the city.

Public official means any member of the common council, any city agency, board, commission, committee, or other voting body, and any department head, employee, official, supervisor, volunteer or other person who is elected, appointed, employed, hired by contract or in any other manner authorized to act in any capacity on behalf of the city.

Public position means any elected, appointed or employed position that is authorized to act in any capacity on behalf of the city.

Voting body means the common council and any other city authority, board, commission, committee, council or group, regardless of whether its function is legislative, administrative, quasi-administrative or quasi-judicial or any combination thereof, which, in order to take any official advisory or final action, must act as a body on the basis of a vote of some or all of its members.

Section 2 Section 2-16-7 of Chapter 2-16 of Title 2 of the Rochester Code is hereby amended to read as follows:

Sec. 2-16-7. Ethical practices board.

- (a) There is hereby created an ethical practices board ("board"). The board will be composed of seven members who are residents of the city and shall serve without compensation.
- (b) The board shall be appointed by the appointing committee. In making the appointments to the board, the appointing committee shall determine an application procedure and take the following steps:
 - (1) The city clerk shall notify the general public, nonpartisan, nonpolitical and nonprofit civic and community groups, colleges and universities, and neighborhood associations of the application procedure for those interested in applying for a position on the board.
 - (2) At least 30 days prior to making an appointment, the appointing committee shall submit the names of the finalists for the board to the mayor and common council for comment.
 - (3) Within 14 days of receiving the names, the common council shall hold a public hearing to solicit input from the public as to the finalists.
 - (4) The common council shall share the input received from the public hearing with the appointing committee. In turn, the appointing committee shall make the appointments to the board.
- (c) The board shall be organized as follows:
 - (1) The chair, vice-chair and secretary of the board shall be elected by the membership from among its members.
 - (2) Initially, two members of the board will be appointed for a term of three years each. Two members of the board shall be appointed for a term of two years each. One member of the board shall be appointed for a term of one year. The two additional members appointed in 2017 shall be appointed for a term that expires April 30, 2019. All subsequent appointments will be made for three-year terms. All members shall serve until their successors have been appointed and qualified. The appointing committee may remove a board member for cause at any time during the board member's term of office.
 - (3) No member of the board may be an elected official, an appointed official, a city employee, related to a local official or city employee, a candidate for elected public office, a person who, for compensation, represents the private interests of others before the city council or mayor, or a paid campaign worker or political consultant of a current local official.
 - (4) The affirmative vote of at least three members of the board shall be required to decide any matter before the board.
- (d) The board shall have jurisdiction to review and make findings concerning any alleged violation of this chapter by any public official. The board may not consider any alleged violation that occurred before the adoption of this chapter or more than one year before the date of the filing of a complaint.
- (e) The board has the following powers:
 - (1) To establish, amend and repeal rules and procedures governing its own internal organization and operations in a manner and form consistent with this chapter.

- (2) To administer oaths.
 - (3) To meet as often as necessary to fulfill its responsibilities.
 - (4) To request from the mayor and city council the appointment of such staff as is necessary to carry out the duties of the board.
 - (5) To make notifications, extend deadlines, conduct investigations, make findings of fact, conclusions of law and order, review allegations and conduct hearings as needed to decide specific cases in which a violation of this chapter is alleged.
 - (6) To report its findings regarding any complaint to the person's appointing authority and to the city administrator.
 - (7) To issue ethics opinions to public officials regarding the propriety of any matter within the board's jurisdiction.
 - (8) To prescribe and make available forms for use under this chapter.
 - (9) To conduct a preliminary investigation of a filed complaint, or of any circumstance or situation of which the board may become aware that appears to violate any provision of this chapter.
 - (10) To review, index, maintain on file and dispose of complaints.
 - (11) To ~~cooperate~~ collaborate with the ~~human resources department~~ Human Resource Department in the design of ethics education seminars, and to promote the city's ethics program and high ethical standards in city government.
 - (12) To review disclosure statements for completeness, consistency and accuracy, and to report its findings regarding those statements to the person's appointing authority and to the city administrator.
 - (13) To make recommendations for changes to the code of ethics or this chapter which the board believes would enhance the purposes of this chapter.
 - (14) Such other powers as are specifically granted in this chapter.
- (f) The board shall prepare and submit an annual report to the mayor and the city council detailing the ethics activities of the board and the city during the prior year. The format of the report must be designed to maximize public and private understanding of the board and city ethics activities. The report may recommend changes to the text or administration of this chapter. The city clerk shall take reasonable steps to ensure wide dissemination and availability of the annual report of the board and other ethics information reported by the board.
- (g) Should one or more members of the board recuse himself from the consideration of any matter brought to the board, the remaining board members or, should all board members recuse themselves, the city attorney may request the appointing committee to appoint temporary members to sit on the board in place of the recused members. The temporary members shall exercise all powers provided to the appointed board members only for the matter under consideration. The appointing committee shall respond to the request as it deems appropriate and in its sole discretion. If the appointing committee grants the request, it shall appoint temporary board members using any process the committee deems appropriate and necessary in light of the need for a timely resolution of the matter pending before the board

Section 3. This ordinance shall become effective from and after its publication.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF
ROCHESTER, MINNESOTA, THIS _____ DAY OF _____, 2026.

PRESIDENT OF SAID COMMON COUNCIL

ATTEST: _____
CITY CLERK

APPROVED THIS _____ DAY OF _____, 2026.

MAYOR OF SAID CITY

(Seal of the City of
Rochester, Minnesota)