



Ethics Code Tests: Utilizing Advisory Opinions

The previous Ethics Tip discussed the “front page” test, a device that a city official could use - in a pinch - to decide whether or not their actions would violate the Ethics Code. “The test requires you to ask yourself: How would I feel if the course of action I am considering were reported on the front page of the local newspaper or in a blog? If you would be at all uncomfortable, the best course of action is not to proceed with the action.”

When a city official who is governed by the Ethics Code has more time, however, the city of Roseville provides options to further “test” the action in question in what are known as “advisory opinions:”

“Individuals who are subject to the requirements of the Roseville Ethics Code may request an advisory opinion from the City Attorney regarding the Ethics Code to guide their actions for compliance with the law. Individuals may request formal or informal opinions. Requests for opinions and the opinions issued, are classified as private/confidential data under the Minnesota Government Data Practices Act. A public version of any formal advisory opinions shall be published by the City as limited by the State’s Data Practices Act.”

As mentioned above, there are two types of advisory opinions: formal and informal. Request for formal opinions must be in writing to the City Attorney, who may or may not decide to issue an opinion. If the City Attorney decides to issue an opinion, it must also be in writing and is forwarded to the requester, the City Manager, the City Council and the Ethics Commission, who may attach an opinion of their own. The formal advisory opinion means that person who requested the opinion is not subject to “discipline, reprimand, or other action by the City in any subsequent complaint that may be made covering the action to which the written advisory opinion applies.”

The timeline for the formal opinion is 60 days. However, there is a middle ground between the “front page” test and the formal opinion: the informal advisory opinion. These requests to the City Attorney and the City Attorney’s subsequent opinions may be made casually and orally, however, the City Attorney will inform the requester that the advice is given “in good faith” and does not carry the same protections that the formal opinion does. The City Attorney records notes from each informal opinion given, and periodically reports on these opinions to the City Council.

With these three tests readily available to all city officials who are subject to the Ethics Code - the “front page” test, the formal advisory opinion and the informal advisory opinion - they have ample resources when deciding whether or not action violates the code.

Further reading:

Advisory Opinion Issued October 2008

<http://www.cityofroseville.com/DocumentCenter/Home/View/2617>

Procedure for Advisory Ethics Opinions Resolution

<http://www.cityofroseville.com/DocumentCenter/View/1449>