Minutes of the
City of Rochester Ethical Practices Board
Thursday, July 12, 2012

The City of Rochester Ethical Practices Board meeting was called to order at 12:06 p.m. in Room 320 of the Government Center, 151 4th St. SE, Rochester, MN.

Members present: Ms. Kay Batchelder, Ms. Audrey Ericksen, Ms. Linda Gentling, Dr. Joseph O’Toole

Members Absent: Mr. Ray Schmitz

Staff present: Mr. Terry Adkins

A motion was made and seconded to approve the minutes of the meeting of May 10, 2012. Motion passed.

The order of the proposed agenda was presented and the board consented to move forward with the agenda.

City Attorney, Mr. Terry Adkins, reported that there were no inquiries since our last meeting on May 10, 2012.

The city administrator/staff meeting was held on June 6, 2012, and Dr. O’Toole attended the meeting on behalf of the EPB. All attendees received a copy of the EPB Ordinance and were asked to pay special attention to the content of the ordinance. Dr. O’Toole emphasized the duties and obligations of the EPB. To that end, there is a need for the community to see city business as being fair, honest, professional, and operating in a very transparent and orderly fashion. At the conclusion of the meeting, Dr. O’Toole thought that things went well and there was clarity on the EPB ordinance and how it should be followed. Mr. Adkins reinforced with the group the need to help the EPB, and to inform the EPB as situations arise, rather than the EPB hearing about situations after the fact.

Ms. Ericksen provided members the EPB speaker's bureau power point and the trifold in final form. Dr. O'Toole asked the members to read the documents and to respond to Dr. O'Toole with any suggested changes by Tuesday, July 17th. Printing of the trifold will occur through Mr. Adkins office. The Speaker’s Bureau opportunity for presentations will be placed on the EPB website, along with a form for an appearance request to facilitate groups contacting the EPB for a presentation. Chair O'Toole thanked the EPB membership for their work on the power point and the trifold, especially Ms. Ericksen for her leadership in the formation of the documents.

The EPB received a complaint from Mr. Phil Oliveto regarding a potential conflict of interest with Mr. Mike Nigbur. Mr. Adkins reminded the board that, except for the name of the public employee and the status of the complaint as pending, all other information is private at this time. Mr. Mike Nigbur requested the opportunity to be present at the EPB meeting at the time the complaint is discussed. He is out of town this week, and thus was not able to attend today's meeting. Thus, at this point, the EPB is still in the preliminary investigation stage of the complaint. Dr. O'Toole reminded the board of the steps contained in following up on an EPB complaint. The first step is to complete a preliminary investigation, secondly the EPB would decide if the board is satisfied or if there is a need for a hearing. If a hearing were held, then the board would finally make a determination on the complaint. A motion was made by Ms. Gentling and seconded by Ms. Batchelder to invite Mr. Nigbur to the next EPB meeting to respond to the EPB questions as part of the preliminary investigation. Motion passed.
The second EPB complaint was received from Mr. Jim Bartels concerning nepotism in the hiring of seasonal employees at the City of Rochester golf courses and those seasonal employees working at the same golf course as a close relative. It was recommended that this issue be referred to the City's Human Resource Department, as it is outside the purview of the EPB. A motion was made by Ms. Batchelder and seconded by Ms. Ericksen for Dr. O'Toole to write a letter to Mr. Jim Bartels explaining this complaint does not fall within the parameters of the EPB jurisdiction and to refer Mr. Bartels to the City of Rochester Human Resource Department and the city's policy on nepotism. Motion passed.

The next Ethical Practices Board meeting will be on Thursday, August 9, 2012, from noon - 1:30 PM in Room 320 of the City Hall, 151 4th St. SE, Rochester, MN.

The meeting was adjourned at 12:45 PM.

Submitted by:

Linda S. Gentling
Secretary, Ethical Practices Board