



MAYOR AND COUNCIL COMMUNICATION

DATE: 02/16/2016
REGULAR
ITEM #: 20
MOTION

AGENDA ITEM: IPAD Opinion Request
SUBMITTED BY: Sarah Sonsalla, City Attorney
THROUGH: Clark Schroeder, Interim City Administrator
REVIEWED BY: Sarah Sonsalla/Clark Schroeder

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item.....Staff
- Report/PresentationStaff
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate..... Mayor Facilitates
- Call for Motion..... Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

PUBLIC POLICY STATEMENT (IF APPLICABLE)

SUMMARY AND ACTION REQUESTED:

The Council will need to decide if it would like to request an opinion from the Department of Administration - Information Policy Analysis Division with respect whether a letter that was written by former City Attorney David Snyder concerning a City employee complaint about a City Council member is public data under the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13.

BACKGROUND AND STAFF REPORT:

It was requested that I provide an opinion as to whether or not a letter written by former City Attorney David Snyder that is dated October 1, 2015 concerning a complaint made by a City employee about a City Council member could be released to the public. I had opined that because the document is about an unsubstantiated complaint that involves a City employee, that it contains private personnel data pursuant to Minnesota Statutes Section 13.43 and should not be released to the public, even in a redacted form.

I will admit that my recommendation that the City not release this document to the public is conservative, but given that it may contain private personnel data which can oftentimes consist of sensitive information, I would rather that the City not release it unless it receives an opinion from the Department of Administration – Information Policy Analysis Division (“IPAD”) that the letter may be released. This way, the City may then rely on this opinion and is protected in the event that someone brings a claim against the City relating to the release of the letter.

Seeking this opinion will result in the City incurring costs associated with me corresponding with IPAD and drafting the opinion request.

Alternatively, the City may choose to not release the letter and allow someone who wants it to be released to make his or her own request to IPAD for an opinion.

RECOMMENDATION:

If the Council chooses to request an opinion, it should make the following motion:

“Move to direct the City Attorney to request an opinion from IPAD as to whether or not the letter from David Snyder dated October 1, 2015 is public.”

ATTACHMENT(S):

None.