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Last update: December 05, 2006 – 10:33 AM

Public worker's election to council stirs debate

Can a city employee also serve on the City Council? Sometimes. Can Greg Skinner serve on Mound's City Council? We'll see.

Jenna Ross, Star Tribune

A Mound public works employee's election to City Council has stirred a "dogfight" over whether he can hold both positions legally and ethically.

Some officials worry that as a City Council member, Greg Skinner, longtime public works superintendent, would vote on pay and budgets affecting him or his department.

"You get this almost incestuous circumstance going on," said Mayor-elect Mark Hanus.

Skinner said he would abstain from votes connected to public works. He sees the fight as being more about politics than ethics.

"They want control of the council," he said. "That's the real issue."

At the City Council's request, the city's legal counsel forwarded the question to the state attorney general's office. The council hopes to get an answer on whether Skinner should serve before his term begins Jan. 9.

Meanwhile, Hanus, Skinner and others have looked to past decisions and other cities to argue why or why not holding both positions is legal.

Though state and case law defines when holding a city job and office would be "incompatible," it depends on the particulars of the positions.

It's pretty clear that a fire or police chief cannot serve on the city council or as mayor. A city manager serving as another town's mayor? That's OK.

Often, when the two jobs are deemed "incompatible," it's because the city employee is a department head or has supervisory power. Skinner is a non-union employee who directs the day-to-day maintenance jobs of 11 employees, according to the city's letter to the attorney general. But his authority ends there. He cannot hire or fire anyone, and he reports to the city's public works director.

"I work right alongside them, digging holes, fixing streets," he said. "I only supervise in the sense of 'You go here, you go there.' "

But Hanus said that although Skinner isn't a department head, he is involved in his department's budget planning and other activities. He worries that Skinner would vote on union contracts that because of equity pay would indirectly affect

his own salary. And Skinner "pulling off his council hat to put his superintendent hat on" is impossible, he said.

"Do we want this council person to have more authority than any other council person?" Hanus said.

Abstaining from voting

Separate from incompatibility of office is the issue of conflict of interest, which is more situational.

Most public officials, especially in smaller cities, will have conflicts of interest at some point, Skinner said. He promises that he would abstain from voting if a conflict came up. "My ethics are good," he said.

The issue of city employees holding public office came into focus for another Minnesota city when a current Champlin City Council member declined to abstain from a vote.

A public works employee, Scott Swenson, ran for Champlin City Council two years ago and won. In the ensuing years and decisions, his two roles "put the staff and the council in some difficult positions," said Bret Heitkamp, Champlin's city administrator, "especially with contract negotiations."

At one point, the council was considering the appointment of Swenson's supervisor, and he elected not to abstain from the vote, Heitkamp said.

As a result, the city adopted an amendment and conflict-of-interest policy that reads, in part, "that no Council Member or Mayor shall be employed by the City while they serve in such capacities..."

Such ordinances are not widespread, said Jeannette Bach, research manager for the League of Minnesota Cities. Though such an ordinance cannot conflict with state or federal law, it can "be more restrictive or sometimes amplify the law," such as with Champlin, she said.

Hanus said that as mayor, he will respect any decision by the Minnesota attorney general's office. He just hopes that answer comes soon.

If the office deems Skinner's two positions as incompatible before he takes office, he can choose between the two; he declined to say which job he would pick.

But if the decision comes after Skinner takes office, he automatically loses his city job, according to case law. At age 53, after 30 years with the city, he could retire in two years, he said.

Skinner is clearly weary of the fight and the politics he thinks are guiding it. But his reasons for running remain.

"Is this pretty important to me? Yes," he said. "I don't think a lot of people in their right minds would go through all this. I'm willing to, I guess, because I think I can make a difference."

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