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Summary Regarding Rescinding Delegated Authority for Non-Disclosure Agreements

Under Minnesota law and the City Charter the City Council has authority to review and approve most contracts, including proposed confidentiality and non-disclosure agreements that the City might enter into with outside parties. In 2008, the City Council approved Resolution 2008R-517 which delegated some of this authority to CPED, allowing it to make and execute confidentiality and non-disclosure agreements with prospective developers regarding business plan and similar data protected by the Minnesota Government Data Practices Act, using a form approved by the City Attorney.

This proposed resolution, if approved, would revoke that delegation of authority and return to the City Council full authority and responsibility to consider and approve any such confidentiality and non-disclosure agreements with developers. All such agreements would also require approval as to form by the City Attorney's Office. The City would remain bound by the requirements of the data practices act and could not agree to any provisions that would limit public access to data beyond what is permitted under the act. In this respect, approval of this resolution would not substantively alter what could be accomplished under the terms of any confidentiality or non-disclosure agreement with a developer, but would ensure that all such agreements must be specifically authorized by the City Council.