

MEMORANDUM

TO: Sunfish Lake Mayor, Councilmembers, City Clerk Christy Wilcox
FROM: Timothy J. Kuntz, City Attorney
DATE: February 7, 2023
RE: Appointment of Responsible Authority Under Minnesota Data Practices Act
February 7, 2023 Council Meeting – Agenda Item 8(b)

Section 1. Background. The City of Sunfish Lake is a statutory city and is subject to the Minnesota Government Data Practices Act.

Under Section 13.05 of the Act, the Responsible Authority is generally responsible to oversee the collection and storage of the data, and the use and dissemination of the data, and the classification of the data.

Section 13.02 of the Act provides that the Council appoints a Responsible Authority and if there has not been an appointment of the Responsible Authority, then the City Clerk is by default the Responsible Authority.

Minn. Stat. §13.05 subd. 13 provides that a Data Practices Compliance Official also has to be appointed. The statute provides in part that

“The data practices compliance official is the designated employee of the government entity to whom persons may direct questions or concerns regarding problems in obtaining access to data or other data practices problems.”

The statute allows the responsible authority to also be the compliance official. The statute states:

“The responsible authority may be the data practices compliance official.”

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Section 2. Council Action. The attached Resolution appoints City Clerk Christy Wilcox as the Responsible Authority and Data Practices Compliance Official. The Resolution provides that her duties as Responsible Authority and Data Practices Compliance Official are co-terminus with her position as City Clerk. The passage of the Resolution is somewhat of a formality in as much as the Employment Contract with Christy Wilcox already requires her to perform the duties as the Responsible Authority and Data Practices Compliance Official.

We recommend passage of the Resolution.

Attachment

**CITY OF SUNFISH LAKE
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 23-__

**RESOLUTION APPOINTING CHRISTY WILCOX
AS RESPONSIBLE AUTHORITY AND DATA PRACTICES COMPLIANCE OFFICIAL
PURSUANT TO THE MINNESOTA GOVERNMENT DATA PRACTICES ACT**

WHEREAS, Minn. Stat. §13.02 and Minn. Stat. §13.05 require that the City appoint a Responsible Authority and a Data Practices Compliance Official;

WHEREAS, the Minnesota Government Data Practices Act allows the City to appoint the City Clerk as the Responsible Authority and the Data Practices Compliance Official;

WHEREAS, Christy Wilcox has been appointed the City Clerk.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS:

- 1.) City Clerk Christy Wilcox is hereby appointed and designated as the Responsible Authority and the Data Practices Compliance Official under the Minnesota Government Data Practices Act.
- 2.) This appointment and designation shall remain in place as long as Christy Wilcox is the City Clerk for the City of Sunfish Lake; however, the Council may, at any time, and with or without cause, remove Christy Wilcox from such positions.
3. The obligations to perform the duties of the Responsible Authority and Data Practices Compliance Official, while being Clerk of the City, are set forth in the Employment Contract between the City and Christy Wilcox relating to the Clerk and Administrator position.

Passed this 7th day of February 2023.

Dan O'Leary, Mayor

ATTEST:

Christy Wilcox, City Clerk