

CITY OF NORTH OAKS CODE OF CONDUCT

1. Purpose

The City Council of the City of North Oaks determines that a code of conduct for its members, as well as the members of the various boards and commissions of the City of North Oaks, is essential for the public affairs of the City. By eliminating conflicts of interest and providing standards for conduct in City matters, the City Council hopes to promote the faith and confidence of the citizens of North Oaks in their government and to encourage its citizens to serve on its Council and commissions.

2. Overview of Roles and Responsibilities

ALL COUNCILMEMBERS

All members of the City Council, including the Mayor, have equal votes. No Councilmember has more power than any other Councilmember, and all should be treated with equal respect.

All Councilmembers should:

- Fully participate in City Council meetings and other duly advertised public meetings while demonstrating dignity, respect, consideration, and courtesy to all.
- Prepare in advance of meetings and be familiar with issues on the agenda. Address clarifications prior to meeting with applicable staff.
- Be respectful of other people's time. Stay focused and act efficiently during Council meetings or other City related meetings.
- Serve as a model of leadership and civility to the community.
- Inspire public confidence in the City of North Oaks' government.
- Demonstrate honesty and integrity in every action and statement.

MAYOR

- Elected "at-large" for a two-year term
- Recognized as head of the City Government for all ceremonial purposes
- Preside over meetings of the City Council
- Has same speaking and voting rights as any other City Council member
- Executes and authenticates legal instruments requiring signature
- Leads the Council into an effective, cohesive working team

3. Compliance with Open Meeting Law, Conflict of Interest Prohibitions, and the Data Practices Act

No member of the City Council or a City board or commission may knowingly:

- a. Violate the open meeting law.
- b. Participate in a matter that constitutes a conflict of interest for the member.
- c. Use the person's public position to secure special privileges or exemptions for the person or for others.

- d. Use the person's public position to solicit personal gifts or favors.
- e. Use the person's public position for personal gain.
- f. Except as specifically permitted pursuant to Minn. Stat. 471.895, accept or receive any gift of substance, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or any other form, under circumstances in which it could be reasonably expected to influence the person, the person's performance of official action, or be intended as a reward for the person's official action.
- g. Disclose to the public, or use for the person's or another person's personal gain, information that was gained by reason of the person's public position if the information was not public data or was discussed at a closed session of the City Council.
- h. Disclose information that was received, discussed, or decided in conference with the City's legal counsel that is protected by the attorney-client privilege unless a majority of the City Council has authorized the disclosure.

Except as prohibited by the provisions of Minn. Stat Sec. 471.87, there is no violation of subdivision b. of this section for a matter that comes before the council, board, or commission if the member of the Council, board, or commission publicly discloses the circumstances that would violate these standards and refrains from participating in the discussion and vote on the matter. Nothing herein shall be construed to prohibit a contract with a member of the City Council under the circumstances described under Minn. Stat. Sec. 471.88, if proper statutory procedures are followed.

4. Standards of Conduct

Councils and commissions are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve in public office in order to preserve, protect and enhance the present and the future of the community. In all cases, this common goal should be acknowledged even as the Council and commissions may "agree to disagree" on contentious issues.

IN PUBLIC MEETINGS –

a. Practice civility, professionalism and decorum in discussions and debate - Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, Councilmembers/Commissioners to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated. Councilmembers and commissioners should conduct themselves in a professional manner at all times.

b. Honor the role of the Mayor/Chair in maintaining order - It is the responsibility of the Mayor/Chair to keep the comments of all persons, including but not limited to, the Councilmembers and commissioners on track during public meetings. Councilmembers and commissioners should honor efforts by the Mayor/Chair to focus discussions on current agenda items. If there is disagreement about the agenda or the Mayor's/Chair's actions in refraining staff, public, councilmembers, or commissioners from speaking, those objections should be voiced politely and with reason.

c. Avoid personal comments that could offend other Councilmembers/Commissioners - If a Councilmember/Commissioner is personally offended by the remarks of another Councilmember/Commissioner, the offended Councilmember/Commissioner should make notes of the actual words used and call for a “point of personal privilege” that challenges the other Councilmember/Commissioner to justify or apologize for the language used. The Mayor/Chair will maintain order of this discussion.

d. Demonstrate effective problem-solving approaches - Councilmembers/Commissioners have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

e. Be punctual and keep comments relative to topics discussed - Councilmembers/Commissioner have made a commitment to attend meetings and partake in discussions. Therefore, it is important that Councilmembers/Commissions be punctual and that meetings start on time. It is equally important that discussions on issues be relative to the topic at hand to allow adequate time to fully discuss scheduled issues. If a Councilmember/Commissioner has an item requested to be on the agenda, it is important they set the example by providing timely written materials.

IN PRIVATE ENCOUNTERS—

a. Continue respectful behavior in private - The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.

b. Be aware of the visibility of written notes, voice and text messages, and e-mail - Technology allows words written or said without much forethought to be distributed wide and far. Data Practices Law mandates that any material made or received by an agency in connection with official business be used to perpetuate, communicate or formalize knowledge is a public record, and unless exempt, must be turned over to someone requesting to see that material. Before you create a document, ask yourself: Would you feel comfortable to have this note faxed or PDF'd to others? How would you feel if this voicemail message was played on a speaker phone in a full office? What would happen if this email message was forwarded to others? Written notes, voicemail messages and email related to City business are public communication subject to disclosure.

c. Even private conversations may have a public presence - Elected officials and commissioners are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Assume lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.

COUNCIL AND COMMISSION CONDUCT WITH CITY STAFF—

Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City staff members, who implement and administer the Council policies. Commissioners serve as a conduit for citizen input, gathering, analyzing, and recommending options to the City Council, which is the final authority for making policy decisions. Therefore, every effort should be made to

be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

a. Treat all staff as professionals - Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.

b. Limit contact to specific City staff - Questions of City staff and/or requests for additional background information should be directed to the City Administrator. Materials supplied to a Councilmember/Commissioners in response to a request will be made available to all members of the Council/Commission so that all have equal access to information.

c. Do not disrupt City staff from their jobs - Staff wants to be accessible for City Council/Commissions, but Councilmembers/Commissioners should avoid disrupting City staff while they are in meetings, on the phone, or engrossed in performing their job functions.

d. Never publicly criticize an individual employee - Council should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Administrator.

e. Do not get involved in administrative functions - Councilmembers/Commissioners must not attempt to influence City Staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.

f. Check with City staff on correspondence before taking action - Before sending correspondence, Councilmembers/Commissioners should check with City staff to see if an official City response has already been sent or is in progress.

g. Do not solicit political support from staff - Councilmembers/Commissioners should not solicit any type of political support (financial contributions, display of poster or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

COUNCIL/COMMISSION CONDUCT WITH THE PUBLIC—

1. IN PUBLIC MEETINGS

Making the public feel welcome is an important part of the democratic process. No signs of partiality prejudice or disrespect should be evident on the part of individual Councilmembers/Commissioners toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

a. Be welcoming to speakers and treat them with care and gentleness - Speaking in front of Council/Commission can be a difficult experience for some people. Some issues the Council/Commission undertakes may affect people's daily lives and homes. Some decisions are emotional. The way that Council/Commission treats people during public hearings can do a lot to make them relax or to push their emotions to a higher level of intensity.

b. Be fair and equitable in allocating public hearing time to individual speakers - The Mayor/Chair will determine and announce limits on speakers at the start of the public hearing process. Generally, each speaker will be allocated three minutes with applicants and appellants or their designated representatives allowed more time. If many speakers are anticipated, the Mayor/Chair may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers. No speaker will be turned away unless he or she exhibits inappropriate behavior. Each speaker may only speak once during the public comment unless the Council/Commission requests additional clarification. After the close of any public comment portion, no more public testimony will be accepted unless the Mayor/Chair reopens the public hearing for a limited and specific purpose.

c. Practice active listening - It is disconcerting to speakers to have Councilmembers/Commissioners not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time, gazing around the room or getting up from your seat gives the appearance of disinterest. Be aware of facial expressions and body language (e.g., head and arm movements), especially those that could be interpreted as “smirking,” disbelief, anger or boredom.

d. Ask for clarification, but avoid debate and argument with the public - Only the Mayor/Chair—not individual Councilmembers/Commissioners—can interrupt a speaker during a presentation. However, a Councilmember/Commissioners can ask the Mayor/Chair for a “point of order” if the speaker is off the topic or exhibiting behavior or language the Councilmember/Commissioner finds disturbing. If speakers become flustered or defensive, it is the responsibility of the Mayor/Chair to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by Councilmembers/Commissioners to members of the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker.

e. No personal attacks of any kind, under any circumstance!

f. Follow parliamentary procedure in conducting public meetings - The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Mayor/Chair, subject to the appeal of the full Council/Commission.

2. IN UNOFFICIAL SETTINGS

a. Make no promise on behalf of the Council/Commission - Councilmembers/Commissioners will frequently be asked to explain a Council/Commission action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council/Commission action, or to promise City staff will do something specific (fix a pothole, allow certain zoning, grant a variance, etc.).

b. Make no personal comments about other Councilmembers/Commissioners - It is acceptable to disagree publicly about an issue, but it is unacceptable to make derogatory comments about other Councilmembers/Commissioners, their opinions and actions.

COUNCIL/COMMISSION CONDUCT WITH OTHER PUBLIC AGENCIES—

a. Be clear about representing the City or personal interests - If a Councilmember or Commissioner appears before another governmental agency or organization to give a statement on an issue, the Councilmember/Commissioner must clearly state:

(i) if his or her statement reflects personal opinion or is the official stance of the City;

(ii) whether this is the majority or minority opinion of the Council/Commission.

Even if the Councilmember/Commissioner is representing his or her own personal opinions, remember that this still may reflect upon the City as an organization.

(iii) if the Councilmember/Commissioner is representing the City, the Councilmember/Commissioner must support and advocate the official City position on an issue, not a personal viewpoint.

(iv) if the Council member/Commissioner is representing another organization whose position is different from the City, the Councilmember/Commissioner should withdraw from voting on the issue if it significantly impacts or is detrimental to the City's interest. Councilmembers/Commissioner should be clear about which organizations they represent and inform the Mayor/Chair and Council/Commission of their involvement.

COUNCIL CONDUCT WITH ADVISORY BOARDS—

The City has established several advisory boards as a means of gathering more community input. Citizens who serve on advisory boards become more involved in government and serve as advisors to the City Council. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

a. If attending an advisory board meeting (NRC, Planning/Zoning, etc.) and you are not the liaison, be careful to only express personal opinions - Councilmembers may attend any advisory board meeting, which are always open to any member of the public. However, if the advisory board is conducting a public hearing, the Councilmember shall refrain from attending. Councilmembers should be sensitive to the way their participation could be viewed as unfairly affecting the process. Any public comments by a Councilmember at an advisory board meeting should be clearly made as individual opinion and not a representation of the feelings of the entire City Council. Also be cognizant of the Open Meeting Law, precluding discussion (outside of a noticed meeting of the City Council) by three or more members of City Council on any item that may take action upon. A Councilmember's presence may affect the conduct of the advisory boards and limit their role and function.

b. Limit contact with advisory boards members - It is inappropriate, and at times illegal, for a Councilmember to contact an advisory board member to lobby on behalf of an individual,

business, or developer. Councilmembers should contact staff in order to clarify a position taken by the advisory boards.

c. Remember that advisory boards serve City Council, not individual Councilmembers - City Council appoints individuals to serve on advisory boards, and it is the responsibility of advisory boards to follow policy established by the Council. But advisory board members do not report to individual Councilmembers, nor should Councilmembers feel they have the power or right to threaten advisory board members with removal if they disagree about an issue. Appointment and re-appointment to an advisory boards should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. An advisory board's appointment should not be used as a political "reward."

d. Be respectful of diverse opinions - A primary role of advisory boards is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Councilmembers must be fair and respectful of any citizens serving on advisory boards.

e. Keep election issues away from public forums and advisory board meetings –While Councilmembers are free to participate in politics when not conducting official business, they should refrain from campaigning for office or providing political support or non-support for those who are running for any elected office (national, state or local) while conducting official duties or when attending advisory meetings.

5. Complaint Hearing

Any person may file a written complaint with the City Administrator alleging a violation of the standards of conduct found in Section 3. The complaint must contain supporting facts for the allegation. The City Council may hold a hearing after receiving the written complaint or upon the Council's own volition.

If the Council determines that there is an adequate justification for holding a hearing, the hearing must be held within 30 days of the City Council's determination. At the hearing, the person accused must have the opportunity to be heard. If after the hearing, the Council finds that a violation of a standard has occurred or does exist, the Council may censure the person, refer the matter for criminal prosecution, request an official not to participate in a decision, or remove an appointed member of an advisory board or commission in compliance with City Code and any applicable statutory processes for removal.

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