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SECTION II. CITY COUNCIL CODE OF CONDUCT AND ETHICS

A. Council Conduct with One Another

Councils 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 and protect the present and the future of the community. In all cases, this common goal should be acknowledged even as Council may "agree to disagree" on contentious issues.

1. In Public Meetings

- (a) **Council Member Interaction.** Council Members should seek to 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. Council Members can promote camaraderie and collaboration by refraining from making belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. Shouting or physical actions that could be construed as threatening will not be tolerated. Council Members should make every effort to conduct themselves in a professional manner at all times, including listening actively during Council meetings.
- (b) **Deference to Order.** Council Members should honor the role of the Mayor, Mayor Pro Tem, or Acting Mayor Pro Tem in maintaining order by deferring to their direction and guidance. It is the responsibility of the Mayor, Mayor Pro Tem, or Acting Mayor Pro Tem to keep the comments of Council Members on track during public meetings. Council Members should honor efforts by the Mayor, Mayor Pro Tem, or Acting Mayor Pro Tem to focus discussion on current agenda items. If there is disagreement about the agenda or the Mayor, Mayor Pro Tem, or Acting Mayor Pro Tem's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.
- (c) **Setting a Positive Example.** One prominent goal of every council meeting should be to demonstrate a positive example of decorum and respect for constituents. To accomplish that goal, Council Members should avoid comments that personally attack other Council Members. If a Council Member is personally attacked by the comments of another Council Member, the offended Council Member should make notes of the actual words used and may call for a "point of order" to challenge the other Council Member to justify or apologize for the language used. The Mayor, Mayor Pro Tem, or Acting Mayor Pro Tem will maintain control of this discussion.
- (d) **Collaborative Problem Solving.** Another goal of the council meeting should be to demonstrate effective problem-solving approaches. Council Members have a responsibility 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) **Timeliness.** To ensure smooth and timely execution of each council meeting, Council Members should make best efforts to be punctual and keep comments relative to topics discussed. Every Council Member has made a commitment to attend meetings and participate in discussions. Therefore, it is important

that Council Members 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.

- (f) **Endorsement of Candidates.** Council Members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention endorsements during Council meetings or other official City meetings or functions.
- (g) **Council Decisions.** Once a majority decision of the governing body has been made, Council Members should endeavor to “speak with one voice,” respect the official position of the Council, and defend it if needed.

2. In Private Encounters

- (a) **Respectful Workplace Values.** Council Members should continue to model 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) **Data Practices.** Council Members should remember at all times that written notes, voicemail messages, social media and email may be public information. Technology allows words written or said without much forethought to be distributed wide and far. Consider how you, your family and/or friends would feel if this voicemail message was played on a speaker phone in a full office? Or broadcast on the nightly news. What could the consequences be if this email message was forwarded to others? Written notes, social media postings, voicemail messages and email should be treated as potentially “public” communication.
- (c) **Public-Private Considerations.** Even private conversations can have a public presence. Elected officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.
- (d) **Personal Comments.** Council Members should refrain from making personal comments about other Council Members. It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Council Members, their opinions and actions.

B. Council Conduct with City Staff

The relationship between Council Members and administrative personnel is dependent on the particular form of government. Governance of the City is a cooperative effort, including elected officials, who set policy, and City staff, who implement and administer the Council’s policies. 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. Council Members should be careful to restrict that relationship to the defined channels. Unofficial Council interference in administrative affairs can disrupt business, weaken employee morale, and create antagonistic relationships between administrators and Council Members.

Council Members should not attempt to exert any influence over the hiring and firing of administrative personnel, except for those people whose appointment they are responsible, namely the City Manager, City Attorney, and City Prosecutor.

Federal, State, and local laws have made personnel administration a very complex affair, with mishandlings costing public employers hundreds of thousands of dollars in litigation, claims, and damages. The City of Brooklyn Center has a very strong commitment to providing its employees with a fair, accountable, and uniform system of personnel administration including procedures to address employee grievances.

1. **Respectful Workplace Values.** Council Members should treat all staff as professionals. Council Members should engage in clear, honest communication that respects the abilities, experience, expertise, and dignity of each individual. Berating, personal, impertinent, slanderous, threatening, abusive, or disparaging comments toward staff are not acceptable and are automatic grounds for a code of conduct violation.
2. **Limited City Staff Contact.** Pursuant to Brooklyn Center Charter Section 6.02, Council Members should limit contact with City staff. Questions of City staff and/or requests for additional background information should be directed to the City Manager or City Attorney. The City Manager should be copied on or informed of any request. Except in extraordinary circumstances, Council Members should avoid disrupting City staff while they are in meetings, on the phone, or engrossed in performing their job functions.
3. **Council Direction to staff.** In accordance with Charter Section 2.09, individual Council Members cannot give direction to City staff either publicly or privately. The Council as a body may provide staff direction on matters that come before the Council.
4. **Follow-up Requests or Directives.** Requests for follow-up or directions to staff should be made only through the City Manager or the City Attorney when appropriate. When in doubt about what staff contact is appropriate, Council Members should consult with the City Manager. Additionally, requests for additional staff support – even in high priority or emergency situations – should be made to the City Manager who will work to allocate city resources. Materials supplied to a Council Member in response to a request for information of interest to all Council Members will be made available to the entire Council so that all have equal access to the information. Limit requests for staff support. (see Brooklyn Center City Charter Section 2.09).
5. **Staff Criticism.** Council Members should not publicly criticize an individual employee. Council should not 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 Manager through private correspondence or conversation.
6. **City Administrative Functions.** Pursuant to Section 6.02 of the City Charter, the administrative functions of the City are the responsibility of the City Manager. To avoid the appearance of bias or to avoid violating the ethics code, Council Members should not attempt to influence City staff on the making of employment or personnel decisions, the awarding of contracts, the selecting of consultants, the processing of development applications, or the granting of City licenses and permits.

7. **City Staff Meetings.** If City Council Members desire to attend a staff meeting, consult with the City Manager. Council Member attendance at meetings could imply support, show partiality, intimidate staff, and could impede staff's ability to do their job objectively/effectively.
8. **Political Solicitation.** Council Members should not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff.
9. **Council, EDA and Commission agendas.** Staff's responsibility is to provide Council Members the information needed for informed decision making. Every effort should be made to ask staff questions regarding Council, EDA and commission agendas before the meeting.
10. **Personal Comments.** Council Members should refrain from speaking ill of other Council Members to staff. This puts staff in an uncomfortable and compromising position because staff have the responsibility to treat all Council Members equally and with respect.
11. **Political Gamesmanship.** Council Members should avoid putting colleagues in awkward or disadvantageous positions in an effort to capitalize on another colleagues' vulnerability or to embarrass them publicly for political gain. And Council Members should make every attempt to submit questions or concerns prior to formal meetings to surprising Council Members or staff at said meetings.

C. Council Conduct with the Public

1. In Public Meetings

- (a) **Create a Welcoming Environment.** 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 Council Members toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.
- (b) **Speaking Time.** Council as a body should be fair and equitable in allocating public hearing time to individual speakers. Pursuant to Council Procedure, the Mayor, Mayor Pro Tem, or Acting Mayor Pro Tem will determine and announce limits on speakers at the start of the public hearing process and ensuring those with Brooklyn Center addresses have an opportunity to speak. Generally, each speaker will be allocated two minutes to speak. Applicants or their designated representatives may be allowed more time. If many speakers are anticipated, the Mayor, Mayor Pro Tem, or Acting Mayor Pro Tem 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.
- (c) **Public Hearing Speakers.** No speaker will be turned away unless the speaker exhibits inappropriate behavior. Each speaker may only speak once during the public hearing unless the Council requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless agreed upon by the Council.

- (d) **Avoid Public Debate.** Council Members should avoid debate and argument with the public. Only the Mayor, Mayor Pro Tem, or Acting Mayor Pro Tem – not individual Council Members – can interrupt a speaker during a presentation. However, a Council Member can ask the Mayor, Mayor Pro Tem, or Acting Mayor Pro Tem for a point of order if the speaker is off the topic or exhibiting behavior or language the Council Member finds disturbing. Council Members may request that the Mayor, Mayor Pro Tem, or Acting Mayor seek clarification from the speaker.
- (e) **Mayor to Focus Discussion.** If speakers become flustered or defensive by Council questions, it is the responsibility of the Mayor, Mayor Pro Tem, or Acting Mayor Pro Tem to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by Council Members to members of the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Council Members’ personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.
- (f) **Avoid Personal Attacks.** Council Members should not personally attack, under any circumstance, a member of the Public. Council Members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.
- (g) **Parliamentary Procedure.** Council Members should follow parliamentary procedure (outlined in the Council 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, Mayor Pro Tem, or Acting Mayor Pro Tem subject to the appeal of the full Council.

2. In Unofficial Settings

- (a) **No Promises.** Council Members should refrain from making promises on behalf of the Council. Council Members may be asked to explain a Council 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 action, or to promise City staff will do something specific (fix a pothole, plow a specific street, plant new flowers in the median, etc.).
- (b) **Personal Comments.** Council Members should refrain from making personal comments about other Council Members to constituents. It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Council Members, their opinions and actions.
- (c) **Public-Private Considerations.** Council Members are constantly being observed by the community every day that they serve in office. Their behaviors and comments serve as models for proper conduct in the City of Brooklyn Center. Honesty and respect for the dignity of each individual should be reflected in every word, communication, (whether in social media or otherwise), and action taken by Council Members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

D. Council Conduct with the Media

Council Members may be contacted by the media for background and quotes.

1. **Official Spokesperson.** The Mayor is the official spokesperson for the representative on City position. The Mayor is the designated representative of the Council to present and speak on the official City position. If an individual Council Member is contacted by the media, the Council Member should be clear about whether their comments represent the official City position or a personal viewpoint.
2. **When Speaking to the Media.** Council Members should choose words carefully and cautiously. Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.
3. **Best Advice.** The best advice for dealing with the media is to never go "off the record."

E. Council Conduct with Other Public Agencies

Council Members should be as clear as possible when representing City or personal interests. If a Council Member appears before another governmental agency or organization to give a statement on an issue, the Council Member must clearly state:

1. If his or her statement reflects personal opinion or is the official stance of the City;
2. Whether this is the majority or minority opinion of the Council. Even if the Council Member represents his or her own personal opinions, remember that this still may reflect upon the City as an organization.

If the Council Member is representing the City, the Council Member must support and advocate the official City position on an issue, not a personal viewpoint.

F. Council Conduct with Boards and Commissions

The City has established several Boards and Commissions as a means of gathering more community input. The Council appoints members to all committees, boards, and commissions which serve in a purely advisory role to the Council. These commissions/committees/boards are as follows:

- Cultural and Public Arts Commission,
- Financial Commission,
- Housing Commission,
- Park and Recreation Commission,
- Sister Cities Commission, and
- Planning Commission.

The Council also appoints representatives to Visit Minneapolis Northwest Tourism, Watershed Commissions, and Northwest Suburbs Cable Communications Commission.

The Charter Commission is a statutory commission appointed by the Chief Judge of the District Court. The terms of Commission members are staggered for two or three years with appointments ending on December 31 of each year.

Residents who serve on Boards and Commissions are a valuable resource to the City’s leadership and should be treated with appreciation and respect.

1. **Council Liaison.** If attending a Board or Commission meeting in the role as liaison. “Liaison” means non-voting member of a commission who shall speak on behalf of the Council (or staff) as a whole, not as an individual, thus providing a communication link between the commission and Council (or staff).
2. **Limited Contact.** Council Members should endeavor to limit contact with Board and Commission Members. It is inappropriate for a Council Member to contact a Board or Commission member to lobby on behalf of an individual, business, or developer. Council Members may contact members of the Commission and staff liaison in order to clarify a position taken by the Board or Commission.
3. **Commission Service.** Council Members should keep in mind that Boards and Commissions serve the community, not individual Council Members. The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow the policy established by the Council. But Board and Commission members do not report to individual Council Members. Council Members should not threaten to remove Board and Commission members if the parties disagree about an issue.
4. **Respect Diverse Opinions.** Council Members should be respectful of diverse opinions. The primary role of Boards and Commissions 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. Council Members should be fair and respectful of all residents serving on Boards and Commissions.

G. Accountability Measures

1. Types of Accountability Measures

A potential action for failing to comply with this code of conduct may include the following measures:

- (a) Admonition. An admonition shall be verbal and made by the Mayor to the Council Member.
- (b) Reprimand. A reprimand shall be administered to the Council Member by letter. The letter shall be approved by the City Council and shall be signed by the Mayor, or by the Mayor Pro Tem or Acting Mayor Pro Tem if the Mayor position is vacant, or if the matter involves the Mayor.
- (c) Censure. A censure shall be administered pursuant to a formal resolution adopted by the Council.

2. Conduct

- (a) City Council Members who violate the code of this conduct are subject to admonition, reprimand, or censure. Any violations that potentially constitute criminal conduct shall be handled by the criminal justice system.
- (b) Factors that will be considered in determining the appropriate consequence include but are not limited to the following: seriousness of the violation and number of preceding violations.

3. Conduct During Meetings

- (a) For inappropriate statements or conduct by Council Members occurring during a Council meeting, a verbal correction by the Mayor (or Mayor Pro Tem or acting Mayor Pro Tem) will normally be the first step to address the matter, either during or outside of the Council meeting.
- (b) Further incidents may be addressed by subsequent verbal corrections accompanied by use of the gavel. Repeated incidents can give rise to the Mayor not recognizing the offending Council Member to speak. A Council Member can request that the Mayor take any of these actions against an offending Council Member if the Mayor has not done so on her/his own.

4. Reporting a Potential Violation

- (a) A member of the Brooklyn Center City Council may report a potential Code of Conduct violation by a member of the City Council by bringing the matter to the attention of the official of their choice, Mayor, City Manager, or City Attorney.
- (b) A Brooklyn Center staff member may report a potential code of conduct violation by a member of the City Council by bringing the matter to the attention of the City Manager or Human Resources Manager.
- (c) If the potential violation involves the Mayor, it should be brought to the attention of the Mayor Pro Tem, City Manager or City Attorney.
- (d) A community member may report potential code of conduct violations by a member of the City Council to the Mayor, City Manager or any member of the City Council.

5. Alternative Reporting

If the Mayor, Mayor Pro Tem, or Acting Mayor Pro Tem are unable to be involved in reviewing the code of conduct complaint for any reason, the matter will be reviewed by the next most senior member of the Council that is not involved in the complaint.

6. Investigation Procedure

- (a) Triage. The Mayor and City Manager will gather initial information, consult with the City Attorney if necessary and decide how to move forward.
- (b) Fact Finding. If necessary, the matter will be referred to the criminal justice system. The Mayor and City Manager will determine whether to pursue independent fact-finding or internal fact-finding.
- (c) Possible Outcomes. As is referenced above, (i) a verbal admonition may be given to the Council Member by the Mayor, (ii) a reprimand may be administered to the Council Member by a letter approved by the Council, or (iii) a censure may be administered pursuant to a formal resolution adopted by the Council.
- (d) Notice and Hearing. After voting to issue a reprimand or censure, the City Council will provide written notice to the Council Member at least fourteen (14) days prior to the Council's formal action upon the reprimand or censure. The notice may be served by mail and shall specify the grounds for the reprimand or censure and state the date the Council will take action upon the reprimand or censure. At any time prior to the Council's formal action, the Council Member may, in writing, request a hearing before the City Council, which shall be held at the next regular City Council meeting. After the hearing, the City Council shall decide whether or not to proceed with the reprimand or censure.

H. Ethics

1. Open Meeting Law

- (a) State law requires that, with certain exceptions, meetings of the City Council be open to the public. A meeting is a gathering of a majority of City Council Members at which City business is discussed. It is not necessary that action be taken for a gathering to constitute a "meeting."
- (b) A meeting does not include chance, social gatherings as long as public business is not discussed.
- (c) A majority of Council Members should not communicate with each other by phone, email, in-person, or otherwise, to discuss City business.
- (d) Use of social media does not violate the open meeting law as long as social media use is accessible to all Members of the public.

See Minnesota Statutes, Chapter 13D, for further information regarding the Open Meeting Law.

2. Gift Law

A City Council Member cannot accept a gift from someone who has an interest in any matter involving the City. A "gift" includes money, property, a service, a loan, forgiveness of a loan, or a promise of future employment. A "gift" does not include:

- Campaign contributions;
- items costing less than \$5;
- items given to members of a group; the majority of whose members are not local officials;
- gifts given by family members; or

- food or beverages given at a reception, meal or meeting at which a Council Member is making a speech or answering questions as part of a program

See Minnesota Statutes, Section 471.895 and City Charter, Section 14.04(A) for further information regarding the Gift Law.

3. Conflict of interest

- (a) City Council Members cannot have a personal financial interest in a sale, lease, or contract with the City.
- (b) City Council Members cannot participate in matters in which the Council Member's own personal interest, financial or otherwise, is so distinct from the public interest that the
- (c) Council Member cannot be expected to fairly represent the public's interest when voting on the matter.