

CITY OF BREEZY POINT
RULES OF CONDUCT AND PROCEDURE
CITY COUNCIL AND CITY BOARDS/COMMITTEES/COMMISSIONS

Section I: Preamble

Subd. 1 Purpose: These rules are designed to prescribe the manner in which the members of the City Council and all the City's boards, commissions, and committees are to interact with one another, city staff, consultants, and the public. They acknowledge that it is essential that legislative bodies establish formal rules of conduct and procedure to enhance effective and democratic governance. Furthermore, they set the standard by which the public may interact with its governing body.

Subd. 2 Authority: The City Council is authorized to adopt rules of conduct and procedure pursuant to Minnesota Statute § 412.191.

Subd. 3 Applicability: These rules shall apply to committees of the City Council as well as all boards and commissions established by the City Council. "City Council" shall be substituted with "Committee," "Commission" or "Board" as applicable. Additionally, "councilmembers" shall be substituted with "committee members" or "commission members" as applicable, and "mayor" shall be substituted with "presiding officer" or "chair" as applicable.

Subd. 4 Rights of Councilmembers: All councilmembers are equal and have the same rights to make motions; object to motions in a timely manner; participate in debate; have their votes counted; and speak, when recognized, free of interruption.

Subd. 5 Obligations of Councilmembers: Councilmembers are obligated to receive the recognition of the mayor before speaking, except as otherwise provided by these rules. No one has the right to speak at whim. Councilmembers are obligated to speak directly on the subject being considered and observe time limits for comment. Finally, councilmembers are obligated to address all remarks to the mayor, avoid personal attacks, and refrain from using any insulting or demeaning language or indecent or threatening behavior. Additionally, all councilmembers should:

- Fully participate in City Council meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.
- Prepare in advance of meetings and be familiar with issues on the agenda.
- Be respectful of other people's time.
- Stay focused and act efficiently during public meetings.
- Serve as a model of leadership and civility to the community.
- Inspire public confidence in Breezy Point government.
- Demonstrate honesty and integrity in every action and statement.
- Participate in scheduled activities.

Section II: Meeting Governance

Subd. 1: Presiding Officer: The Mayor shall preside at all meetings of the City Council. In the absence of the mayor, the vice-mayor shall preside. The presiding officer shall have the power to preserve strict order and decorum at meetings, enforce the rules of procedure and determine without debate, subject to the final decision of the City Council on appeal, all questions of procedure and order. The presiding officer shall determine which member has the right to speak and may move matters to a vote once the officer has determined that all members have spoken. The presiding officer may determine whether a motion or proposed amendment is in order and may call members to order.

Subd. 2: Rights of the Presiding Officer: The presiding officer may speak on any question. The presiding officer should only make motions and second motions if no other councilmember offers a motion or seconds a motion.

Subd. 3: Appeals of the Presiding Officer's Decisions: Any member of the City Council may appeal from a ruling of the presiding officer. If the appeal is seconded, the member may speak once solely on the matter at hand. The presiding officer may explain the ruling, but no other councilmember shall participate in the discussion. The ruling of the presiding officer shall be final.

Section III: Agenda

Subd. 1 Matters of Consideration: Matters for consideration by the City Council shall be submitted by members of the City Council and residents to the City Administrator or to the designated city staff member in the case of committee business.

Subd. 2 Agenda Development: An agenda of business for each regular and special meeting shall be prepared in the Office of the City Administrator or by the designated city staff member in the case of committees and all effort shall be made to deliver copies thereof to each councilmember within 5 calendar days of the meeting. In the case of special meetings or emergency meetings, an agenda may not be delivered within 5 calendar days of the meeting dependent on the circumstances of the meeting. In the case of special meetings or emergency meetings for the purpose of considering sensitive issues, an agenda shall be publicly posted per State Statute but agenda materials shall not be publicly posted until appropriate. copies thereof delivered to each councilmember as far in advance of the meeting as time for preparation will permit.

Subd. 3 Agenda Outline: At the hour appointed for the regular meeting of the City Council, the meeting shall be called to order by the presiding officer. If a quorum is present, the City Council shall then proceed with its business in the following order as applicable:

- Call to Order
- Role Call

- Approval/Amendment of the Agenda
- Public Forum
- Presentations (when applicable)
- Items of Public Interest (when applicable)
- Consent Agenda
- Items Removed from the Consent Agenda
- New Business
- Old Business
- Staff Reports
- Mayor and Council Reports
- Agenda Forecast
- Adjourn

Subd. 4 Alterations of Agenda Outline: The order of business may be altered by the presiding officer or by majority vote of the City Council at the time the agenda is approved/amended.

Subd. 5 Consent Agenda: Matters for approval by the City Council of a routine or non-controversial nature which need minimal deliberation shall be placed on the Consent Calendar. A motion to approve the Consent Calendar shall not be debated. Following a majority vote of the City Council, an item shall be removed from the Consent Calendar and placed upon the regular agenda for debate immediately following the Consent Calendar.

Subd. 6. Matters Not on the Agenda: Debate and discussion shall be limited to matters on the agenda, and the presiding officer shall ensure discussion and debate on any given matter is limited to the matter at hand. The City Council may consider matters not appearing on the agenda as normal business if such a matter is added to the agenda by majority vote of the City Council during the approval/amendment of the agenda. However, no formal action shall be taken on such matters with the exception of emergency matters or matters with time sensitive deadlines. Matters not on the agenda that are raised during the Staff Reports or Mayor and Council Reports sections of the agenda may be discussed but no action shall be taken. If an objection is raised by the mayor or a councilmember to discuss an item not appearing on the agenda during the Staff Reports or Mayor and Council Reports sections of the agenda, a vote shall be taken by the City Council to determine the appropriateness of further discussion of the matter at that time.

Section IV: Meeting Procedure

Subd. 1 Motions: All formal actions of the city council must be by motion. Councilmembers may make only one motion at a time.

Subd. 2 Consideration of Motions: All motions shall receive a second prior to debate on the motion being conducted. If the motion does not receive a second, it shall not be debated. Once a motion has been made and seconded, the presiding officer shall open the motion up for

debate. Any motion that does not directly address the matter at hand, shall be considered as out of order and shall not be debated or considered. Once debate has concluded, the presiding officer shall restate the motion and call for a vote on the issue. A motion shall be considered passed if it receives a majority vote of those present at the meeting, unless otherwise required by law.

Subd. 3 Objections to a Motion: A motion may be considered to be out of order if the motion does not directly address the matter at hand, has not been made at a proper time in the proper format, violates any applicable rules of law, ordinance, or city policy, including city policies on decorum and civility, or has been made for the purpose of unduly delaying the proceedings. If a councilmember objects to a motion for any of the above reasons, such an objection shall be made immediately following the motion and at no other time. Once an objection has been made, the presiding officer shall determine whether the motion is in order. Prior to making such a determination, the presiding officer shall, first, allow the objector to speak to the objection and, second, allow the maker of the motion speak to the concerns of the objector. No other councilmembers shall speak to the objection or the motion. Once the objector and the maker of the motion have spoken, the presiding officer shall make a determination whether the motion is in order. Motions considered out of order shall not be considered. The presiding officer's determination shall be considered final.

Subd. 4 Voting: The votes of the members on any motion shall be by voice vote unless the mayor or any councilmember requests that a roll call vote be taken. The presiding officer shall call for a roll call vote at the request of the City Clerk whenever a voice vote of the City Council is not clear as to the disposition of the action before the Council.

Subd. 5 Abstentions: A member may only abstain from a vote on a motion if the member has a bonafide or perceived conflict of interest. Such a conflict of interest shall be publicly stated prior to a vote being held. Such a conflict of interest shall be publicly stated prior to a vote being held. No member may be obligated to abstain for perceived conflicts of interest.

Subd. 6 Virtual Participation: Virtual participation in meetings shall be reserved for councilmembers, staff, and those formally on the meeting agenda.

Section V: Public Participation

Subd. 1 Times for Public Participation: Comments from the public are restricted to the public forum periods, noticed public hearings, and public comment periods as determined by the presiding officer or by majority vote of the City Council. City Council meetings are the forum for the City Council to conduct the city's business. While City Council meetings are open to the public pursuant to the Minnesota Open Meeting Law, they are not a forum for public expression. Members of the public are not allowed to participate in council discussion and debate without a specific invitation by the presiding officer. Members of the public shall not

applaud, engage in conversation, or engage in other behavior through words or actions that may disrupt the proceedings of council.

Subd. 2 Rules for Public Participation: Members of the public shall adhere to the following rules when addressing the City Council:

- Identify themselves and their address for the public record.
- Direct their remarks to the presiding officer.
- Abstain from the use of obscene, profane, or threatening language.
- Comments shall be kept within the time limit set by the presiding officer.
- Honor the role of the presiding officer in facilitating public participation.

Subd. 3 City Council Role in Public Participation: When receiving comments from the public, councilmembers shall adhere to the following guidelines:

- Actively listen to each speaker.
- Refrain from making comments approving or disapproving of any comments received.
- Refrain from debating comments with members of the public or amongst themselves.
- Members may ask follow-up/clarifying questions but shall refrain from issuing opinions or comments on any comments made by members of the public until the public hearing or public comment period has been closed.
- Honor the role of the presiding officer in facilitating public participation.

Subd. 4 Facilitation of Public Participation: The presiding officer shall facilitate all public participation. As such, the presiding officer may:

- Request that the public appoint a spokesperson when it appears that multiple speakers will speak on the same topic.
- Place a time limit on or defer the public comment period.
- Alter rules to meet legal requirements for public hearings as required by law.

Section VI: Code of Conduct

Subd. 1 Conduct In Public Meetings: In the context of city council meetings, committee meetings, and other such meetings of a public body~~a public meeting~~, all members of the City Council, staff, and the public shall:

- Practice civility, professionalism and decorum in discussions and debate
Difficult questions, 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, members of the public, or staff to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threats will be tolerated. All councilmembers, members of the public, and staff should conduct themselves in a professional manner at all times.
- Be welcoming and treat others with care and gentleness

Speaking in front of a public body (whether as an elected official, committee member, staff, or a member of the public) can be a difficult experience for some people. Some issues the City Council undertakes may affect people's daily lives and homes. Some decisions are emotional. The way that people are treated during public meetings can do a lot to make them relax or to push their emotions to a higher level of intensity. Deescalating a situation will lead to a more productive outcome for all involved and the community as whole.

- **Be an active listener**

It is disconcerting to speakers to have people 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 or gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as "smirking," disbelief, anger or boredom.

- **Ask for clarification, but avoid debate and argument in public**

Only the presiding officer – not individual councilmembers, staff, or a member of the public – may interrupt a speaker during a presentation. However, a councilmember may ask the presiding officer to address the situation if the speaker is off the topic or exhibiting behavior or language the councilmember finds disturbing. If speakers become flustered or defensive by questions from the City Council, it is the responsibility of the presiding officer to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by councilmembers to members of the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Councilmembers' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing or public comment period is closed.

- **Honor the role of the presiding officer in maintaining order**

It is the responsibility of the presiding officer to keep the comments of councilmembers on track during public meetings. Councilmembers should honor efforts by the presiding officer to focus discussion on current agenda items.

- **Avoid personal comments that could offend other Councilmembers or members of the public**

If a councilmember is personally offended by the remarks of another councilmember, the offended councilmember should note their concerns during the meeting, make notes of the actual words used, and request the other councilmember to justify or apologize for the language used. If a member of the public or staff is personally offended by the remarks of a councilmember or member of the public, the offended person should make note of their concerns and of the actual words used but should refrain from directly addressing the offense during the public meeting. The offended person should respectfully address the offense outside of the public meeting.

- **Demonstrate effective problem-solving approaches**

Councilmembers 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.

- **Be punctual and keep comments relative to topics discussed**

Councilmembers have made a commitment to attend meetings and participate in discussions. Therefore, it is important that the councilmembers 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 discussed scheduled issues. Staff should also come prepared to answer questions and provide professional input. Members of the public should strive to arrive to meetings on time in order not to disrupt the meeting and, when provided the opportunity, adhere to the rules for public participation as set in Section V.

Subd. 2 Conduct In Private Encounters: When discussing issues pertaining to the City in the context of private encounters outside of city council meetings, committee meetings, and other such meetings of a public body, whether in an open/public setting or in a private setting, all members of the City Council, staff, and the public shall:

- **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.
- **Be aware of the insecurity of written notes, voicemail messages, e-mail, text messages, “tweets,” and social media**
Technology allows words written or said without much forethought to be distributed wide and far. Before recording or putting something in writing, consider:
 - Would you feel comfortable having this message sent to others?
 - How would you feel if a voicemail message was played on a speaker phone in a full office?
 - What would happen if this e-mail or text message was forwarded to others?
 - How would you feel if this comment, image, video, “tweet,” or social media post went “viral” for the world to see and read?
 - Written notes, voicemail messages, email and social media posts should be treated as potentially “public” communication. It is the responsibility of the City Council to be aware of and follow the City’s Data Practices Policy and the Minnesota Government Data Practices Act (“MGDPA”).
 - If the communication is between councilmembers, could this conversation or written exchange, including emails, text messages, and other forms of electronic communication violate Minnesota’s Open Meetings Law?
- **Acknowledge that even private conversations can have a public presence**
Elected officials, committee members, and City staff 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 and arguments will be watched, and casual comments between individuals before and after public meetings noted. Before meetings are opened and after they are closed, councilmembers should avoid any pre- and post-meeting discussions amongst themselves, as such conversations could violate Minnesota’s Open Meetings Law, or at least be perceived as a violation.
- **Make no promises on behalf of the City**
Councilmembers, committee members, and staff will frequently be asked to explain a City Council or committee action or to give their opinion about an issue as they meet and talk with constituents in the community. It is inappropriate to overtly or implicitly promise City Council or committee action, or to promise City staff will do something specific (fix a pothole, remove a library book, plant new flowers, approve a license or permit, install a traffic sign, etc.).

Subd. 3 Conduct with Staff: When communicating with staff, all members of the City Council and the public shall:

- **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.
- **Limit contact to specific City staff**
Questions of City staff and/or requests for information should be directed to the City Administrator. The City Administrator may delegate the request to other members of staff as appropriate. However, the City Administrator shall be copied on all communication with other members of staff. Requests for follow-up

or directions to staff should be made through the City Administrator. Materials supplied to a councilmember in response to a request will be made available to all members of the City Council so that all have equal access to information.

- **Do not disrupt staff from their jobs**

~~City staff should not be disrupted while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met.~~ As a matter of courtesy and effective time management, councilmembers and members of the public should schedule appointments with staff in advance.

- **Never publicly criticize a specific employee**

City staff are comprised of both union and non-union employees who have certain levels of protection under state and federal law. Concerns about the performance of a City employee should never be expressed in public, to the employee directly, or to the employee's manager. Comments about staff performance should only be made to the City Administrator through private correspondence or conversation.

- **Do not get involved in administrative functions**

No member of the City Council or the public may 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.

- **Limit requests for staff support**

Requests for additional staff support – even in high priority or emergency situations – should be made to the City Administrator who is responsible for allocating City resources in order to maintain a professional, well-run City government.

Subd. 4 Conduct Otherwise Not Listed: Conduct as described in subdivisions 1 through 3 is not an exhaustive list. Councilmembers, staff, and members of the public should always conduct themselves in a courteous and professional manner when interacting with each other whether in public or private. In addition to the aforementioned standards of conduct, all councilmembers, committee members, staff, consultants, suppliers, volunteers, customers, stakeholders, and members of the public shall conform to the City's harassment and offensive policy and workplace violence policy is described in the City's Personnel Policy.