



City Council Code of Conduct

Introductory Pledge

The Maple Plain City Council is committed to practicing principles and conducting business in a fair, ethical, and accountable manner to inspire trust in local government. Recognizing these goals, this Code of Conduct is established for all elected officials of the City of Maple Plain. Where applicable, the principles, behavioral guidelines, and legal obligations expressed in this Code of Conduct are also applicable to ~~appointed board and commission members~~ appointed board, commission and staff members.

Councilmembers must conduct themselves by complying with the following principles, and agree to:

- Comply with the law, including
 - Staying within the City Council's authority
 - Following the open meeting, gift, and conflict of interest laws
- Respect City Council roles and responsibilities when working with staff, boards, and commissions
- Keep current their City Calendar of dates they are not available as to aid in the streamlining of scheduling meetings.
- Be consistent in policy and respect process
- Act and conduct public business in a manner that is consistent with the City's adopted values.
- Fulfill the Council's statutory and fiduciary responsibility to act in the best interest of ~~the City~~ the City's current adopted priorities, and all its residents, both financially and legally by:
 - Keeping the common good as the highest purpose to focus on achieving constructive solutions for the public benefit
 - Not disclosing private or confidential information of the City, or using that information to advance personal interests
 - Protecting the City's interests and avoiding liability by following the advice of legal counsel

Compliance and Enforcement

This Code of Conduct expresses the standards of ethical conduct expected of members of the Maple Plain City Council and board and commission members, where applicable. Members themselves have the primary responsibility to assure the public that ethical standards are understood and met and that the public can continue to have full confidence in the integrity of government.

Councilmembers must hold themselves and each other accountable. In the event of a suspected violation of this Code of Conduct, complaints should be submitted to the City Administrator. The resolution and enforcement process includes the following:

- Matters of legal compliance will be referred to the City Attorney
- Matters that potentially conflict with the Code of Conduct but do not rise to a violation of the law will be reviewed by the City Administrator. Potential resolution may include one of the following:

- The City Administrator and one councilmember may review a complaint and findings directly with the councilmember who is alleged to have violated the Code of Conduct.
- The City Administrator may provide a written notification of the complaint and findings to the City Council.
- The City Administrator may refer the matter, with any background, to the full City Council for discussion and consideration of action.
- Aside from legal matters, the City Council will be the only entity that determines if a violation or violations of the Code of Conduct have occurred.
- In the event of a violation of the Code of Conduct, the City Council may take action as pursuant to Minnesota state law, including the following:
 - Declaration of sufficient findings of a violation of the Code of Conduct
 - A public censure of the member in violation
 - Removal of the member in violation from appointed positions, such as committee, commission, and liaison appointments.

All elected and appointed officials of the City are also subject to and must comply with the City's Sexual Harassment and Respectful Workplace Policies.

Compliance with the Law

Members must comply with applicable federal laws, state laws, and city ordinances in the performance of their public duties.

Authority

~~In statutory cities~~In Maple Plain, a statutory A City, powers are granted to the Council as a whole, and not to individual members.

Open Meeting Law

Public deliberations and processes must be conducted openly and transparently. The Minnesota Open Meeting Law (Minnesota Statutes Chapter 13D) requires that meetings of governmental bodies be open to the public to:

- Prohibit actions being taken at a secret meeting where it is impossible for the interested public to become fully informed about a public board's decisions or to detect improper influences
- Assure the public's right to be informed and observe public meetings

The Minnesota Supreme Court has noted that meetings of less than a quorum of a public body held serially to avoid a public meeting or to fashion an agreement on an issue of public business may violate the Open Meeting Law. Serial meetings must be avoided.

Gifts and Donations

~~Gifts from Interested Persons: Under Minnesota Statutes Section 471.895, councilmembers may not receive gifts from any "interested person" in conjunction with their City Council duties.~~

- ~~● A "gift" is defined as money, real or personal property, a service, a loan, forbearance or forgiveness of debt, or a promise of future employment, which is given and received without the giver receiving something of equal or greater value in return.~~



- ~~“Interested person” means a personal or a representative of a person or association that has a direct financial interest in a decision that a local official is authorized to make~~
 - ~~Virtually every resident or person doing business in the City could have a direct financial interest in a decision~~
- ~~See statute for exemptions~~

Gifts to the City: City Councilmembers can recommend acceptance of gifts and donations to the City. All gifts and donations to the City must be accepted by Council resolution.

Logo

Members must not use the City’s name or logo for purpose of endorsing any political candidate or business.

Conflict of Interest

A conflict of interest occurs when any councilmember who has a “financial interest” in, or who may receive a financial benefit as a result of, any action, or if there is potential for the appearance of conflict of interest, takes part in the official decision on the action. Questions about a potential conflict of interest should be discussed with the City Administrator.

Contractual Conflict of Interest: Minnesota Statute Section 471.87 (with certain exceptions): A public officer who is authorized to take part in any manner in making any sale, lease, or contract in an official capacity shall not voluntarily have a personal financial interest in that sale, lease, or contract or personally benefit financially therefrom.

Non-Contractual Conflict of Interest: Non-contractual matters may include such things as Council decisions on zoning, local improvements, and the issuance of licenses. Although not generally prohibited by state law, an interested councilmember or board or commission member most likely should abstain from participating in the Council discussion and from voting on these issues.

Members who have an actual or potential conflict of interest must:

- Disclose the conflict of interest to the group, and
- Abstain from the official discussion, debate, and vote

This is only a general summary of these laws and obligations that apply to elected and appointed officials. Specific situations or questions should be referred to the City Administrator or City Attorney.

Roles of Council, Staff, and Commissions

Councilmembers, staff, and board and commission members are all part of a team committed to serving the residents of Maple Plain both today and in the future. To be effective, members must come to meetings with an open mind, think strategically about City issues, and delegate details of implementation to staff. Councilmembers must strive to maintain a culture of trust, respect, and candor as a Council and when working with staff and boards/commissions.

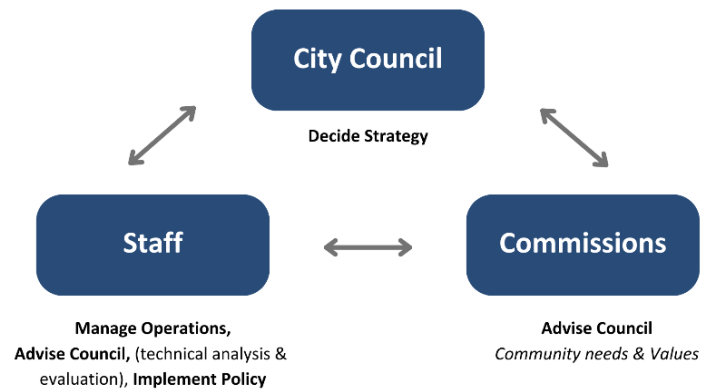


In order to facilitate smooth and efficient meetings, the City Council shall follow Robert's Rules of Order to govern the conduct of its meetings. Additionally, all members shall abide by the guidelines set forth in the Open Meeting Law, ensuring transparency, accountability, and public access to meetings and decisions.

(Open Meeting Law Refer to Appendix A)

(Robert's Rules of Order Refer to Appendix B)

Examples of decisions and actions for each role include the following:



City Council:

- Make policy-level decisions. Hire and Terminate Staff, Supervise the City Administrator.
- Approve:
 - Budget and work-related plan
 - Ordinances and policy decisions
 - Variances and rezoning requests
- Appoint representatives to advisory boards and commissions

City Administrator and Staff

- Provide ~~best efforts~~ professional and technical advice to the Council
- Manage operations and staff
- Propose budget and policies
- Carry out Council decisions
- Deliver services
- Equitably enforce codes and policies

Advisory Boards and Commissions

- Provide a community perspective
- Propose work plan items



- Advise the Council
- Hold hearings as directed by the Council
- Assist as directed in the work plan with engagement efforts

To act in accordance with the City's adopted values and in a manner that is productive for the body, the City Council adopts the following principles of respectful behavior that apply to all councilmembers and members of boards and commissions. These guidelines are provided to ensure each member's contributions are valued and through the collective contributions of all, the Council will operate most effectively. These guidelines are ideals and singular or occasional actions that are not consistent do not necessarily constitute a violation of this Code of Conduct, however, repeated and/or intentional violations of one or more of these principles may result in City Council action.

Members ~~should~~ STRIVE TO shall strive to:

- Treat people with courtesy, politeness, and kindness
- Encourage others to express their opinions and ideas
- Listen to what others have to say
- Use the ideas of others to improve decisions and outcomes
- Recognize and respect differences
- Prepare for the issues at hand (read the packet, ask questions prior to the meeting when you are able)
- Focus on the business of the body
- Consider only legally related information in decisions
- Act as a decision-maker, not an advocate

Members ~~should~~ AVOID shall avoid:

- Speaking over or cutting off another individual's comments
- Insulting, disparaging, or putting down people or their ideas
- Bullying other members by displaying a pattern of belittling, demeaning, judging or patronizing comments
- Violence or the threat of violence will not be tolerated
- Grandstanding – offering their political beliefs or world views unrelated to the matter at hand during discussions
- Distractions, such as cell phone use during meetings.

Working with Staff:

City Council ~~DOES~~ shall:

- Hire, fire, and supervise the City Administrator.
- Set the strategic direction for the city
- Consider and approve budget and related work plan, and monitor performance relative to those items
- Consider and approve policy decisions
- Consider and approve development proposals
- Consider and approve variances and rezoning requests

City Council ~~DOES NOT~~ shall not:

- ~~Direct Individually direct~~ the activities of staff, ~~, other than the City Administrator~~
- Individually direct the activities of boards, commissions or other resident groups
- Individually approve policies, projects etc.
- Individually commit City resources or staff to specific causes
- Individually enforce policies, City Code, etc.
- Individually speak or prepare official correspondence on behalf of the City unless



- Appoint citizens to citizen advisory boards and commissions authorized by the City Administrator or City Council.
- Approve and amend work plans

Councilmembers must use the following guidelines working with City staff:

- Respect staff as valued resources and members of our team
- Support the maintenance of a positive and constructive workplace environment for City employees where individual councilmembers, City staff, and the public are free to express their ideas and work to their full potential
- Provide direction to the City Administrator as a body and not direct the work of individual staff members
- Encourage staff to focus on the big picture in reports
- When possible, notify the City Administrator in advance of a Council meeting of questions or requests to pull items from the consent agenda so the appropriate staff can compile the information needed
- Agree that the information they ask of the City Administrator will be shared equally with all councilmembers
- Copy the City Administrator on all communications with staff, including questions

Working with Boards and Commissions

Maple Plain's boards and commissions are established by the City Council and serve as advisors to the Council. Specific board and commission roles are to:

- Investigate matters within the scope of the board or commission or as specifically directed by the Council
- Advise the Council by communicating the viewpoint or advice of the commission
- At the direction of the Council, hold hearings, receive evidence, conduct investigations, and, based on such hearings, evidence, and investigations, make decisions and recommendations to the Council

City Councilmembers shall use the following guidelines working with boards and commissions:

- View boards and commissions as vitally important resources to support ~~our~~team decision-making
- Communicate effectively with boards and commissions to ensure they have the tools to ~~do~~successfully conduct their work
- Give clear direction as a body and take adequate time to review the result of their deliberations
- Because of the value of the independent advice of boards, commissions, and task forces to the public decision-making process, members of the Council must refrain from using their position to influence the deliberations or outcomes of boards, commissions, and task force proceedings
- Councilmembers will attend board, commission, committee, working group, or task force meetings when appointed by the Council as a City Council Liaison. When councilmembers attend a meeting:



- They are primarily there to listen, observe, and communicate relevant information between the Council and the board or commission.
- They should strive for good communication by reporting to the full Council at the following regular City Council meeting.

Working with the Community

Residents. City staff are the first call for help for its residents. Councilmembers should refer residents who have concerns to the City Administrator. If a resident has contacted the City Administrator but is still not satisfied, the councilmember should discuss it with the City Administrator. If a resident receives conflicting information from different councilmembers or staff, that is difficult complicates the situation for the resident and could increase liability for the City.

Business or other interests:

The purpose of a City Council meeting is to review the information needed to make decisions and vote on matters presented. It is not feasible to conduct all business in a public meeting. Particularly around development projects, business interests might ask a councilmember or commission member to meet outside of a formal meeting to facilitate idea generation about proposals.

The City Council's overarching principles for working with the community, applicable to councilmembers and board and commission members, include:

- Never grant special consideration, treatment, or advantage.
- Respect the sensitivity of personal information.
- Honor established rules regarding public testimony and communicate the rules.
- Make ourselves available to all parties on an equal basis and not advocate for a certain point of view.
- Be cautious about how we participate in meetings or events and not prejudge the issue before the Council has had a chance to deliberate.

These principles help ensure fairness, transparency, and integrity in the council's interactions with the community.

Meeting requests by residents and businesses

1. **AFTER DECISION:** If a councilmember is invited to a meeting about an issue the Council has decided upon, that member may explain how the Council arrived at that decision
2. **DURING DISCUSSION:** If a councilmember is invited to a meeting about an issue that will be before the Council in the future, the councilmember must uphold the above principles for working with the community, and:
 - a. Must not make a decision about an issue to come before the City Council until the process allows.
 - b. Must be sensitive to the fact that the councilmember is not hearing everyone and give equal consideration to all feedback regardless of the way it was received.
3. **DURING SPECIFIED ENGAGEMENT PROCESS:** If a councilmember meets with a resident during a planned engagement process, they must notify the resident that they are there to listen and



encourage them to participate through the established process to engage. The councilmember should ensure that staff receives any feedback provided by residents.

Intergovernmental Relations

Members must represent positions approved by the City Council to the best of their ability when working with:

- Legislative bodies
- Federal or state agencies
- Other local governments, such as school boards or counties

If an individual councilmember's opinion differs from the City position or a matter agreed upon by the full Council, members must explicitly state that their opinion does not represent that of the City Council or the City of Maple Plain, nor should they make any inference to the contrary.

Social Media Use

The term "social media" refers to forms of electronic communication through which users create online communities to share information, ideas, personal messages, and other content. Some examples include, but are not limited to, internet-based platforms, such as Facebook, Instagram, X, and YouTube.

Include an introductory statement in the profile or about section of your account that defines the purpose and topical scope of your page, for example:

"This account is intended for personal use only. The views, postings, positions, or opinions expressed on this site are my own and do not represent those of the City of Maple Plain. If you are a citizen of Maple Plain and would like to discuss city business, please go to mapleplainmn.gov or contact me at [official email]."

Commenting on City Accounts

The City of Maple Plain uses social media to send and receive messages about City information, services, and related programs with community stakeholders, including employees, vendors, citizens, media, and other members of the public.

- Similar to others who engage with the city on social media, as an elected or appointed official you should understand the City's current guidelines for public participation, which are subject to change as new technology and tools emerge.
- Public comments may be removed from City-administered social media accounts if they contain any one or more of the following:
 - Vulgar, physically threatening, or harassing language
 - Content that promotes, fosters, or perpetuates discrimination based on race, religion, gender, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity, source of income, or other protected status under applicable law



- Inappropriate sexual content or similar links
- Private or otherwise confidential information
- Content that promotes illegal activity or encourages actions that may compromise public safety
- Content that violates a copyright or other legal ownership interest of any other party
- Comments not topically related to the original article or post
- Comments in support of or opposition to political candidates, campaigns, or ballot measures during an election season
- Promoting or advertising a commercial transaction, organization, or event that is not sponsored or in direct relationship with the City
- Organized political activity
- Information that may compromise the safety or security of the public or public systems

Use of Personal Accounts

As a policy-making body, councilmembers are given more latitude than City employees to publicly express thoughts and opinions on local issues. However, as an elected official, you should be aware of additional risks related to your general participation on social media.

Open Meeting Law. (Reference available in Appendix A) Communications between a quorum of councilmembers about public business, no matter the forum or time, can constitute a “meeting” to which the Open Meeting Law applies.

Therefore, you should consider the following when using personal social media accounts:

- Remove elected titles from profiles used to identify a personal social media account, and clearly state how constituents should communicate regarding public matters
- Include an introductory statement in the profile or about section of your account that defines the purpose and topical scope of your page, for example:

“This account is intended for personal use only. The views, postings, positions, or opinions expressed on this site are my own and do not represent those of the City of Maple Plain. If you are a citizen of Maple Plain and would like to discuss city business, please go to mapleplainmn.gov or contact me at [official email].”

- Redirect information to official government sources and avoid making posts related to your official duties or governmental bodies
- Redirect political dialogue requests to an alternative means of communication (i.e. email, phone, or other preferred social media account).
- Avoid commenting on local issues where other councilmembers are also participating in discussion
- Avoid making posts and/or comments on behalf of the City and/or the City Council



- Avoid making posts and/or comments in your official capacity as an elected or appointed official
- Avoid making posts and/or comments regarding City business

Minnesota Government Data Practices Act. State law defines “government data”, potentially subject to public disclosure, as all data collected, created, received, maintained, or disseminated by any government entity, regardless of its physical form, storage media, or conditions of use. Government data includes email, internet posting, text messages, instant messages, and other electronic communications

Therefore, you should consider the following:

- Hide, rather than delete, clearly inappropriate public comments on your personal or official social media account, if possible. In some cases, these comments may still be subject to verification or public disclosure in the future. When in doubt, don’t delete it.
- Avoid responding to inappropriate comments or personal attacks on social media. If the commenter persists, redirect them to an alternate method of communication (i.e. email)
- Be aware that personal social media accounts, depending on its content, may still be subject to the Data Practices Act.

First Amendment. More constituents are posting comments on elected official’s personal pages to voice concerns on public issues. Once an elected official’s social media page is opened for political discussion, it is likely transformed into a public forum for speech and debate, instantly granting every user a First Amendment right to comment.

Therefore, you should consider the following:

- Limit open-ended political and City business discussions from your personal social media accounts and redirect dialogue requests to an alternate channel
- When in doubt, don’t block users. Especially those with whom you have previously engaged. If you must, consult with legal counsel first, and then document your actions and reasons for blocking

Posting or commenting on Non-City Public Accounts

Elected officials may also wish to post or comment on public social media accounts maintained by outside individuals or groups. Because it is more difficult to distinguish whether you are posting your official capacity as a councilmember or as a private citizen in this scenario, you should recognize that your comments or posts may be seen as actions taken on behalf of the City or in your capacity as a City official.

Therefore, in addition to complying with the guidelines above for the use of personal accounts, councilmembers should avoid posting or commenting on any of the following content on public social media groups or accounts that are not sponsored by the City:

- Vulgar, physically threatening, or harassing language, or inappropriate sexual content or links
- Content that promotes fosters, or perpetuates discrimination on the basis of race, religion, gender, marital status, national origin, age, mental or physical disability, sexual orientation, gender identity, source of income, or other protected status under applicable law



- Private or otherwise confidential information
- Information that may compromise the safety or security of the public or public systems

Use of Official Accounts

If you choose to create a social media account to engage with constituents, the best practice is to keep this account distinct and separate from other personal accounts that you maintain.

Elected officials increasingly use social media for reelection purposes as well. However, mixing campaign and constituent communications from the same account could put you at risk for violating laws that prohibit using government resources for political purposes.

Therefore, you should consider the following:

- Make it official – Your account profile, descriptions, and photo should clearly indicate your position as a member of the Maple Plain City Council and your intent to use the account as a way of communicating with constituents
- Your account is a public forum – Your engagement with the public on social media as an elected official establishes your platform as a limited public forum, which affords users the right to comment on the content you publish. It also means that any speech restrictions or censorship is subject to strict scrutiny, and First Amendment activities generally may not be prohibited. So, when in doubt, don't delete it
- Prohibited content is defined by City policy – For consistency, consider managing prohibited content on your accounts in the same way City-administered accounts are managed
- Campaign separately – Councilmembers in office should not use City administered or funded social media accounts for electioneering. It's equivalent to campaigning from the dais during a public meeting, which may violate state law
- Seek guidance – If you are unsure about publishing certain content, or feel you are justified in the removal of content, involve the City Administrator and/or the City Attorney before making a decision

Violation of Policy

This policy is not meant to circumvent or bypass any of the other processes, policies, or laws that apply to the City Council. Social media activity and conduct by Council members should not only comply with these policy terms but all other processes, policies, and laws that may apply as well.

