



## STAFF REPORT

TO: Mayor Keis and Members of the City Council

FROM: Heidi Heller, City Clerk/HR Manager  
Chris Heineman, City Administrator

DATE: February 9, 2022

RE: Consider Adoption of a City Council Code of Conduct Policy

### ACTION TO BE CONSIDERED

Review and consider adoption of a Code of Conduct for the City Council.

### BACKGROUND

In November 2021, when Council was reviewing the updated City Staff Personnel Policy, Councilmember McGraw stated that he would like the Council to adopt a Code of Conduct in order to provide expectations of behavior for current and future City Council members. Staff has drafted a policy for the Council to consider.

Another suggestion by a Council member was to have a “pledge” that was done along with the Oath of Office that each newly elected Council member does at their first meeting. The Introduction paragraph at the beginning of the policy could also be used as this pledge. It can be made into a separate document that is signed by Council members – either along with the Oath of Office, or even annually.

### RECOMMENDATION

Discuss the draft City Council Code of Conduct. Consider adoption of the Policy as presented or provide direction to staff for additional changes.

# Little Canada City Council Code of Conduct

## **INTRODUCTION**

Little Canada residents and businesses deserve a fair, ethical and accountable local government which earns the public's full confidence for integrity. Recognizing these goals, the Code of Conduct is established for all elected officials of the City of Little Canada. As a member of the Little Canada City Council, I agree to uphold the Introductory Pledge for elected officials adopted by the City Council and conduct myself by the following model of behavior. I will:

- 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 and Commissions
- Be consistent in policy and respect process
- Fulfill the Council's fiduciary responsibility to act in the best interest of the City, and all of 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 City interests and liability by following advice of legal counsel

## **COMPLIANCE AND ENFORCEMENT**

The Code of Conduct expresses standards of ethical conduct expected for members of the Little Canada City Council. 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.

We will hold ourselves and each other accountable and when there is a suspected violation of the law, we will discuss with the City Administrator.

## **COMPLY WITH THE LAW**

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

### **Authority**

In statutory cities, powers are granted to the Council as a whole, and not to individual members.

### *Mayoral Role*

According to *MN Statute 412.191* the Mayor is a full member of the council in addition to:

- Act as presiding officer of meetings
- Represent the City ceremoniously
- Execute official documents

## **Open Meeting Law (OML)**

Public deliberations and processes shall be conducted openly and in a transparent manner. The Minnesota Open Meeting Law requires that meetings of governmental bodies generally be open to the public in order 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 agreement on an issue of public business may violate the open meeting law.

## **Gift/Donations**

Gifts from Interested Persons: Under *MN Statute 471.895*, Council Members 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, loan, a forbearance or forgiveness of debt, or a promise of future employment, that is given and received without the giver receiving something of equal or greater value in return
- "Interested person" means a person 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: Council Members can recommend acceptance of general gifts through the City's donation policy. All gifts to the city must be accepted by City Council resolution.

## **Logo**

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

## **Conflict of Interest**

Conflict of interest is when any member 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. Questions about a potential conflict of interest shall be discussed with the City Administrator.

Contractual Conflict of interest: (*MN Statute 471.87, with exceptions in MN Statutes 123B.195 and 471.88*). A public officer who is authorized to take part in any manner in making any sale, lease, or contract in 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 Council Member most likely should abstain from participating in the council discussion and from voting on these issues.

Members who have a potential conflict of interest shall:

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

**ROLES OF COUNCIL, STAFF AND COMMISSIONS**

We are all part of a team committed to the residents of Little Canada both today and in the future. To be effective we must come to meetings with an open mind, think strategically about City issues and delegate details of implementations to staff. We will strive to maintain a culture of trust, respect and candor as a Council and when working with staff and commissions.

<p><b><u>Members should STRIVE TO:</u></b></p> <ul style="list-style-type: none"> <li>• Treat people with courtesy, politeness, and kindness</li> <li>• Encourage others to express their opinions and ideas</li> <li>• Listen to what others have to say</li> <li>• Use the ideas of others to improve decisions and outcomes</li> <li>• Recognize and respect differences</li> <li>• Prepare for the issues at hand</li> <li>• Focus on the business of the body</li> <li>• Consider only legally germane information in decisions</li> <li>• Act as a decision maker, not an advocate</li> </ul>	<p><b><u>Members should AVOID:</u></b></p> <ul style="list-style-type: none"> <li>• Speaking over or cutting off another individual’s comments</li> <li>• Insulting, disparaging, or putting down people or their ideas</li> <li>• Bullying other members by displaying a pattern of belittling, demeaning, judging or patronizing comments</li> <li>• Violence or the threat of violence will not be tolerated</li> </ul>
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**Working with Staff**

Members shall respect and adhere to the Council-Administrator (Plan B) structure of Little Canada city government as outlined in *MN Statute 412*.

This means:

<p><b>City Council does...</b></p> <ul style="list-style-type: none"> <li>• Hire, fire, and supervise City Administrator</li> <li>• Set the strategic direction for the City</li> <li>• Consider and approve budget and related work plan, and monitor performance relative to those items</li> <li>• Consider and approve policy decisions</li> <li>• Consider and approve development proposals</li> <li>• Consider and approve variances and rezoning requests</li> <li>• Appoint citizens to citizen advisory commissions</li> <li>• Approve and amend work plans and bylaws</li> </ul>	<p><b>City Council does not...</b></p> <ul style="list-style-type: none"> <li>• Hire and fire staff</li> <li>• Direct the activities of staff, other than the City Administrator Individually direct the activities of boards, commissions or other resident groups</li> <li>• Individually approve policies, projects etc.</li> <li>• Individually commit City resources or staff to specific causes</li> <li>• Individually enforce policies, City Code, etc.</li> <li>• Individually speak or prepare official correspondence on behalf of the City unless authorized by the City Council.</li> </ul>
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City Council Members promise City Staff they will:

- 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 members, 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
- When possible, notify the City Administrator in advance of a Council Meeting of questions or requests to pull agenda items from the consent agenda so the appropriate staff can compile the information needed
- Agree that information they ask of the City Administrator will be shared equally with all Council Members

### **Working with Commissions**

As set forth in the *Little Canada City Code Chapters 202 and 2501*, Little Canada's Commissions are established by the City Council and serve as advisory to the Council. Specific Commission roles are:

- Investigate matters within the scope of the 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 Council Members promise Commissions they will:

- View Commissions as vitally important resources to support our decision-making
- Communicate effectively with Commissions to ensure they have the tools to do 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 commissions to the public decision-making process, members of Council shall refrain from using their position to influence the deliberations or outcomes of commission proceedings

### **WORKING WITH THE COMMUNITY**

Residents: City staff is the first call for help for residents. We will refer residents who have concerns to the City Administrator. If a resident has contacted the City Administrator but is still not satisfied, we will discuss with the City Administrator. We acknowledge if a resident receives conflicting information from different City Council Members or staff that is difficult for the resident and could increase liability for the City.

Businesses or other interests: The purpose of a City Council meeting is to discuss information needed to decide, review that information, and decide. It is not feasible to conduct all business in a public meeting. Particularly around development, business interests might ask a member to meet outside of the City Council meeting to facilitate idea generation about proposals.

The City Council's overarching principles for working the community are:

- Never grant any special consideration, treatment, or advantage
- Respect sensitivity of personal information
- Honor our rules regarding public testimony and clearly 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

Meetings requested by residents or businesses:

1. AFTER DECISION: If we are invited to a meeting about an issue the Council has decided upon, we will explain how the Council arrived at the decision.
2. DURING DECISION: If we are invited to a meeting about an issue that will be before the Council in the future, we will uphold the above principles for working with the community, and:
  - a. We will not make our decision about an issue before the city council until the process allows.
  - b. We will be sensitive to the fact that we are not hearing everyone, and we will give equal consideration to all feedback regardless of the way it is received.
3. DURING SPECIFIED ENGAGEMENT PROCESS: If we meet with a resident during a planned engagement process, we will notify the resident that we are there to listen and encourage them to participate through the established process to engage. We will ensure that staff received the feedback provided to us.

**INTERGOVERNMENTAL RELATIONS**

Members shall 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 Council Member's opinion differs from the City position, or a matter agreed upon by the full Council, Members shall explicitly state they do not represent their City Council or the City of Little Canada, nor will they allow the inference that they do.