

Brooklyn Center City Commission Code of Respect and Ethics

Table of Contents

Brooklyn Center City Commission Code of Respect and Ethics	2
A. Commissioner Conduct with One Another	2
1. In Public Meetings	2
2. In Private Encounters	3
B. Commissioner Conduct with City Council	4
C. Commissioner Conduct with City Staff	4
D. Commissioner Conduct with the Public	5
1. In Public Meetings	5
2. In Unofficial Settings	6
E. Commissioner Conduct with Other Public Agencies	6
F. Poor Conduct and Accountability Measures	6
1. Conduct	6
2. Types of Accountability Measures	7
3. Process	7
4. Conduct During Meetings	8
G. Ethics	9
1. Open Meeting Law	9
2. Gift Law	9
3. Conflict of interest	9

Brooklyn Center City Commission Code of Respect and Ethics

A. Commissioner Conduct with One Another

City Commissions are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve the community. In all cases, this common goal should be acknowledged even as Commissioners may "agree to disagree" on contentious issues. These guidelines are meant to establish professional boundaries between Commissioners and are in no way meant to be a restriction on speech. Decorum and rules governing conduct are essential to the smooth operation of public meetings.

1. In Public Meetings

- (a) **Commissioner Interaction.** Commissioners agree 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. Commissioners 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. Commissioners should make every effort to conduct themselves in a professional manner at all times, including listening actively during Commission meetings.
- (b) **Deference to Order.** Commissioners agree to honor the roles of Commission leadership including the Chair and Co-Chair in maintaining order by deferring to their direction and guidance. It is the responsibility of the Chair and/or Co-Chair to keep the Commission meetings on track during meetings. Commissioners agree to honor efforts by the Chair or Co-Chair to focus discussion on current agenda items. If there is disagreement about the agenda or Chair or Co-Chair'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 commission meeting should be to demonstrate a positive example of decorum and respect for constituents. To accomplish that goal, Commissioners agree to avoid comments that personally attack other Commissioners. If a Commissioner is personally attacked by the comments of another Commissioner, the offended Commissioner will make notes of the actual words used and may call for a "point of order" to challenge the other Commissioner to justify or apologize for the language used. The Chair or Co-Chair will maintain control of this discussion.
- (d) **Collaborative Problem Solving.** Another goal of the commission meeting is to demonstrate effective problem-solving approaches. Commissioners 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 commission meeting, Commissioners agree make best efforts to be punctual and keep comments relative to topics discussed. Every Commissioner has made a commitment to attend meetings and participate in discussions. Therefore, it is important that Commissioners 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.** It is inappropriate to mention endorsements during commission meetings or other official City meetings or functions.
- (g) **Professional Courtesy.** Commissioners endeavor to avoid putting colleagues in awkward or disadvantageous positions in an effort to capitalize on another colleagues' vulnerability or to embarrass them publicly. Commissioners agree to make every attempt to submit questions or concerns to the Staff Liaison prior to formal meetings to avoid surprising Commissioners, Council Liaisons, or Staff at said meetings.
- (h) **One Voice.** Commissioners are a part of a group that is charged with conducting business as a group. Individual Commissioners should not speak on behalf of the entire Commission unless directed by the Chair or majority vote of the Commission to present a Commission position to the City Council. Individual Commissioners should not act on behalf of the Commission if there has not been a Council, City Manager, or Commission majority, directive to do so.
- (i) **Personal Attacks.** Commissioners shall not personally attack, under any circumstance, another member of a Commission. Commissioners acknowledge that cultural differences, body language, tone of voice, as well as the words they use, could be experienced as intimidating, off-putting, or aggressive to the message recipient.

2. In Private Encounters

- (a) **Respectful Workplace Values.** Commissioners endeavor to model respectful behavior in private contact with other Commissioners. The same level of respect and consideration of differing points of view that are deemed appropriate for public discussions should be maintained in private conversations with other Commissioners.
- (b) **Data Practices.** Commissioners recognize 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. Commissioners agree to *consider* the following: (1) how they, their 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; (2) What could the consequences be if this email message was forwarded to others? Commissioners understand and acknowledge that written notes, social media postings, voicemail messages and email should be treated as potentially "public" communication.

B. Commissioner Conduct with City Council

1. Council 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). If a Council Member attends a Board or Commission meeting in the role of liaison, each Commissioner should treat the Council Member with the same respect as the Commissioner would treat other Commission Members.
2. Limited Contact. Commissioners agree to limit contact with Council Members. It is inappropriate for a Commissioner to contact a City Council Member to lobby on behalf of an individual, business, or developer, or personal mission. Commissioners may utilize the staff liaison, Deputy City Manager, or City Manager in order to clarify or better understand a position taken by the Council. Notwithstanding the above, this section does not govern personal relationships between Commissioners as individual members of the community and Council Members as individual members of the Community. Both parties should endeavor to keep personal and professional relationships separate.
3. Commission Service. The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of the Boards and Commissions to follow the policy established by the Council. However, Board and Commission members do not report to individual Council Members.
4. Respect Diverse Opinions. Commissioners agree to be respectful of diverse opinions. The primary role of Commissioners 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 agree to be fair and respectful of all residents serving on Boards and Commissions, and Commissioners agree to be fair and respectful of Council Members serving on the City Council.

C. Commissioner Conduct with City Staff

Governance of the City is a cooperative effort, including elected officials, appointed officials, and staff. 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.

1. Respectful Workplace Values. Commissioners agree to treat all staff as professionals. Commissioners agree to 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 Resect violation.
2. City Staff Contact. General questions regarding commission procedure, bylaws, commission activities, commission projects, commission meetings, etc. should be directed to the assigned Staff Liaison. Questions regarding compliance with general city policies, or questions related to staff liaison commission management should be directed to the City Manager.
3. Staff Criticism. Commissioners should not publicly criticize an individual employee. Commissioners agree to express concerns about the performance of a City employee directly to the City Manager

through private correspondence or conversation. Commissioners will refrain from expressing concerns in public, to the employee directly, or to the employee's manager.

4. Political Solicitation. Commissioners will not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff.
5. Personal Comments about other Commissioners. Commissioners agree to refrain from speaking ill of other Commissioners to staff. This puts staff in an uncomfortable and compromising position because staff have the responsibility to treat all Commissioners equally and with respect.
6. Personal Attacks. Commissioners shall not personally attack, under any circumstance, a member of city staff. Commissioners acknowledge that cultural differences, body language, tone of voice, as well as the words they use, could be experienced as intimidating, off-putting, or aggressive to the message recipient.

D. Commissioner 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 Commissioners 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 (For Commissions with Public Hearings).** The Commission as a body agrees to be fair and equitable in allocating public hearing time to individual speakers. The Commission Chair or Co-Chair 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 Chair or Co-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.
- (c) **Public Hearing Speakers (For Commissions with Public Hearings).** No speaker will be turned away unless the speaker exhibits inappropriate behavior. Each speaker may only speak once during the public hearing unless the Commission 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 Commission.
- (d) **Avoid Public Debate.** Commissioners agree to avoid debate and argument with members of the public. Only the Chair or Co-Chair – not individual Commissioners – can interrupt a speaker during a presentation, question, or comment. However, a Commissioner can ask the Chair or Co-Chair for a point of order if the speaker is off the topic or exhibiting behavior or language the Commissioner finds disturbing. Commissioners may request that the Chair or Co-Chair seek clarification from the speaker.
- (e) **Commission Chair to Focus Discussion.** If speakers become flustered or defensive by Commissioner questions, it is the responsibility of the Chair or Co-Chair to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by 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. Commissioners agree to refrain from providing personal opinions or revealing inclinations about upcoming votes until after the public hearing is closed.

- (f) **Personal Attacks.** Commissioners shall not personally attack, under any circumstance, a member/members of the public. Commissioners acknowledge that cultural differences, body language, tone of voice, as well as the words they use, could be experienced as intimidating, off-putting, or aggressive to the message recipient.

2. In Unofficial Settings

- (a) **No Promises.** Commissioners may not make promises on behalf of the Commission. Commissioners may be asked to explain a Commission policy or recommendation 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 Commission or 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) **Public-Private Considerations.** Commissioners may be observed by the community as they serve the city *in their capacity as commissioners*. Commissioner behaviors and comments serve as models for proper conduct in the City of Brooklyn Center. Commissioners endeavor to reflect honesty and respect for the dignity of each individual in every word, communication, and action taken by Commissioners. ,

E. Commissioner Conduct with Other Public Agencies

Commissioners will be as clear as possible when representing City interests. If a Commissioner is directed to appear by Commission Leadership, City Leadership, or City Council, and appears before another governmental agency or organization to give a statement on an issue, the Commissioner must clearly support and advocate the official City position on an issue, not a personal viewpoint.

F. Poor Conduct and Accountability Measures

If Commissioner conduct becomes an issue that must be addressed more seriously, the City has outlined a restorative procedure to address poor Commissioner conduct. Commissioner restoration is the goal, not sanction. However, Commissioners may face more serious consequences the more serious their conduct becomes.

1. Conduct

- (a) **Violations.** Commissioners who violate the Code of Respect will be subject to accountability measures. Any violations that potentially constitute criminal conduct shall be handled by the criminal justice system.

- (b) **Factors.** Factors that will be considered in determining the appropriate restorative measure or sanction include but are not limited to the following: seriousness of the violation and number of preceding violations.

2. Types of Accountability Measures

(a) **Restorative Measures**

Commissioners agree to engage in restorative measures prior to the City initiating sanctions for violations of the Code of Respect. Restorative measures include, but are not limited to:

- (i) Private meeting between the Commissioner and the City Manager
- (ii) Informal Mediation between involved parties and a Mediator
- (iii) Mediator issues recommendations (i.e. training, public apology, meeting suspension, etc.)
- (iv) Commissioner and/or Involved Parties to follow recommendations
- (v) If Commissioner refuses to follow recommendations, then the process moves to sanctions.

(b) **Sanction**

Commissioners may face commission removal for failing to engage in restorative measures or for continued violations of the Code of Respect.

3. Process

(a) **Filing a Complaint and/or Reporting a Code of Respect Violation**

- (i) A Commissioner may report a potential Code of Respect violation by another Commissioner by bringing the matter to the attention of the official of their choice, Mayor, or the City Manager.
- (ii) A Brooklyn Center staff member may report a potential Code of Respect violation by a City Commissioner by bringing the matter to the attention of the City Manager or Human Resources Manager.
- (iii) If the potential violation involves the Mayor, it should be brought to the attention of the Mayor Pro Tem, City Manager, or City Attorney.
- (iv) A community member may report potential Code of Respect violations by a member of a City Commission to the Mayor, City Manager or any member of the City Council.

(b) **Investigation**

- (i) Triage. The Mayor and City Manager will gather initial information, consult with the City Attorney if necessary and decide how to move forward.
- (ii) 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.

(iii) Possible Outcomes. After an investigation, the City Manager, in consultation with proper staff, will determine if the complaint is substantiated or unsubstantiated. **A restorative solution will be sought prior to moving to a sanction.**

(1) If Substantiated: The Commissioner will have a consultation with the City Manager, if that is unsuccessful, then the parties move to a graduated resolution process:

- Informal mediation with harmed individuals and City designee (Mediator);
- Mediator issues recommendations
- Commissioner / Involved Parties to follow recommendations
- If Commissioner refuses to follow recommendations, then the process moves to sanction.

(2) Sanction: (Last Resort)

- City Manager compiles redacted report for Council review (names, commission, other identifying information will be removed from the report)
- After review of the circumstances and recommendation, Council will use a standard form provided by the Administration to communicate their vote
- Administration will provide Council forms to Mayor
- Mayor will state Council vote on the record
- If Commissioner is removed from service, Commissioner will receive a letter of removal from the Council
- Commission Removal results in automatic bar from Commission Appointment for 2 years

(3) If Unsubstantiated: City Manager to work with City Attorney to determine resolution compliant with the Minnesota Government Data Practices Act

4. Conduct During Meetings

(a) **Inappropriate Statements.** For inappropriate statements or conduct by Commissioners occurring during a Commission meeting, a verbal correction by the Commission Chair will normally be the first step to address the matter, either during or after the meeting.

(b) **Further Incidents.** Further incidents at the same meeting may be addressed by subsequent verbal corrections accompanied Repeated incidents can give rise to Chair not recognizing the offending Commissioner to speak. A Commissioner can request that the Chair take any of these actions against an offending Commissioner if the Chair has not done so on her/his/their own.

G. Ethics

1. Open Meeting Law

- (a) Meetings of Council Commissions must be open the public. A meeting is a gathering of a majority of Commissioners 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 Commissioners should not communicate with each other by phone, email, social media, 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 Commissioner 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 City Charter, Section 14.04(A), and Section II, 2.95 of the Brooklyn Center Code of Policies for further information regarding the Gift Law and procedure.

3. Conflict of interest

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

See Minnesota Statutes Section 471.87, and Section II, 2.95 of the Brooklyn Center Code of Policies of further information about Conflicts of Interest involving Public Officers.