

City of Fergus Falls Code of Conduct for Elected Officials, Adopted October 2023

The Three Rs of Fergus Falls Government Leadership: Roles, Responsibilities and Respect

The Home Rule Charter of the City of Fergus Falls and the Fergus Falls City Code provide information on the more formal duties of council members, the mayor, and the acting mayor. The city's Code of Ethics Policy (adopted as Ordinance 14, Eighth Series in 2021) provides guidance related to conflicts of interest. To further clarify the conduct expectations of councilmembers and the mayor, the council in 2023 adopted a Code of Conduct for Fergus Falls' elected officials. After careful review of the Code of Conduct, the council has determined that it is in the public interest to amend it as noted herein.

This Code of Conduct is designed to describe the manner in which the mayor and council members should treat one another, city staff, consultants, constituents, and others they come into contact with in representing the City of Fergus Falls. It reflects the work of the mayor and city council in defining more clearly the behavior, manners, and courtesies that are suitable for various occasions. In concert with this document, the mayor and city council may wish to consider policy changes and clarifications designed to make public meetings and the process of governance run more smoothly.

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The constant and consistent theme through all the conduct guidelines is "respect." The mayor and council members experience stress in making decisions that impact the lives of the citizens. At times, the impact of the entire community must be weighed against the impact of only a few. Despite these pressures, elected officials are called upon to always exhibit appropriate behavior. Demonstrating respect for everyone through words and actions is the touchstone that can help guide the mayor and council members to do the right thing in even the most difficult situations.

Overview of Roles & Responsibilities

Other resources that are helpful in defining the roles and responsibilities of elected officials are the Home Rule Charter of the City of Fergus Falls, Fergus Falls City Code, and League of Minnesota Cities resources for elected officials, including the *Handbook for Minnesota Cities* and the *Minnesota Mayors Handbook*, among many other publications.

MAYOR

- Elected “at-large” for a four-year term
- Presiding officer of the council (Fergus Falls City Charter, Section 2.07)
- Votes in the event of a tie vote by the city council (Fergus Falls City Charter, Section 4.03)
- Executes and authenticates ordinances and resolutions (Fergus Falls City Charter, Section 4.04)
- Leads the Council into an effective, cohesive working team

ACTING MAYOR

- Elected by the city council at their first meeting in January of each year (Fergus Falls City Charter, Section 2.08)
- Performs the duties of the mayor if the mayor is absent or disabled (Fergus Falls City Charter, Section 2.08)

ALL COUNCIL MEMBERS

All members of the city council, including the acting mayor have equal votes. No council member has more power than any other council member, and all should be treated with equal respect.

All council members 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
- Represent the city at ceremonial functions at the request of the mayor
- 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 Fergus Falls city government
- Demonstrate honesty and integrity in every action and statement
- Participate in scheduled activities

Policies & Protocol Related To Conduct

Ceremonial Events

Requests for a city representative at ceremonial events will be directed to the mayor. The mayor will serve as the designated city representative. If the mayor is unavailable, the mayor will determine if event organizers would like another representative from the council. If yes, then the acting mayor will be recommended to serve as the substitute. Invitations received at City Hall are presumed to be for official city representation.

Correspondence Signatures

The mayor and council members do not need to acknowledge the receipt of correspondence relating to city business, or copies of such correspondence, during council meetings. City staff will prepare official letters in response to public inquiries and concerns. These letters will carry the signature of the mayor or the appropriate city staff. If correspondence is addressed only to the mayor or to one council member, that correspondence will be shared with the rest of the council.

Endorsement of Candidates and Ballot Initiatives

The mayor and council members have the right to endorse candidates for all council seats, other elected offices, and ballot initiatives by other government bodies. It is inappropriate to include such items on any council agenda or to mention those endorsements during council meetings or other official city meetings or functions.

Intergovernmental Relations

The mayor and council value intergovernmental relations with neighboring communities and other entities. As a result, the mayor and council members should make a concerted effort to attend scheduled meetings with other entities to further promote intergovernmental relations.

Legislative Process

The procedural rules adopted by the city council will be the governing guide for council proceedings.

Public Meeting Hearing Protocol

The mayor will determine the meeting protocol on a case-by-case basis, considering any legally required protocols that may apply in certain circumstances. Generally, the mayor will open the public hearing, and staff will then make an initial presentation. After the staff presentation, the applicant or appellant, if any, shall be given the opportunity to speak first, followed by those with opposing views. In situations where there is no applicant or appellant, members of the public will be invited to speak in any order deemed appropriate by the mayor. If deemed necessary by the mayor, any speaker who has already spoken may be given the opportunity to respond to comments made by others. The mayor has the responsibility to run an efficient public meeting and has the discretion to modify the public hearing process to make the meeting run smoothly. This includes determining how much time will be allowed for each speaker, with 3 to 5 minutes the standard time granted. The Mayor may also limit presentations of viewpoints that are repetitive of comments that have already been made and may exclude any person who exhibits disorderly conduct or other inappropriate or unlawful behavior. The mayor may ask the council if any issues need clarification before the public hearing is closed. The mayor and council members will not express opinions during the public hearing portion of the meeting except to ask pertinent questions of the speaker or staff. "I

think" and "I feel" comments by the mayor and council members are not appropriate until after the close of the public hearing. The mayor and council members should refrain from arguing or debating with the public during a public hearing and should always show respect for different points of view. Once the mayor is satisfied that all information that could be gathered during the public hearing has been gathered, the mayor shall close the public hearing and resume the council meeting.

EEO, Discrimination, Harassment and Respectful Workplace

The mayor and all council members shall be familiar with and adhere to the city's equal employment opportunity, discrimination, sexual and other harassment, and respectful workplace policies.

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

IN PUBLIC MEETINGS

• 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. This does not allow, however, the mayor and council members 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. The mayor and council members should always conduct themselves in a professional manner.

• Honor the role of the Mayor in maintaining order

It is the responsibility of the mayor to keep the comments of council members on track during public meetings. Councilmembers should honor efforts by the mayor to focus discussion on current agenda items. If there is disagreement about the agenda or the mayor's actions, those objections should be voiced politely and with reason, following procedures outlined in the procedural rules adopted by the council.

• Avoid personal comments that could offend other Councilmembers

Care should be taken to avoid personal comments that could offend the mayor or other council members, city staff, or members of the public.

• Demonstrate effective problem-solving approaches

The mayor and council members 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.

• Be punctual and keep comments relative to topics discussed

The mayor and council members have made a commitment to attend meetings and participate in discussions. Therefore, it is important that the mayor and 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.

IN PRIVATE ENCOUNTERS

• 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 to have this note faxed to others?
- How would you feel if this 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 council members, could this conversation or written exchange, including emails, text messages, and other forms of electronic communication violate Minnesota’s Open Meetings Law?

• 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 and arguments will be watched, and casual comments between individuals before and after public meetings noted. Council members should use care when communicating among themselves, as such conversations or communications could violate Minnesota’s Open Meetings Law, or at least be perceived as a violation.

Mayor and Council Conduct with City Staff

Governance of a city relies on the cooperative efforts of 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 everyone for the good of the community.

- **Treat all staff as professionals**

Clear, honest communication that respects the abilities, experience, and dignity of everyone is expected. Poor behavior towards staff is not acceptable.

- **Limit contact to specific city staff**

Questions of city staff and/or requests for additional background information should be directed to the city administrator, mayor, or department heads. Requests for follow-up or directions to staff should be made only through the city administrator. When in doubt about what staff contact is appropriate, council members should ask the city administrator or mayor for direction. Materials supplied to a council member in response to a request will be made available to the mayor and all members of the council so that all have equal access to information.

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

The mayor and council members should not disrupt city staff while they are in meetings, on the phone, or engrossed in performing their job functions to have their individual needs met. As a matter of courtesy and effective time management, council members should schedule appointments with staff in advance.

- **Never publicly criticize an individual employee**

The mayor and council should never 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 administrator through private correspondence or conversation. Council members must respect the city's employees' right to data privacy under the MGDPA.

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

The mayor and council members must not 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.

- **Check with city staff on correspondence before taking action**

Before sending correspondence, the mayor and council members should check with city staff to see if an official city response has already been sent or is in progress.

- **Do not attend meetings with city staff unless requested by staff.**

Even if the mayor and/or council member does not say anything, the mayor and/or council member's presence may imply support, show partiality, intimidate staff, and/or hamper staff's ability to do their job objectively.

- **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 to maintain a professional, well-run city government.

- **Do not solicit political support from staff**

The mayor and 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. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

Mayor and Council Conduct with the Public

IN PUBLIC MEETINGS

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 the mayor or 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 or comment.

- **Be welcoming to speakers and treat them with care and gentleness**

Speaking in front of the mayor and council can be a difficult experience for some people. Some issues the council undertakes may affect people's daily lives and homes. Some decisions are emotional. The way the mayor and council treats people during public hearings 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.

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

Only the mayor – not individual council members – may interrupt a speaker during a presentation. However, using the council's rules of procedure, a council member may ask the mayor to address the situation if the speaker is off the topic or exhibiting behavior or language the council member finds disturbing.

If speakers become flustered or defensive by council questions, it is the responsibility of the mayor 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.

- **No personal attacks of any kind, under any circumstance**

- **Follow the council's rules of 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 the council's rules of procedure. Final rulings on procedural issues are made by the mayor, subject to the council's rules of procedure.

MAYOR AND COUNCIL CONDUCT IN UNOFFICIAL SETTINGS

- **Make no promises on behalf of the council**

The mayor and council members will frequently 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 express personal feelings or positions on an issue or to give a brief overview of city policy and to refer to city staff or council for further information. It is inappropriate to promise council action overtly or implicitly, 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.).

- **Make no personal comments about the mayor or other council members**

It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about the mayor or other council members, their opinions, and actions.

- **Remember that despite its continued growth, Fergus Falls is a small community at heart**

The mayor and 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 deportment in the City of Fergus Falls. Honesty and respect for the dignity of everyone should be reflected in every word and action taken by the mayor and council members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

Mayor and Council Conduct with Other Public Agencies

- **Be clear about representing the city or personal interests**

If the mayor or a council member appears before another governmental agency or organization to give a statement on an issue, the mayor or 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, the Council has taken a position on the matter. Even if the mayor or council member is representing his or her own personal opinions, remember that this still may reflect upon the council as an organization and the city.

If the mayor or councilmember is representing the city, the mayor or council member must support and advocate the official city position on an issue, not a personal viewpoint even if the council member may personally disagree with the city's official position.

If the mayor or council member is representing another organization whose position is different from the city, the mayor or council member should withdraw from voting on the issue if it significantly impacts or is detrimental to the city's interest. The mayor and council members should be clear about which organizations they represent and inform the mayor and council of their involvement.

- **Correspondence also should be equally clear about representation**

City letterhead may be used when the mayor or council member is representing the city and the city's official position. A copy of official correspondence should be given to the city administrator to be filed as part of the permanent public record.

City letterhead may not be used for correspondence of the mayor and council members representing a personal point of view, or a dissenting point of view from an official council position.

Mayor and Council Conduct with Boards, Committees and Commissions

The city has established several boards, committees, and commissions as a means of gathering more community input. Citizens who serve on boards and commissions become more involved in government and serve as advisors to the mayor and city council. They are a valuable resource to the city's leadership and should be treated with appreciation and respect.

• If attending a board or commission meeting of which the council member is not a member, be careful to only express personal opinions The mayor and council members may attend any board or commission meeting, which are always open to any member of the public. The mayor and council members should be sensitive to the way their participation – especially if it is on behalf of an individual, business or developer – could be viewed as unfairly affecting the process. Any public comments by the mayor or a council member at a board or commission meeting should be clearly made as individual opinion and not a representation of the feelings of the entire city council. Also, the mayor or a council member's presence may affect the conduct of the board or commission and limit their role and function. In addition, council members must be cognizant of how their presence impacts any potential quorum of the council and, therefore, the resulting implications under Minnesota's Open Meeting Law.

• Limit contact with board and commission members

It is inappropriate for the mayor or a council member to contact a board or commission member to lobby on behalf of an individual, business, or developer. The mayor and council members should contact staff to clarify a position taken by the board or commission.

• Remember that boards and commissions serve the community, not the mayor or individual council members

The mayor and city council appoint individuals to serve on boards and commissions, and it is the responsibility of boards and commissions to follow policy established by the council. But board and commission members do not report to the mayor or individual council members, nor should the mayor or council members feel they have the power or right to threaten board and commission members with removal if they disagree about an issue. Appointment and re-appointment to a board or commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A board or commission appointment should not be used as a political "reward."

• Be respectful of diverse opinions

A primary role of boards and commissions is to represent many points of view in the community and to provide the mayor and council with advice based on a full spectrum of concerns and perspectives. The mayor and council members must be fair and respectful of all citizens serving on boards and commissions.

• Keep political support away from public forums

Board and commission members may offer political support to the mayor or a council member, but not in a public forum while conducting official duties. Conversely, the mayor or council members may support board and commission members who are running for office, but not in an official forum in their capacity as the mayor or a council member.

- **Inappropriate behavior can lead to removal**

Inappropriate behavior by a board or commission member should be noted to the mayor, and the mayor should counsel the offending member. If inappropriate behavior continues, the mayor should bring the situation to the attention of the council which shall decide the appropriate action, which may include removal from the board or commission.

Mayor and Council Conduct with the Media

The mayor and council members may be contacted by the media for background and quotes.

- **The best advice for dealing with the media is to never go "off the record"**

Most members of the media represent the highest levels of journalistic integrity and ethics, and can be trusted to keep their word. But one bad experience can be catastrophic. Words that are not said cannot be quoted. Words that are said cannot be unsaid.

- **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.

- **Choose words carefully and cautiously**

Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, c u r s i n g or word play. When talking to the media, consider the same issues noted in the In Private Encounters section above. (page 5)

Sanctions

• Public Disruption

Members of the public who do not follow proper conduct after a warning in a public hearing may be barred from further testimony at that meeting or removed from the Council Chambers.

• Inappropriate Staff Behavior

Council members should refer to the city administrator any city staff who do not follow proper conduct in their dealings with council members, other city staff, or the public. These employees may be disciplined in accordance with standard city procedures for such actions.

• Council members Behavior and Conduct

The Mayor or city council members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the council. Serious infractions of the Code of Ethics or Code of Conduct could lead to other sanctions as deemed appropriate by council.

1. If the mayor or a council member believes that another council member or the mayor has violated this Code of Conduct or the City's Code of Ethics during a meeting of the council, s/he should call the matter to the offending person's attention at that or a subsequent council meeting. If the problem continues, it shall be referred to the mayor (or the acting mayor if the complaint is against the mayor) who will attempt to resolve the matter in private. If the dispute is between the mayor and the acting mayor, the council shall select one of its other members to attempt to privately resolve the matter. The mayor (or acting mayor or council's designee, if any) may involve the city administrator and/or city attorney to investigate and make recommendations about the dispute. If these private efforts do not resolve the matter, then the mayor or any member or the council may bring it before the council at a duly noted public meeting, at which time the council shall decide whether or not to proceed with further action as noted in section 3 below.
2. If the mayor or a council member believes that another council member or the mayor has violated this Code of Conduct or the city's Code of Ethics at a time other than a meeting of the council, s/he should call the matter to the offending person's attention and attempt to resolve it privately. If the problem is not resolved or continues after that informal discussion, it may be called to the attention of the mayor (or the acting mayor if it is the mayor's actions that are being challenged) who shall attempt to privately resolve the matter. If the dispute is between the mayor and the acting mayor, then it shall be referred to the city attorney who shall attempt to privately resolve the matter. The city administrator shall be included in these efforts to privately resolve the matter. If these private efforts do not resolve the matter, then the elected official who initiated the complaint may raise it with the city council at a duly noted public meeting, at which time the council shall decide whether or not to proceed with further action as noted in section 3 below.
3. If a Code of Conduct or Code of Ethics complaint is raised with the city council after informal efforts to resolve it have failed as described in 1 or 2 above, then the council shall, at a duly noted public meeting, consider all available evidence and decide whether sanctions

are warranted, and if so, which sanction(s) to impose. Prior to making this decision, the council may authorize the city attorney, city administrator, and/or other designee to investigate the matter further and to report his or her findings to the council. The council may also form an ad hoc committee to investigate the matter. If, after considering all evidence presented, the council determines that sanctions are warranted, the council may take any and all lawful action it deems appropriate, including: requiring the offending member to undergo training or other appropriate education intended to fix the problem, censure, or terminating appointments to boards, committees and commissions.

Principles of Proper Conduct/Statement of Values

The proper operation of democratic government requires that decision-makers must be independent, impartial and accountable to the people they serve. All elected and appointed officials, city employees and volunteers shall subscribe to the statement below, understand how it applies to their specific responsibilities and practice this conduct and express these values in their work.

Representatives of the City of Fergus Falls.....

- Serve the public interest
- Fulfill the duties and responsibilities of holding public office
- Are forward thinking
- Keep promises
- Are dependable
- Build a solid reputation
- Participate and are available
- Demonstrate patience
- Practice fiscal responsibility
- Show empathy
- Hold onto ethical principles under stress
- Listen attentively
- Study thoroughly
- Keep integrity intact
- Overcome discouragement
- Go above and beyond, time and time again
- Model a professional manner

Proper conduct IS NOT ...

- Showing antagonism or hostility
- Deliberately lying or misleading
- Speaking recklessly
- Spreading rumors
- Stirring up divisiveness or controversy
- Acting in a self-righteous manner

It all comes down to respect

Respect for one another as individuals . . . respect for the validity of different opinions . . . respect for the democratic process . . . respect for the community that we serve.

Checklist for Monitoring Conduct/Values

- ✓ Will my decision/statement/action violate the trust, rights or good will of others?
- ✓ What are my interior motives and the spirit behind my actions?
- ✓ If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- ✓ How would my conduct be evaluated by people whose integrity and character I respect?
- ✓ Even if my conduct is not illegal or unethical, is it done at someone else's expense? Will it destroy their trust in me? Will it harm their reputation?
- ✓ Is my conduct fair? Just? Morally right? If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- ✓ Does my conduct give others reason to trust or distrust me?
- ✓ Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
- ✓ Do I exhibit the same conduct in my private life as I do in my public life?
- ✓ Can I take legitimate pride in the way I conduct myself and the example I set?
- ✓ Do I listen and understand the views of others?
- ✓ Do I question and confront different points of view in a constructive manner?
- ✓ Do I work to resolve differences and come to mutual agreement?
- ✓ Do I support others and show respect for their ideas?
- ✓ Will my conduct cause public embarrassment to someone else or my community?

As an expression of the standards of conduct for Elected officials expected by the city, the Code of Conduct is intended to be self-enforcing. It therefore becomes most effective when elected officials are thoroughly familiar with it and embrace its provisions. For this reason,

- Newly elected or appointed officials shall acknowledge the receipt and commitment to this document prior to being sworn in. Additionally, at the first regular meeting of a new council, all incumbent council members shall review, and be given the opportunity to sign and return the Code of Conduct to the city administrator.
- The city council will dedicate an annual meeting agenda item to the review of the Code of Ethics and Conduct for Elected and Appointed Officials, to address questions.
- Failure to comply with the items outlined above could result in disciplinary action outlined in section titled Sanctions (page 11)

I agree to abide by the City of Fergus Falls Code of Conduct for Elected Officials

Signature

Date