



CITY OF FERGUS FALLS



CITY COUNCIL HANDBOOK 2024

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CHAPTER 1: OVERVIEW AND RESOURCES

INTRODUCTION

Thank you for your interest in becoming an elected official for the City of Fergus Falls! A leadership position in municipal government can be both rewarding and challenging. This handbook was created to assist in your transition to this position and provide an overview of Fergus Falls and its government and outlines your primary responsibilities. It will show how elected and appointed officials and staff can work together in the most efficient and effective way to best serve the community. You are also encouraged to work with the city administrator's office for guidance and input.

RESOURCES

League of Minnesota Cities

The League of Minnesota Cities (The League or LMC) provides information, education, and training to elected officials and staff. The League sponsors a newly elected officials training session and they hold an annual conference that provides an opportunity to connect with other member cities to learn how they have handled opportunities and issues. Throughout the year, they provide legislative updates and explain the implications of any new legislation to cities. If resources exist and personal schedules allow, council members are encouraged to attend the League's local, and state conferences. Learn more at www.lmc.org

Fergus Falls City Charter

Fergus Falls is a home charter city, as authorized by Minnesota Statutes Chapter 410. The Charter establishes the city's form of government. Home rule charter cities define the powers of their elected and appointed staff through their City Charter. The authority of the council to act on behalf of the citizens is derived from the Charter.

The Minnesota State Constitution authorizes the Minnesota Legislature to provide for the "creation, organization, administration, consolidation, division and dissolution of local government units and their functions, for the change of boundaries thereof" (Minnesota Constitution Article XII, Section 3). Hence, the legislature provides for the general formation of cities, but more specific details are included in the City Charter and City Code. Additional powers of the city may be broadened or restricted by state statute. The legislature does provide cities with some discretion over policy areas if they are consistent with state statutes.

The Fergus Falls Charter Commission is comprised of at least 16 residents who meet at least annually to review the city charter, discuss issues affecting the charter and to make recommendations for changes to the city council and the public. Appointments to the Charter Commission are recommended by the other Charter Commission members, approved by city council resolution, and are petitioned for appointment to the Chief Judge of the Seventh Judicial District. Appointments to the Charter Commission are for four-year terms.

Fergus Falls City Code

The City Code is a collection of ordinances which establishes the laws and regulations of the City of Fergus Falls. On an annual basis the City Code is updated with ordinances adopted the prior year. The City Code is available on the city's website.

Elected Officials Code of Conduct Policy

In 2023 the City Council adopted the Elected Officials Code of Conduct. At the annual meeting, each council member is asked to confirm their commitment to following the Code of Conduct.

The Elected Officials Code of Conduct describes the way the mayor and council members should treat one another, city staff, constituents, and others they encounter while representing the City of Fergus Falls. It includes the roles and responsibilities, policies and protocol related to conduct with one another, with city staff, the public and media. The policy is included in Appendix A.

MAYOR-COUNCIL PLAN

Fergus Falls City Charter Sec. 2.02, Powers and Duties, establishes the mayor-council plan as the city's form of government:

“It is the duty of the Council to act in the best interests of the entire City and it shall have all powers to do so, except as limited by statute or the provisions of this Charter. The Council may create, change, or abolish such departments, divisions, and bureaus for the efficient administration of City affairs as it may deem necessary and, from time to time, alter their powers and organization. The Council shall provide for an audit of the City's accounts at least once a year by the State department in charge of such work or by a certified public accountant. The Council may at any time provide for an examination or audit of the accounts of any officer or department of the City and it may cause to be made any survey or research study of any subject of City concern. The Council shall fix and determine salaries to be paid employees and employee benefits. The Council shall appoint a City Administrator and fix his compensation and benefits. It is intended that the Council function in a strictly Mayor Council manner. Accordingly, no member of the council shall exercise, or seek to exercise, individual authority in any matter or over any City employee, department, or organizational structure other than such as is specifically granted by this Charter or by statute. The Council, as a body, in a meeting at which a quorum is present, shall exercise the exclusive legislative authority of the City and determine matters of policy.”

This plan combines the politic leadership of elected officials with the managerial experience of an appointed official. The council is the policy making and legislative body; and the city administrator is responsible for day-to-day operations and management of the city and is directly responsible to the city council.

CHAPTER 2: CITY COUNCIL

MAYOR AND COUNCIL

The Fergus Falls City Council is comprised of the mayor and eight council members. The City of Fergus Falls is districted by address and divided into four wards to provide equal representation. The mayor is elected at-large, and two council members are elected from the ward in which they reside (two per ward). Each ward is divided into two precincts to aid in the elections process. The boundaries are affirmed after each census and the newest boundary lines were adopted by ordinance in 2022.

Council members must live within the ward they represent. If they move out of the city limits while in office, a vacancy is declared. If a council member changes their residency out of the ward, but still within the city, in which they were elected during the middle of their term, they must publicly announce their new address. They are allowed to continue serving as the representative of the ward to which they were elected until the end of their term. If they choose to run for re-election, they must be elected in the ward in which they currently reside.

TERMS

Each member of the council and the mayor shall serve for a term of four years until a successor is elected and qualifies. City elections are held in even numbered years at the November General Election. Council member terms are staggered so four positions are on the ballot at any one time, representing one from each ward. Each ward votes for only their council representative. In the years the mayor's office is on the ballot, all eligible voters of the city can vote for the mayor.

At the first meeting following an election year, the "old council members" call the meeting to order, are thanked for their service, and turn the meeting over to the "new council". The newly elected officials are sworn in and handle the remaining business on the agenda.

ROLES

ROLE OF THE MAYOR

The mayor is the presiding officer of the council. They are recognized as the head of city government for ceremonial purposes (i.e. open houses, ribbon cuttings), by the courts for the purpose of serving civil processes and by the governor for the purpose of martial law. The mayor shall have a vote as only in the case of a tie. He or she shall exercise all powers and perform all duties conferred and imposed by the Charter, the ordinances of the city and the laws of the state. If the mayor cannot participate in a meeting or is otherwise unavailable, the acting mayor assumes all the mayor's duties.

ROLE OF THE ACTING MAYOR

At the city's annual meeting, an acting mayor is chosen from one of the current council members by the other council members. The acting mayor serves as the presiding officer in the mayor's absence. The acting mayor, while serving as presiding officer or performing other duties as mayor, shall have a vote as a council member, but not an additional vote in the case of a tie.

ROLE OF THE CITY COUNCIL

The council is the legislative body of the organization. The council approves the tax rate, budget and determines the vision of the city. The council provides leadership for the community by identifying issues and implementing goals and strategies to address the issues. The council's focus should be on the city policy, vision, the enforcement of ordinances and management of the city's financial affairs. Land use development, comprehensive planning, capital improvement projects, capital financing and strategic

planning are some of the ways to focus on these goals. The council gives the city administrator the authority and direction to execute the plans. Council members are authorized to issue debt, audit financial records, and adopt the city budget. The city council approves appointments to city boards and commissions as recommended by the mayor and they adopt and enforce the codes that protect the public's health, safety, and welfare.

It is the council's duty to act in the best interests of the entire city. The administrative duties of the city are the responsibility of the city administrator. Council members cannot give orders to any officer or employee of the city as the council can exercise its authority or act only as a body. Individual council members cannot act on behalf of the city. City staff executes council policy and actions and provides information to keep the council informed. The city administrator and department heads provide staff direction and guidance through the chain of command.

STAY INFORMED AND INVOLVED

A good way for any citizen, and particularly prospective council members, to gain insight and information about the council and the city, is to attend council and committee meetings or watch them on public access television or the city's YouTube channel. Prospective candidates are highly encouraged to schedule time to learn more about the city by speaking with the city administrator or department heads. Please contact the city administrator's office to assist in scheduling these meetings.

Upon election, be prepared to spend time reading about current and past issues, legislation, and other information to assist you in your new position. Council members receive an extraordinary amount of information from a variety of sources. A key to your success would be to develop a filing system to keep city information in an organized manner. It is important for council members to know what the city does and how it performs its duties.

STANDARDS OF APPEARANCE

Business casual dress is encouraged when city council members are conducting city business and business formal attire is recommended when representing the city at official functions.

EMPLOYMENT WITH THE CITY

No member of the council may hold any paid city office or employment other than which elected to and may not be employed by the city until two years after the expiration of the term to which elected as mayor or council member.

LEAVING OFFICE

Upon completion of service to the community, all equipment acquired during the term must be returned immediately.

VACANCIES

There are several reasons a vacancy may occur on the City Council. These include an election deemed to be invalid, a death, resignation, removal from office, or a council member may move outside the city. The Charter language addresses vacancies in Section 2.04:

VACANCIES. A vacancy in the council, whether it be in the office of mayor or council member, shall be deemed to exist if:

- the incumbent council member or incumbent mayor is no longer a resident of the city, dies, resigns, is removed from office

- is convicted of any felony or any offense involving violation of the official oath
- fails to take and file the oath of office, at or before the date of the second regular meeting of the council held after January 1 next following the election at which elected, or the second regular council meeting held after the appointment is communicated to an appointee
- continuous absence from the city more than three months.

In each such case, the council shall by resolution declare such vacancy to exist and shall forthwith appoint an eligible person to fill the same City Charter 9 until the next regular municipal election, when the office shall be filled for the unexpired term. No change in ward boundaries shall in any way affect the current term of any council member.

VACANCY POLICY

In 2017 the City Council adopted a Council Vacancy Policy when the situation arises that constitutes a mayor or council member vacancy. The council must declare a vacancy by resolution. The vacancy position is advertised and interested candidates may submit their letter of interest in the position and summarize their qualifications. At a set date, the council will conduct interviews of any interested candidates at a work session. The council will make their decision in an open session by adopting a resolution for their candidate of choice. The new council member is sworn into office by the city attorney and takes their seat immediately.

CHAPTER 3: CITY STAFF, COMMUNICATION & LEGAL COUNSEL

The City of Fergus Falls is a nonpartisan local government. Professional staff formulate recommendations in compliance with council policy. They are not influenced by political factors and make proposals for the good of the organization and the community. The full city council retains the authority to accept, reject or amend staff recommendations on policy matters.

CITY ADMINISTRATOR'S ROLE

The city administrator serves the council and community as the chief administrative officer of the city and brings local government projects and programs to citizens on the council's behalf. The city administrator assists in the preparation of the budget, recruits, hires and supervises department heads and is the council's chief advisor. Citizens and community members rely on the city administrator to provide unbiased and objective information while presenting both sides of an issue and information about long-term consequences. The city administrator is appointed by the city council and directs all city staff.

Regular communication between the city administrator and council is essential for the organization. The council establishes policy and programs, and the city administrator executes council actions. The city administrator keeps the council informed of and is sensitive to council issues. Similarly, council members need to keep the city administrator apprised of constituent concerns.

The city administrator provides information between council and city staff. The city administrator is responsible for communicating the city's position about policy matters to outside agencies on the council's behalf. Sharing timely information with the council is one of the city administrator's highest priorities. The city administrator:

- Ensures council members receive copies of correspondence that will assist them in policy making.
- Provides other documents to the council on a regular basis that contain vital information to the council member's position.
- Holds work sessions to provide detailed presentations about beneficial information.
- Schedules council/staff retreats to focus on topics and enhance information exchange.
- Has an open-door policy so individual council members can meet with the city administrator on an impromptu and one-on-one basis.

CITY DEPARTMENTS

ADMINISTRATION DEPARTMENT

As city administrator, Andrew Bremseth is responsible for the day-to-day management of the city and supervises the organization through departmental heads. The department is responsible for ensuring the Charter, laws, ordinances, and resolutions of the council are enforced and implemented. The department works closely with the mayor and city council to provide support services. They manage the official records, data practices management, communications, licensing and administer local elections.

COMMUNITY DEVELOPMENT DEPARTMENT

Klara Beck is the Community Development Director. The community development department is the collaborative engine driving physical and cultural development. Areas this department focuses on include community engagement, economic development through the Port Authority in partnership with Greater Fergus Falls, equity and inclusion, housing, land use and development, loan programs for business financing, planning, zoning, and public art.

ENGINEERING DEPARTMENT

Brian Yavarow is the City Engineer. This engineering department is responsible for the construction and improvement projects related to the city's infrastructure - water mains, sanitary and storm sewer systems, streets and alleys. The engineering department also oversees the Fergus Falls Municipal Airport.

FINANCE DEPARTMENT

Bill Sonmor is the Finance Director. This department is responsible for performing all accounting and financial activities in compliance with legal standards, financial accounting, reporting and audit, maintaining appropriate internal controls over city property, long-term investing and financing, insurance and risk management, budgeting and long-range financial planning, billing residents for public utilities and special assessments. The finance department also oversees the information technology department, Bigwood Event Center and liquor operations.

FIRE DEPARTMENT

Ryan Muchow is the Fire Chief. This department is responsible for providing fire protection, emergency medical assistance, fire safety, education and public communications as well as inspections, and property maintenance enforcement. The Fergus Falls Fire Department provides service to a 144 square mile area which includes the city and four surrounding townships.

HUMAN RESOURCES DEPARTMENT

Mike Hartwell is the Human Resources Director. This department ensures recruitment and hiring practices are followed, compensation and benefits are affordable and competitive, employees receive ongoing training and successful and balanced labor negotiations. The department also secures employment records, ensures safety and training programs and administers payroll and benefits.

POLICE DEPARTMENT

Kile Bergren is the Chief of Public Safety. This department provides law enforcement and public safety services for the benefit of the community. Primary activities include the enforcement of state and city laws, protection of people and property from criminal activity, traffic control and investigation of traffic accidents, investigation and documentation of complaints related to petty misdemeanors, gross misdemeanors, or felonies, administer crime prevention programs and provide preventative patrol.

PUBLIC LIBRARY

Gail Hedstrom is the Library Director. The Library provides free access to informational and recreational materials and technology resources. They provide and maintain a current collection of materials in physical and electronic formats, provide literacy development, promote equitable access to information and technology by providing internet access and training classes.

PUBLIC WORKS DEPARTMENT

Len Taylor is the Public Works Director. This department is comprised of the following divisions: streets, water, sewer, wastewater reclamation, refuse and recycling collection, snow removal, and parks and recreation. The Public Works Department also provides facility maintenance for all city buildings and grounds.

LEGAL COUNSEL

City Attorney Rolf Nycklemoe provides legal counsel for the city. The city attorney is the legal advisor for the council, its committees, boards and commissions, the city administrator and all city officers and employees with respect to any legal question involving an official duty or any legal matter pertaining to city affairs. General city attorney legal responsibilities include:

- Provides civil and criminal prosecution services to the city
- Provides legal assistance for the formulation and implementation of legislative policies and procedures
- Represents the city's interest, as determined by the city council, in litigation, administrative hearings, negotiations and similar proceedings
- Prepares or approves ordinances, contracts and other legal documents to best reflect and implement the purposes and intentions of the city council
- Keeps the city council and staff apprised of court rulings and legislation affecting the legal interests of the city. The city attorney represents the city council as a whole and not individually.

CHAPTER 4: COMPENSATION

CITY COUNCIL COMPENSATION

Council salaries are set by ordinance. Once the ordinance is adopted, the salary increase would be effective at the first meeting in January after the November election. The 2024 salaries are:

Mayor	\$1,075 per month	\$12,900 per year
Council Members	\$ 650 per month	\$ 7,800 per year

PAYROLL INFORMATION

City council members are paid monthly on the first payroll of the month. Newly elected city council members must complete the following enrollment items before the year's first pay period:

- W-4
- I-9 document (additional documents needed must be accompanied with this document (i.e. passport or driver's license and social security card)
- Direct deposit form
- Pay stub email notification form
- Public Employees Retirement Association (PERA) membership election form

To complete the necessary paperwork, please contact Sue in the payroll department at 218-332-5426 or sue.capouch@fergusfallsmn.gov Payroll is automatic, there are no timesheets necessary.

BENEFITS

DEFINED CONTRIBUTION PLAN

Elected officials can be members of the Defined Contribution Plan (DCP) with the Public Employees Retirement Association (PERA). As a DCP member, you contribute 5% of your gross wages and can place this contribution in one or more of seven accounts of the Minnesota Supplemental Investment Fund. The City of Fergus Falls matches this contribution. These combined contributions are used to purchase shares in the investment accounts you select. As a DCP participant, one is entitled to a distribution of the value of shares held in the account after the termination of DCP-covered employment. No monthly retirement benefits are available. The distribution can be to the member, a direct roll-over to another tax qualified plan, or a transfer to an insurance company licensed in Minnesota. No Social Security taxes are withheld for members of DCP, however, members do contribute to Medicare.

OPTIONAL VOLUNTARY BENEFIT PARTICIPATION

Elected officials are eligible to enroll in dental insurance and vision insurance. They are also eligible to enroll in the Flexible Spending Account (medical and dependent care) as well as Deferred Compensation Plans.

TECHNOLOGY

To enhance council members' service to the community and their ability to communicate with staff and the public, the city provides the mayor and each council member with a Chromebook and a city issued email address. Use of personal computer equipment may make its contents subject to public disclosure and review.

MEETING MATERIALS

The city council agenda is delivered through city issued email addresses the Thursday afternoon prior to the council and committee of the whole meetings. The agenda packet is also placed on the city's website and distributed via email to employees, the media and members of the public that have requested the meeting packets. Council members and select staff are the only recipients of closed meeting minutes.

PUBLIC RECORD

City emails involving council members and members of advisory boards and commissions are public records (with very few exceptions as stated by the Minnesota Data Practices Act)

Helpful resources include: <http://www.house.leg.state.mn.us/hrd/pubs/dataprac.pdf>
<http://lmc.org/media/document/1/datapractices.pdf>

PUBLIC INFORMATION

Email or text messages not considered public record may still be public information. Those interested in copies of these items must file a Data Practices Request. Requests for private data or information outside the scope of a council member's role should be routed to the City Administrator. The use of technology including computers, internet, and email, social media, cell phones, desktop phone, and digital devices must be done with integrity and be able to withstand public scrutiny.

CHAPTER 5: TRAINING AND TRAVEL POLICY

TRAINING BUDGET

The city council has an annual training and education budget for training opportunities from resource organizations. City staff will assist in making travel arrangements and registering elected officials for the various conferences or meetings.

TRAVEL INFORMATION/POLICIES

Minnesota State Statute Chapter 471, Section 661 addresses the travel of elected officials and requires a resolution be approved on an annual basis. The Elected Officials Travel Policy allows elected officials of the city to travel out of state for training or meetings related to city business. When out of state travel is necessary for elected officials, they must receive prior approval from the council at an open meeting prior to travel.

TRAVEL REIMBURSEMENT

Council members are reimbursed for expenses incurred while doing city business such as mileage, meals, conference expenses, and parking.

- The council members must complete an expense reimbursement voucher attaching receipts to facilitate the reimbursement.
- Alcoholic beverages are not a reimbursable expense.
- Council members are encouraged to reserve and borrow city vehicles if traveling outside of the city for events or training.
- If you choose to drive your personal vehicle, mileage for business use is reimbursed at the Internal Revenue Service's allowable mileage rate
- The city cannot reimburse the expenses for a spouse, partner, children or family members if they attend an event where a fee is charged.
- Report eligible expenses on a travel expense voucher form within 15 days of the trip. Receipts for expenses claimed must accompany an expense voucher and be submitted to the city administrator's office.

PER DIEMS

When traveling for official city business the mayor and council members are eligible for reimbursement of actual lodging expenses and the following per diem amounts for mileage and meals:

Mileage: Standard mileage rate established by the IRS (2024 is .67 cents per mile)

Meals: Actual cost of meals to a maximum of:

	Non-metro	Metro
Breakfast	\$13	\$18
Lunch	\$15	\$20
Dinner	\$31	\$41

Expense reimbursement forms are available through the city administrator or finance departments.

CHAPTER 6: COMMUNICATIONS AND MEDIA INQUIRIES

COMMUNICATIONS

The City of Fergus Falls has a communications director to promote, educate and inform residents about matters of the city. They conduct interviews, publications, news releases on social media sites and related communications on the city's behalf.

Council members are encouraged to direct citizen questions, comments, and concerns to the appropriate staff. Please be sure to follow up to ensure a response has been provided. Written communication received by the city addressed to the council as a whole are provided to all council members via email.

SOCIAL MEDIA

Since social media is an effective and frequently chosen communication tool among the public, many elected officials choose to participate in social media in their capacity as an elected official. Please remember council members are public officials representing the City of Fergus Falls, its policies, and perspectives. Information posted on social media can be quickly shared with other audiences, making it important to post professional messages and avoid political comments. Any published content, written or electronic, may be considered public information or considered covered under the Minnesota Data Practices Act.

OFFICIAL VERSUS INDIVIDUAL PERSPECTIVES

Since the public connects city officials to the City of Fergus Falls, it's important to clarify official perspectives from individual perspectives. It is advised council members separate their official and private citizen roles. Personal social media account names or email names should not be tied to the city. When presenting information on behalf of the City of Fergus Falls, identify the role as being an elected official for the city. When presenting individual perspectives, clarify those viewpoints are not representative of the City of Fergus Falls and instead are personal opinions.

MEDIA INQUIRIES

Council members are encouraged to refer all media inquiries to the communications director. If the media contacts you about an upcoming agenda items, issues, or discussion topics, wait to provide information until the topic has been voted on. Discussing the issue with the media before a decision is made could confuse the public about the council's direction. It may create a public perception that a vote or decision has been made on a topic and discourage the public from engaging in the democratic process.

CHAPTER 7: CITY COUNCIL MEETINGS & PROCEDURES

TYPES OF MEETINGS

CITY COUNCIL MEETINGS

The Fergus Falls City Council holds their meetings on the first and the third Monday of each month at 5:30 pm in the Council Chambers of City Hall. If a legal holiday occurs on one of these Mondays, the meeting will be held on the next business day. All meetings are held in compliance with the Minnesota Open Meeting Law.

ANNUAL MEETING

At the first meeting following an election year, the “old council members” call the meeting to order, are thanked for their service and dismissed. The newly elected officials are sworn in and conduct the rest of the business on the agenda.

At the first meeting of the year, the council:

- Designates an official newspaper
- Assigns committee duties to members
- Appoints an Acting Mayor
- Reviews operational policies and guidelines
- Works on other organizational business as deemed necessary

COMMITTEE OF THE WHOLE MEETINGS

Committee of the Whole meetings are scheduled for the Wednesday morning prior to the city council meetings. These 7:00 am meetings are used as a time to discuss items that will be placed on future council agendas. The mayor, council members and staff attend these meetings which are open to the public and the media. Agenda packets are distributed for committee of the whole meetings at least three days prior to the meeting.

SPECIAL MEETINGS

Special meetings of the council may be called by the mayor or by any three members of the council in writing filed with the city administrator stating the time, place, and purpose of the meeting. The notice must include all topics to be discussed and the meeting is limited to that purpose. A special meeting must be posted in written form three days in advance and the public must be notified.

WORK SESSIONS

Work sessions of the council are held on an as needed basis. Work sessions provide an opportunity for council members to discuss items that may be a future agenda item or for informational purposes. No formal action is taken at the work sessions. These sessions are open to the public and typically are held prior to the city council meetings.

EMERGENCY MEETINGS

The city council has the statutory authority to call emergency meetings for items requiring immediate council consideration. Emergency meetings could be called if there is a state of emergency, such as a natural disaster to declare a local emergency. The council has the authority to take official action at a special meeting. The media and public must be informed of the emergency meeting as provided by the Open Meeting Law.

CLOSED MEETINGS

The council must follow Minnesota's Open Meeting Law procedures to hold a closed meeting. The council must state on the record the specific grounds for permitting the meeting to be closed and describe the subject to be discussed. All closed meetings must be electronically recorded, and the records preserved in accordance with the records retention schedule.

The city council **may** meet in a closed meeting for the following reasons:

- To consider strategies for labor negotiations under the Public Employer Labor Relations Act
- To evaluate the performance of an individual the council has authority over
- Under the attorney-client privilege
- To discuss the purchase or sale of property
- For security briefings

Closed Meetings **must** be closed for:

- Preliminary consideration of allegations or charges against an individual the council has authority over
- Portions of meetings that include:
 - Data that would identify alleged victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors or vulnerable adults;
 - Internal affairs data relating to allegations of law enforcement personnel misconduct or active law enforcement investigative data;
 - Educational data, health data, medical data, welfare data, or mental health data that are not public;
 - An individual's medical records governed by certain sections of Minnesota law

If a closed meeting is to evaluate an individual's performance, this individual's name must be announced prior to the closed meeting. If this individual requests an open meeting, advance notice must be provided so he/she can make an informed decision about opening the meeting.

QUORUM

When holding meetings, the council must have a quorum (majority) to legally transact business. For the City of Fergus Falls, this constitutes five council members. The mayor's presence is not counted towards the quorum. Under the Minnesota Open Meeting Law, votes by proxy are not permitted. All votes must be conducted at a meeting, which has been properly notified to the public.

ACCESSING MEETING PROCEEDINGS

A permanent record of all meeting proceedings is kept in the city administrator's office. Meeting agendas, agenda packet items and minutes for all city council and committee of the whole meetings are available on the city's website. Meetings are broadcast on PEG Access and live streamed on the city's YouTube channel. All regular and special meetings dates and times are posted at City Hall, on the city's website and regularly scheduled meetings are provided to all utility customers through an annual direct mailing

CITY COUNCIL AGENDA AND MEETING PROCEDURES

The city administrator's office creates the agenda for upcoming meetings. After the agenda is prepared, the council packet is delivered electronically at least three days in advance of the meeting. Council members are provided with technology (Chromebook) in which to conduct their city business. The agenda and related documents are placed on the city's website for the public to review.

AGENDA AND MEETING PROCEDURES

Agenda Preparation

The city administrator's office is responsible for council agenda format and preparation. Agendas are driven by the day-to-day operational needs of the city. All official council meetings are open to the public and the media in accordance with Minnesota's Open Meeting Law. All items to be included on the agenda should be submitted to the city administrator's office by 8:00 a.m. on the Thursday preceding the meeting date.

Order of business

The mayor presides over city council meetings. In the absence of the mayor, the acting mayor shall preside. Council meetings are conducted in the following order:

Invocation

Pledge of Allegiance

The ministerial group provides local ministers to give the invocation at the city council meetings. Immediately following the invocation, the Pledge of Allegiance is recited. The mayor will then begin the official council meeting:

Call to Order

Roll Call

Open Forum

Approval of the Agenda

Public Hearings

Awarding of Bids

Petitions and Communications

Consent Agenda

Ordinances and Resolutions

Presentation of Claims

Old Business/Unfinished Business

New Business

Miscellaneous Announcements

Adjournment

Open Forum

The open forum is an opportunity for residents to address the city council regarding a city business item that is not on the agenda of the regular meeting. The city council has adopted a resolution outlining the rules and procedures that must be followed during the open forum portion of the meeting.

Approval of the Agenda

The city administrator will present any items to be added or removed from the proposed agenda. Council members can also make requests for items to be removed at this time. A council member can request an item is added to the agenda if there is unanimous consent by the remainder of the council members present at the meeting. Once the agenda has been approved, no additional items should be added.

Public Hearings

Certain statutes, state or federal rule, city ordinance or charter provision require a public hearing to be held before council action is taken. Public hearings are for members of the public to provide testimony regarding a proposed issue or action of the city. Public hearings ensure due process is followed to protect an

individual's rights prior to governmental action and providing those who have an interest in the city's decision with an opportunity to be heard.

Generally, there is no dialogue between the council, staff and public during the hearing. Council members may ask questions to clarify facts but should limit their comments while the public is speaking. Once those wishing to address the council have concluded their comments, the hearing may be closed. Once the public hearing is complete, council members offer a motion or resolution and debate the matter under consideration.

Bids

Bids are awarded after the competitive bidding process has been completed.

Petitions, Communications

The petitions and communications portion of the meeting is the opportunity for the mayor and city council to recognize special events such as retirements, proclamations or to hear from outside groups.

Consent Agenda

Routine and non-controversial items are placed on the city's consent agenda. These items may be approved by one resolution. Council members or members of the public can request items be removed from the consent agenda for further discussion or clarification. If so, this item will be considered separately. Typical consent agenda items include council and committee minutes, licenses, and the setting of hearing dates. Most consent agenda items have already been discussed at length during the Committee of the Whole meeting or are recommendations coming from one of the city's boards or commissions.

Ordinances and Resolutions

Ordinances change the city code. The council directs the city attorney to prepare the ordinance language and when it is ready the ordinance is introduced by a council member and is declared to have its first reading. At a subsequent meeting, an ordinance has its second reading and is adopted by a roll call vote (majority required). Ordinances that are adopted are published in the city's designated newspaper and are effective 15 days after the ordinance's publication date. As a cost savings measure, a summary of the ordinance is published in the official newspaper after it has had its first and second readings.

A resolution is a formal motion that is presented in writing. Resolutions are generally used to establish guidelines, create, or define rules and procedures for city operations and establish city policy or render an official city position on a critical issue or topic.

Presentation of Claims

These claims are bills the city owes.

Unfinished/Old Business

This is the time to bring back business that was not concluded at a previous meeting.

New Business

New business items are added at the time the agenda gets approved with the unanimous consent of the council.

Adjournment

When there is no further business, adjournment formally concludes the meeting.

VOTING

The council follows Roberts Rules of Order. Actions of the council pass or fail by a majority vote of the council members. Most items require a simple majority (five votes), but certain zoning issues require seven affirmative votes. Council members may abstain from voting on a particular agenda item; however, abstentions have the same effect as a “no” vote. In the case of a tie, the mayor will extend his or her vote.

The votes of council members on pending resolutions are taken by roll call. Motions are conducted as voice vote. The presiding officer shall call for a roll call vote whenever a voice vote is not clear as to the disposition of the action before the council.

MOTIONS

A motion is a formal method of bringing business before the council and to state propositions on which to decide. Only council members, not the mayor, can make or second a motion. A second on the motion must be made prior to discussion. The motion maker cannot second his/her own motion. Seconding a motion does not necessarily indicate favor of the action, but the intention to start the discussion or call the question to a vote. Motions can be changed by amendment. An amendment must be agreed upon by both the person who made and seconded the motion. Motions not amended must be voted on in the same form the motion was originally made. A motion requires a simple two-thirds majority to pass.

PROTOCOL AND RULES OF DECORUM

While the city council is in session, the members must preserve order and decorum. A council member must neither, by conversation or otherwise, delay or interrupt the peaceful proceedings of the council nor disturb members while they are speaking. A member should not refuse to obey the orders of the presiding officer.

No person or city council member should address the council without first being recognized by the presiding officer. Council members should allow others who have not yet had a chance to speak before speaking again. They should also limit their remarks to the matter at hand.

City staff are expected to observe the same rules of order and decorum as the city council members.

Please see Appendix A titled “City of Fergus Falls Elected Officials Code of Conduct Policy” for additional information and detail regarding city council procedures, expectations, and decorum.

Other Rules of Decorum

Other guidelines ensure city council meetings emphasize the importance of business being conducted in a professional manner. Council members and staff:

- Work to preserve appropriate order and decorum during all meetings;
- Address council members as *council member*, followed by last name, such as “Council Member Smith,” and staff by their title followed by last name, such as “City Administrator Jones;”
- Discourage side conversations, disruptions, interruptions, or delaying efforts;
- Inform the presiding officer when leaving a meeting;
- Limit disruptive behavior;

CHAPTER 8: ADVISORY BOARDS, COMMISSIONS & COMMITTEES

The city has several boards and commissions, comprised of volunteers who serve in an advisory capacity to the council. Their membership is appointed by the mayor and approved by the council. These boards and commissions are created by ordinance, policy or by state statute and are organized for a variety of reasons.

REPRESENTATION BY CITY COUNCIL MEMBERS

City council members act as liaisons to facilitate communication between the council and the various citizen groups, government committees, and boards. Council members acting in a formal liaison capacity with outside citizen groups and other elected bodies, should represent themselves as a member of the city council body as a whole.

Appointments to boards, commissions, committees, and task forces are typically made at the first meeting in January. The mayor submits recommendations to the full council to fill the various boards, commissions, committees, and task forces, and the full city council will vote to confirm the appointments.

These appointments include, but are not limited to:

Board of Equalization	Business Development for Fergus Falls
Fire Department Relief Association	Fire Department Trust Fund
Golf Board	Hockey Association
Investment Committee	Legislative Committee
PEG Access Board	

STAFF RELATIONSHIP TO ADVISORY BODIES

The city administrator assigns and directs staff to advisory bodies. Members of commissions, boards, or committees are responsible for the advisory body. The chairperson is responsible for committee compliance with city code and/or committee bylaws. Staff members assist the advisory body chair to ensure appropriate compliance with state and local laws and regulations. Advisory bodies make recommendations to the city council through adopted council agenda procedures.

COMMITTEES AND COMMISSIONS BY ORDINANCE

Committees and commissions established by ordinance are included in the Fergus Falls City Code Chapter 32.

- **Bicycle and Pedestrian Advisory Commission (BPAC)**

The Bicycle and Pedestrian Advisory Committee makes recommendations on the bicycling and pedestrian infrastructure of Fergus Falls and encourages equity in transportation planning.

- **Charter Commission**

The Charter Commission's function is to continue to study the Charter and local government. City Charter members are appointed by the Chief Judge of Otter Tail District Court for four-year terms. The city charter enables the City of Fergus Falls to be a self-governing city under the municipal home rule provisions of the Constitution and Statutes of Minnesota. The Charter Commission is charged with keeping the city charter current under procedures authorized by state statutes §410.05.

- **Heritage Preservation Commission (HPC)**
The Heritage Preservation Commission makes recommendations on the preservation of the city's buildings, lands, areas or districts of historic significance.
- **Human Rights Commission**
The Fergus Falls Human Rights Commission (HRC) works for the protection of human rights for all people and empowers people to realize their rights through education, advocacy and community engagement. They are committed to creating an inclusive community that values diversity and protects human rights for everyone.
- **Library Board**
The Library Board helps with the management and operation of the public library, including the establishment of regulations, and making recommendations for improvements.
- **Natural Resources Advisory Committee**
The Natural Resources Advisory Committee acts in an advisory capacity with the goal of enhancing and promoting the city's matters pertaining to natural resources.
- **Park & Recreation Board**
The Park & Recreation Board is responsible for the public parks, recreational facilities, and programs.
- **Planning Commission**
The Planning Commission advises the council on the future physical development of the city. The commission conducts studies and investigations and makes reports and recommendations on matters affecting zoning, platting, variances and conditional use permits.
- **Public Arts Commission**
The Public Arts Commission acts in an advisory capacity to the council in matters pertaining to visual arts, theatre arts, music, and dance.
- **Public Safety Advisory Board**
The Public Safety Advisory Board provides feedback and recommendations regarding issues and operations of the police department.

CHAPTER 9: OPEN MEETING LAW AND DATA PRACTICES

OPEN MEETING LAW

With only a few exceptions, city council meetings, including committees, subcommittees, board, and commission meetings are open to the public. The open meeting law ensures the public is fully informed about decisions made by elected officials and guarantees the public's right to participate in city council actions. For purposes of the open meeting law, a "meeting" is defined as a gathering of a quorum or more, where members intentionally discuss, decide or receive information as a group on issues relating to the official business of the city.

Whenever the council meets the following information should be available to the public:

- Date of the meeting
- Time of the meeting
- Location of the meeting

The public should be able to:

- Be present and watch the meeting;
- See how council members vote on issues;
- Receive printed information the council has at the meeting;
- Have a summary of council minutes.

Scheduled gatherings of the city council or committee must give proper notice and be open to the public. Chance meetings and social gatherings are excluded; however, council members cannot discuss or receive information on official business in private social gatherings. This includes meetings where members receive information that may influence later decisions. Further, even though gatherings of less than a quorum do not meet the definition of "meeting," serial gatherings of less than a quorum may be a violation upon the individual case.

There are few exceptions to the open meeting law and specific requirements regarding notice and subject of closed meetings. Strict adherence to these requirements is necessary to avoid violating the statute. The city attorney should be consulted when the council is considering conducting a closed meeting.

Council members who intentionally violate the provisions of the open meeting law are subject to personal liability up to \$300 in civil penalties per single occurrence. Government entities are prohibited from paying these penalties for council members. If a council member has three or more intentional violations, the result is forfeiture of the right to serve on the city council. Examples of potential violations are:

- Chamber of commerce gatherings with council members
- Planning sessions with staff
- Neighborhood land use gatherings
- E-mail chain creating a serial meeting

DATA PRACTICES ACT

The Data Practices Act gives public access to city records and data gathered and maintained by the city. Generally, most data collected and gathered is public information. The Data Practices Act attempts to balance the public's right to know with respect for individual privacy.

The city attorney should always be consulted when the council is in question about what information is public and what is private. Releasing private information or refusing to release public information are violations of the Data Practices Act. Violations of the Data Practices Act can result in a lawsuit against the city and/or against an individual city employee, council member or public official. Willful violations of this act can also result in misdemeanor prosecution and penalties.

In addition, a city that violates any provision of the data practices act is liable for any damage because of the violation. The person damaged may bring action against the city to cover damages, plus costs and reasonable attorney fees.

- For more information about the Minnesota Data Practices Act, see www.mn.gov/admin/data-practices

Public or Private

Data is classified into categories to define confidentiality. These categories assist the city in deciding whether data can be released and to whom. This following list is an example of data the city would gather or maintain and whether the information is public or private. Data requests typically go through the city attorney's office.

Elected Officials Correspondence

The information is private but can be made public by either the sender or the recipient.

Property Complaints

Complaints to the city which are violations of ordinances are confidential data. For example, if a neighbor reports that another neighbor is in violation of an ordinance, the name of the complainant cannot be disclosed.

Elected Officials and Financial Disclosure Statement

The disclosure of financial information of elected or appointed officials required by statute, which are filed with the city, is classified as public data on individuals.

Arrest Data, Response Data, and Investigative Data

This is public information once the investigation is closed, and charges are filed. Some personal data of applicants for positions with the City of Fergus Falls, present and past employees, members of advisory boards and commissions, volunteers and independent contractors is public.

The Minnesota Data Practices Act establishes a presumption that unless otherwise provided by law, all government data are public. The act then specifies (1) by what authority public access can be limited, and (2) possible data classifications other than public.

Presumption: All government data are public (can be inspected and copied by anyone) (Minn. Stat. § 13.03, subd. 1), but access may be limited by:

- federal statute
- state statute
- temporary classification issued by the Commissioner of Administration (Minn. Stat. § 13.03, subd. 1)

Kinds of Classifications

Data governed by state law that are classified as something other than public are classified in one of the following ways:

- **Private:** data identifying an individual that are only available to the individual or with the individual's consent (Minn. Stat. §13.02, subd. 12)
- **Confidential:** data identifying an individual that are not available to anyone outside the entity holding the data, including the individual (Minn. Stat. § 13.02, subd. 3)
- **Nonpublic:** data on a business or other entity that are only available to the subject of the data or with the subject's consent (Minn. Stat. § 13.02, subd. 9)
- **Protected nonpublic:** data on a business or other entity that are not available to the subject of the data or anyone else outside the entity holding the data (Minn. Stat. § 13.02, subd. 13)

PUBLIC RECORDS

Communications (written or electronic) involving city council members and members of advisory boards and commissions are public records with a few exceptions.

Any published content, written or electronic (example email) may be considered public information or considered covered under the Minnesota Data Practices Act. Informal messages not related to a public official's role, such as meeting notices, reminders, telephone messages and informal notes are not public record.

Generally, email is not removed from the system even if deleted. Email is discoverable in litigation, making it important to use it cautiously. Requests for private data or information outside the scope of a council member's role should be routed to the city administrator.

Elected Officials and Financial Disclosures Required by State Statute

The disclosure of financial information of elected or appointed officials required by state statute, which are filed with the city, are classified as public data on individuals.

Personnel Data

The following list is public information regarding employees:

- Name
- Salary
- Contract fees
- Pension
- Fringe benefits
- Expense reimbursements
- Job title and job description
- Education, training and previous work experience
- Terms of any administrative or judicial agreement
- Work location and work telephone number
- Time records
- Date of first and last employment

- Existence and status of any complaints or charges against an employee

Note: actual complaint circumstances are not public, whether or not the charge or complaint resulted in disciplinary action. The final disposition of any disciplinary action, with the reasons the action was necessary, and information documenting those reasons are public when final disposition is made. Final disposition also includes resignation when the resignation occurs after the final decision of the city or arbitrator.

The following is public and refers to former or current applicants; either for employment or an appointment to an advisory board.

- Veteran status
- Relevant test scores
- Rank on eligibility list
- Education, training and work availability

Private Record

Some examples of private data include:

- **Applicants for city positions.** Names are private except when certified as eligible for employment and considered a finalist. A finalist is someone called in for additional interviews but has not been chosen for the position.
- **Appraisal data:** confidential until released or until the property is sold.
- **Arrest data, response data, and investigative data.** Classified as public information once the investigation is closed and charges are filed.
- **Elected officials correspondence.** The data practices act states that correspondence between individuals and elected officials is private; however, it can be made public by the sender or recipient.
- **Property complaints.** Complaints to the city that are ordinance violations are confidential data. For example, if a neighbor reports another neighbor is in violation of an ordinance, the name of the complainant cannot be disclosed.

CHAPTER 10: CONFLICTS OF INTEREST & CODE OF CONDUCT

CONFLICTS OF INTEREST

Generally, state law prohibits public officers from having a personal financial interest in a sale, lease, or contract that they are authorized to make in their official capacity. An interested officer should disclose his or her interest at the earliest stage and abstain from voting or deliberating on any contract in which he or she has an interest. To help determine if a conflict exists consider the:

- Nature of the decision being made;
- Nature of the financial interest;
- Effect of individual interest on the outcome of the decision by the council.

A conflict-of-interest situation may occur when the official's own personal interest is so distinct from the public interest that the member cannot be expected to represent the public interest fairly in deciding the matter.

GIFTS

The issue of ethics and specifically gifts is addressed in Minnesota Statutes 471.895. Elected officials cannot receive gifts from an interested person. The definition of an interested person is "a person or representative of a person or association that has a direct financial interest in a decision that an official is authorized to make." If a public official knowingly accepts a gift, the official may be guilty of a gross misdemeanor.

A meal purchased by an interested party is considered a gift. A council member may share a meal with an interested party if they pay for their own meal. Other commonly encountered exceptions to the gift law include lawful campaign contributions and food or beverages given at a reception, meal, or meeting the official has been invited to attend. If there is ever any question about accepting or declining a gift, the best option may be to decline.

The Fergus Falls City Council has adopted Ordinance 14, Eighth Series, Code of Ethics for the council, city employees and for volunteers of the boards and commissions. The code provides an ethical guide and specific rules that reflect the values of the City of Fergus Falls. Council members must divulge possible conflicts of interest when discussing an issue.

OATH OF OFFICE

The mayor and council members must be dedicated to promoting values and the integrity of local government and democracy and committed to governing efficiently and effectively. After taking an oath of office as a council member, they agree to conduct themselves in accordance with a code of conduct.

CODE OF CONDUCT

In October 2023 the Fergus Falls City Council formally adopted a Code of Conduct for Elected Officials. The policy describes the way the mayor and council members should treat one another, city staff, constituents, and others they encounter while representing the City of Fergus Falls. The document covers roles and responsibilities, policies and protocol related to conduct with one another, with city staff, the public and the media. The policy is included in Appendix A.

CHAPTER 11: LAND USE LAWS & PUBLIC IMPROVEMENTS

LAND USE LAWS

The Municipal Planning Act grants cities the authority to regulate land use and provides the framework and road map all cities must follow. Cities regulate land use through three basic tools:

- Comprehensive plan
- Zoning ordinance (including zoning map)
- Subdivision ordinance

Although cities are not required to adopt all three tools when engaged in municipal planning, each tool serves a separate and essential purpose. These tools harmonize and interact in important ways to protect and promote sound city development.

COMPREHENSIVE PLAN

A comprehensive plan helps the city look to the future and guides current development in administering its zoning and subdivision ordinances. The subdivision ordinance regulates land division into smaller lots and the creation of blocks and neighborhoods with safe streets, appropriate environmental features and character. The zoning ordinance regulates the use and density of city zones for commercial, residential and industrial purposes.

ZONING MAP

The zoning map divides the community into different land uses to assist the city in planning and permitting future growth.

These zoning provisions are adopted for the purpose of:

- Protecting the public health, safety, morals, convenience and general welfare
- Lessening congestion in the public rights-of-way
- Securing safety from fire, panic and other dangers
- Providing adequate light and air
- Preventing the overcrowding of land
- Avoiding undue concentration of population
- Facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements
- Conserving the value of properties and encouraging the most appropriate use of land

PUBLIC IMPROVEMENTS

There are two types of public improvements, petitioned and city initiated. A petitioned project occurs when a citizen or citizens who own 35 percent or more of the affected property sign a petition asking the city to make the improvements. A city-initiated project is an improvement identified by the city. A city-initiated project requires a 7/8 vote of the council, where a petitioned project only requires a simple majority.

Process for improvements

- The city notifies all affected property owners.
- A meeting is held prior to the first formal council meeting to provide information to the property owners.

- The first council meeting is the project feasibility hearing where citizens present their opinions about the project.
- The second council hearing is the assessment hearing that establishes the property owners cost for the project.
- If the cost of the completed project is less than the assessment, property owners are notified and the correct amount is assessed. No property assessment is certified until the project is completed. This is in accordance with Minnesota Statutes Chapter 429.

VARIANCES

A variance allows individual property owners to vary from permitted use of land or from required rules for the property. These exceptions to the rules are laid out in the zoning ordinance. A variance allows a respective landowner to deviate from rules that would otherwise apply. Variances are generally related to physical standards such as setbacks or height limits and may not be used to allow a use in particular zoning districts.

CONDITIONAL USE PERMITS

Conditional use permits are granted based on certain standards being maintained or established at the time issued. The permit is granted with a set of conditions that must be followed or the permit could be revoked.

ORDINANCES

Ordinances are a legal avenue in which the city can direct policy. An ordinance can be introduced by any council member. At a subsequent meeting, an ordinance is adopted by a roll call (majority required) vote. Ordinances that are adopted are published in the city's designated newspaper and are effective 15 days after the publication date.

LICENSES AND PERMITS

The city has the authority to license and require permits for activities within its jurisdiction. Licensing and permitting regulates activities and provide oversight for inspection to protect the public interest. The city exercises its police power to protect and promote the public's health, welfare, and safety through the licensing process. More information about licenses and the licensing process can be found on the city's website.

CHAPTER 12: FINANCIAL ASPECTS

The City Charter is specific about responsibilities and procedures for the city's financial administration. It states the council shall have full authority over the financial affairs of the city. It shall provide for the collection of all revenues and other assets, the auditing and settlement of accounts, and the safekeeping and disbursement of public money. The charter establishes the calendar year as the fiscal year.

BUDGET AND TAX LEVY

In early June all department heads submit proposed operating budgets to the finance department for the next fiscal year. The operating budgets include proposed expenditures and the means of financing them. The finance director submits the proposed operating budgets to the Tax Levy Committee composed of the mayor, city administrator, finance director, assistant finance director and two appointed members of the council.

The Tax Levy Committee introduces the proposed budget to the full council for their consideration at the first council meeting in September. In mid-September the council adopts the proposed budget as amended and adjusted by the council and certifies the proposed general property tax levy to the county auditor according to state statutes. At the first council meeting in December the council holds a public budget hearing to present the final budget and property tax levies. The public can comment on the proposed budget and levy at this time. The final budget is legally adopted by council resolution in December and the final property tax levy is certified to the county auditor.

The budget also contains a recommended five-year capital improvement program, which includes a list of all capital improvements proposed to be undertaken during the next five fiscal years. There should be appropriate supporting information as to the necessity for such improvements: cost estimates, method of financing and recommended time schedules for each such improvement.

FINANCIAL STATEMENT

City finance staff prepare the Annual Comprehensive Financial Report which explains the financial status of the city and the sources of revenues and expenditure. The city is audited annually by a certified accounting firm and the audit must follow all state requirements.

The audit preparation process begins in January each year and the auditors are on site examining financial materials, for about a week in March. The Annual Comprehensive Financial Report is prepared following this examination. After the audit, the report is presented to the city council for approval in June.

BONDS

A bond is a contract between the city and bond owner. Financial institutions or underwriters purchase bonds, which creates a money source for the issuer (city). The city agrees to repay the principal with interest based on the face value of the bonds. A city can issue bonds for the acquisition, development, construction, or improvements of capital assets. Bonds can be issued for public improvements in which they will gain revenue or to purchase police, fire, and street equipment.

Generally, bonds are identified by how they are secured or how the proceeds are to be used. The assets pledged to pay the bond owner (debt) secure the bonds. The pledge is like collateral in a conventional mortgage. The following are types of bonds the city may issue:

ISSUING AND MANGAGING DEBT

The city issues debt to finance a project. The project is usually large enough to render financing from cash on hand as impractical. To obtain the needed funds, the city issues bonds, certificates of indebtedness or bank notes.

CONDUIT BONDS

A city can issue conduit bonds for the benefit of private entities. In these scenarios, the city issues the bonds and loans the proceeds to the private entity. The private entity is solely responsible for repaying the loan and all associated debt service and costs related to the loan transaction. Because the city is not responsible for any repayment of the loan, the bonds have no effect on the city's credit rating nor are the bond amounts counted against the city's statutory borrowing limits.

GENERAL OBLIGATION BONDS

General obligation bonds are issued to provide funds for the acquisition and construction of major capital facilities. These bonds are direct obligation and pledge the full faith and credit of the city. These bonds are repaid primarily from property tax proceeds.

TAX INCREMENT BONDS

Tax increment bonds are issued for redevelopment projects. The additional tax increments resulting from increased tax capacity of the redevelopment properties will be used to retire the related debt.

IMPROVEMENT BONDS

Improvement bonds are issued to finance various improvements and will be repaid primarily from special assessments levied on the properties benefiting from the improvements.

REVENUE BONDS

Revenue bonds are issued to finance capital improvements to the enterprise funds. They are retired with the use of the revenue from the enterprise fund.

SPECIAL ASSESSMENT PROCEDURES

Minnesota Statute Chapter 429 authorizes cities to use special assessments to finance public improvements such as street, curb and gutter, sewer, water, storm water and sidewalks. This finance method may be used if 20% or more of the project cost is assessed to the property owners who benefit from the project. The law requires the special assessments of the affected properties to add value that is equal to or greater than the special assessment cost.

There are three separate meetings and votes on special assessment projects:

- a. The first action is to hold a public meeting to officially propose the improvement. A notice is sent to all affected property owners describing the project, estimated cost, time and place of the public hearing and other information about paying special assessments. If property owners petition the project and the petition constitutes more than 35% of the property owners in the affected area, the council may approve the project on a majority vote of the entire membership. If the petition contains less than 35% of the participation, a four-fifths vote of the council is required to approve the project.
- b. The second action is awarding bids. If the council approves the project, engineering staff proceeds with developing the project. This includes finalizing plans and specifications, seeking bids and

presenting bids to the council for approval. If the majority of the council awards the project to a contractor, the project will be constructed.

- c. The third action is the adoption of the assessment roll. The final council action on a project usually occurs after the project has been completed. The council may also assess a project before the project has been awarded to a contractor. The assessment is then based on the engineer's estimate.

This phase of council action finalizes the cost of the project and authorizes the city to spread the special assessment to the affected properties. Those wishing to testify for or against a project are welcomed to publicly comment on the assessment. After the public hearing is closed, the council then takes official action to adopt the assessment with any amendments it deems appropriate. The adoption and certification of the special assessment allows the city to begin collecting payments. Generally, the payments are made over a 10-15 year period.

SPECIAL FUNDS OF THE CITY

GENERAL FUND

The General Fund accounts for all revenues and expenditures of the city not accounted for in other funds. It's usually the largest fund as it receives revenues from general property taxes, licenses and permits, fines and penalties, rents, charges for current services, local government aids and interest earnings.

SPECIAL REVENUE FUND

Special Revenue Funds are used to account for revenues derived from taxes or other earmarked revenue sources. These funds are usually required by statute, charter provision, or local ordinances to finance a particular fund or activity of government.

DEBT SERVICE FUND

Debt Service Funds are established to account for the payment of interest and principal on long term general obligation debt. General Obligation (GO) debt is secured by pledging the full faith and credit of the city's tax base.

CAPITAL PROJECT FUNDS

Capital Project Funds are established to account for all resources used for the acquisition of capital facilities by the city except those financed by Enterprise Funds. The funds are for current expense and not used directly for debt payment.

PERMANENT IMPROVEMENT FUND

The Permanent Improvement Fund is used to finance the costs of the improvement project not covered by other revenue sources. The city's cost of the projects is generally financed by property taxes.

PERMANENT IMPROVEMENT REDEVELOPMENT FUND (PIR)

The Permanent Improvement Redevelopment Fund is used to receive the proceeds of the sale of city property and to pay for the purchase of property.

ENTERPRISE FUNDS

Enterprise Funds account for the financing of self-supporting activities of the city, which provide services on per user charge basis to the general public.

APPENDIX A: Elected Officials Code of Conduct

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.

The contents of this Code of Conduct include:

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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. Council members 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 having this note shared with 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 Meeting 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 Meeting 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 to have their individual needs met while they are in meetings, on the phone, or engrossed in performing their job functions. 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 treat people during public hearings can do a lot to help 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 meetings, which are 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, cursing or word play. When talking to the media, consider the same issues noted in the In Private Encounters section above. (page 37)

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 for Elected Officials 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