

**COUNCIL STUDY SESSION
MEETING**

City Hall Council Chambers
January 13, 2025

AGENDA



-
- 1. Call to Order - 6:00 p.m.**
 - 2. Council Miscellaneous Discussion Items**
 - a. Discussion of Resolution 2024-138 - Community Safety Commission
 - b. Discussion of Resolution 2024-128 - Code of Conduct
 - 3. City Manager Miscellaneous Discussion Items**
 - a. Council Agenda Packet Delivery Date Discussion
 - 4. Adjournment**

Council Regular Meeting

DATE: 1/13/2025
TO: Council Study Session
FROM:
THROUGH:
BY: Barb Suciu, City Clerk
SUBJECT: Discussion of Resolution 2024-138 - Community Safety Commission

Requested Council Action:

Background:

A request was submitted to have this added to the Study Session agenda for further discussion.

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

ATTACHMENTS:

1. 2024-138 CVSC Commission

Member Butler introduced the following resolution and moved its adoption:

RESOLUTION NO. 2024-138

RESOLUTION ESTABLISHING THE BROOKLYN CENTER COMMUNITY SAFETY AND VIOLENCE PREVENTION COMMISSION AND DEFINING DUTIES AND RESPONSIBILITIES

WHEREAS, on May 15, 2021, the City Council for the City of Brooklyn Center (“City”) passed Resolution No. 2021-73, adopting the Daunte Wright and Kobe Dimock-Heisler Community Safety and Violence Prevention Act (the “Act”); and

WHEREAS, the Act required the City to create a permanent Community Safety and Violence Prevention Committee, which was to be tasked with reviewing and making recommendations regarding the policing response to the protests that occurred in the City in April 2021, reviewing the current collective bargaining agreement between the City and the Police Department, making recommendations prior to the renegotiation of the agreement and before its final approval, recommending the City Council create a separate and permanent civilian oversight committee for the new Department of Community Safety and Violence Prevention, reviewing Chapter 19 of the City Code, making recommendations with regard to repealing or amending provisions or penalties therein, including fines and fees, and periodically making any other recommendations to the City Council related to initiating programs or policies to improve community health in the City; and

WHEREAS, the Community Safety and Violence Prevention Committee was to include a majority of members that are City residents with direct experience being arrested, detained, or having other similar contact with the Brooklyn Center Police Department or had direct contact with one or more of the other services to be provided by the new Department of Community Safety and Violence Prevention; and

WHEREAS, the Community Safety and Violence Prevention Committee was to be chaired by the Mayor, with list of potential members created by the Director of the Department of Community Safety and Violence Prevention and members from that list recommended by the Mayor and confirmed by the City Council; and

WHEREAS, the City Council is authorized by Section 2.02 of the City Charter to create boards, commissions, and committees to assign to them specific duties; and

WHEREAS, the City remains committed to creating a safer, healthier, more just, and more thriving community by promoting a diversity of responses to our community's safety needs that do not rely solely on our armed law enforcement officers; and

WHEREAS, the City remains committed to putting in the work necessary to bring about changes as quickly as possible in how the City provides public safety while recognizing that some of these measures will take longer to implement than others and that additional work remains to be done to create a healthier and more equitable community; and

WHEREAS, due to the permanency of the Community Safety and Violence Prevention Committee referenced in the Act and the importance of the work they will be tasked to perform, the City Council desires to establish the body as a permanent advisory commission for the City of Brooklyn Center, as opposed to a committee, to be identified as the Community Safety and Violence Prevention Commission (“Commission”). The Act shall be amended to reflect the establishment of a commission as opposed to a committee; and

WHEREAS, the City Council desires to expand upon the Act and to expand and clarify the duties, responsibilities and structure of the Commission. The Act shall be amended to reflect the duties, responsibilities and structure of the Commission as set forth in this Resolution; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brooklyn Center, Minnesota, as follows:

1. Establishment. The advisory Community Safety and Violence Prevention Commission (“Commission”) is hereby established for the City of Brooklyn Center.
2. Scope. In accordance with the Act and the findings set forth above, the scope of activity of the Commission shall consist of advising the City Council and other City advisory commissions and committees regarding matters relevant to Community Safety and Violence Prevention functions.
3. Purpose. The general purpose of the Commission is to act in an advisory capacity to the City Council on issues related to Community Safety and Violence Prevention.
4. Duties and Responsibilities. In accordance with the Act and the findings set forth above, and in fulfillment of its purpose, the Commission’s duties and responsibilities of the Commission include, but are not limited to, the following:
 - a. Develop, advise, recommend, and upon adoption by the City Council, monitor the execution of a comprehensive plan and recommend amendments to the plan as warranted relevant to community safety and violence prevention matters in the City, including the Act;
 - b. Advise and assist the City in the adoption of policies and procedures by the City Council responsive to changing diverse community needs and concerns in matters of community safety and violence prevention;
 - c. Annually report to the City Council regarding accomplishments toward fulfillment of such comprehensive plan and recommend amendments to the plan as warranted;
 - d. Advise and assist the City in reviewing and discussing community safety and violence prevention policies for the City, and make recommendations to the City Council concerning community safety and violence prevention in the City;

- e. Work with City staff and other Commissions on matters regarding community safety and violence prevention in the City;
 - f. Review current community safety and violence prevention initiatives, practices, and policies;
 - g. Work with neighborhood committees to understand the community safety and violence prevention needs of each area in the City;
 - h. Identify high-priority areas for community safety and violence prevention in the community and analyze methods of fulfilling these needs and interests and presenting alternative recommendations for actions to the City Council;
 - i. Provide opportunities for the citizens of Brooklyn Center to voice their concerns and opinions regarding community safety and violence prevention matters;
 - j. Recommend new and innovative concepts in community safety and violence prevention for the City;
 - k. Advise, review and make recommendations for the City's response to protests;
 - l. Review the current collective bargaining agreement between the City make recommendations prior to final approval to the City Manager;
 - m. Periodically make any other recommendations to the City Council related to initiating programs or policies to improve community health in the City.
5. Composition. The Commission shall be composed of a Chairperson and six (6) voting members and four non-voting advisors, all of whom shall be appointed and serve as set forth below. All voting members of the Commission shall be residents with direct experience or contact with the public safety, judicial or public health systems. Or have had direct contact or expertise with one or more of the public safety, judicial or public health systems. All non-voting advisors shall be appointed and serve as set forth below. All non-voting advisors shall have direct experience or contact with the public safety, judicial or public health systems or have had direct contact or expertise with one or more of the public safety, judicial or public health systems
6. Method of Selection. The Office of Community Prevention, Health and Safety will provide the Mayor with a list of commission candidates to serve on the Commission after review with Brooklyn Center Police Department, Brooklyn Center Fire Department and Brooklyn Center Parks and Recreation Department. The Mayor will recommend candidates to the City Council for appointment. The City Council shall appoint members to the Commission by resolution.

7. Initial Appointment. The Commission under this resolution shall become effective March 30th, 2025, or soon thereafter, and shall consist of three members appointed for a term through 2027, three members appointed for a term through 2026, and one member appointed for a term through 2025.
8. Term of Office. The terms of office for Commission members shall be staggered two-year terms, except that any person appointed to fill a vacancy occurring prior to the expiration of the term for which their predecessor was appointed shall be appointed only for the remainder of such term. Upon expiration of their term of office, a member shall continue to serve until their successor is appointed and shall have qualified. Terms of office for members of the Commission shall expire on December 31 of respective calendar years.

In the event an appointed Commission member suffers from an extended illness, disability, or other activity preventing proper fulfillment of duties, responsibilities, rules, and regulations of the Commission, the Commission member may be temporarily replaced during the temporary leave by an interim Commission member recommended by the Mayor and appointed by the City Council.

9. Resignations-Removal from Office-Vacancies. Commission members may resign voluntarily or may be removed from office by the Mayor with consent of the City Council. Three consecutive unexcused absences from the duly called Commission meetings or unexcused absences from a majority of duly called Commission meetings within one calendar year shall constitute automatic resignation from office. The City Council liaison shall inform the Mayor and City Council of such automatic resignations. Vacancies in the Commission shall be filled by appointment of the City Council.

The procedure for filling Commission vacancies is as follows:

- a. Notices of vacancies shall be posted for 30 days before any official City Council action is taken;
- b. Vacancies shall be announced in the City's official newspaper;
- c. Notices of vacancies shall be sent to all members of standing advisory commissions;
- d. The City Clerk shall forward copies of the applications to the Public Safety Departments (Office of Community Prevention, Health and Safety, Brooklyn Center Police Department, Brooklyn Center Parks and Recreation Department and Brooklyn Center Fire Department) and the Mayor;
- e. The Mayor shall identify and include the nominee's name in the City Council agenda materials for the City Council meeting at which the nominee is presented;

- f. The City Council, by majority vote, may approve an appointment at the City Council meeting at which the nominee is presented.
10. Chairperson. The Commission's Chairperson shall be elected by a majority vote of the Commission membership. The election shall be conducted at the Commission's first meeting and at the first regular meeting of each calendar year, or, in the case of a vacancy, within two regularly scheduled meetings from the time a vacancy of the Chairperson occurs. The Chairperson may be removed by a majority vote of the Commission membership. The Chairperson shall assure fulfillment of the following responsibilities in addition to those otherwise described herein:
 - a. Preside over meetings of the Commission;
 - b. Appear, or appoint a representative to appear, as necessary, before City advisory commissions and the City Council to present the viewpoint of the Commission in matters pertaining to community safety and violence prevention as it relates to business under consideration by said commissions or City Council;
 - c. Review all official minutes of the City Council and other advisory commissions to inform the Commission of matters relevant to community safety and violence prevention;
 - d. Serve as a liaison with other governmental and voluntary organizations on matters relevant to community safety and violence prevention.
11. Vice Chairperson. A Vice Chairperson shall be appointed annually by the Chairperson from the members of the Commission. The Vice Chairperson shall perform such duties as may be assigned by the Chairperson and shall assume the responsibilities of the Chairperson in their absence.
12. Representation Requirements. Due regard shall be given by the Mayor and City Council in appointing Commission members which will take into consideration geographical distribution within the City, as described in paragraph 20 below, and the representative nature of the Commission in terms of gender, religion, ethnic, racial, age, handicapped, employee, and employer groups.
13. Conflict of Interest. No Commission member shall take part in the consideration of any matter wherein their interest might reasonably be expected to affect their impartiality.
14. Compensation. Commissioner members shall serve without compensation.
15. Bylaws, Rules and Procedures. The Commission shall adopt such bylaws, rules and procedures not inconsistent with these provisions as may be necessary for the proper execution and conduct of business. Bylaws adopted by the Commission shall become effective upon approval and consent of the City Council.

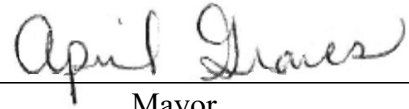
16. Meetings. The initial meeting of the Commission shall be convened by March 30th, 2025. Thereafter, regular meetings shall be held with the date and time to be determined by the Commission. Special meetings may be called by the Chairperson.
17. Staff Liaison. The City Manager shall assign one member of the staff to serve as staff liaison to the Commission. The staff member liaison assigned shall perform administrative duties on behalf of the commission. In addition to the Staff Liaison, City staff from all public safety departments will attend commission meetings including the Office of Community Prevention Health and Safety, Brooklyn Center Police Department, Brooklyn Center Parks and Recreation Department and Brooklyn Center Fire Department with the Office of Community Prevention, Health and Safety serving as the liaison for the commission.
18. Ex Officio Members. The Mayor, or the member of the City Council appointed by the Mayor, shall serve as an ex officio member of the Commission, privileged to speak on any matter but without a vote, and shall provide a liaison between the Commission and the City Council.
19. Neighborhoods:
- a. Neighborhood Advisory Committees: Commission members shall be assigned by the Chairperson as liaisons to neighborhood advisory committees of the Commission. It will then be the responsibility of each neighborhood advisory committee of the Commission to review safety and violence prevention matters and present the neighborhood opinions and concerns on general and specific safety and violence prevention programs directly affecting that neighborhood.
 - b. Neighborhoods Described (See also Exhibit A attached hereto and incorporated herein by reference).
 - i. Southeast Neighborhood: The Southeast neighborhood shall be bordered on the south by the south city limits; on the east by the Mississippi River; on the north by FAI-94; and on the west by Shingle Creek.
 - ii. Northeast Neighborhood: The Northeast neighborhood shall be bordered on the south by FAI-94; on the east by the Mississippi River; on the north by the north city limits; and on the west by Shingle Creek.
 - iii. Northwest Neighborhood: The Northwest neighborhood shall be bordered on the south by FAI-94; on the east by Shingle Creek; on the north by the north city limits; and on the west by the west city limits.
 - iv. West Central Neighborhood: The West Central neighborhood shall be bordered on the south by County Road 10; on the east by Brooklyn Boulevard; on the north by FAI-94; and on the west by the west city limits.

- v. Central Neighborhood: The Central neighborhood shall be bordered on the south by County Road 10; on the east by Shingle Creek; on the north by FAI-94; and on the west by Brooklyn Boulevard.
- vi. Southwest Neighborhood: The Southwest neighborhood shall be bordered on the south by the south city limits; on the east by Shingle Creek; on the north by County Road 10; and on the west by the west city limits.

20. The Act is hereby amended as referenced in this Resolution.

December 9, 2024

Date



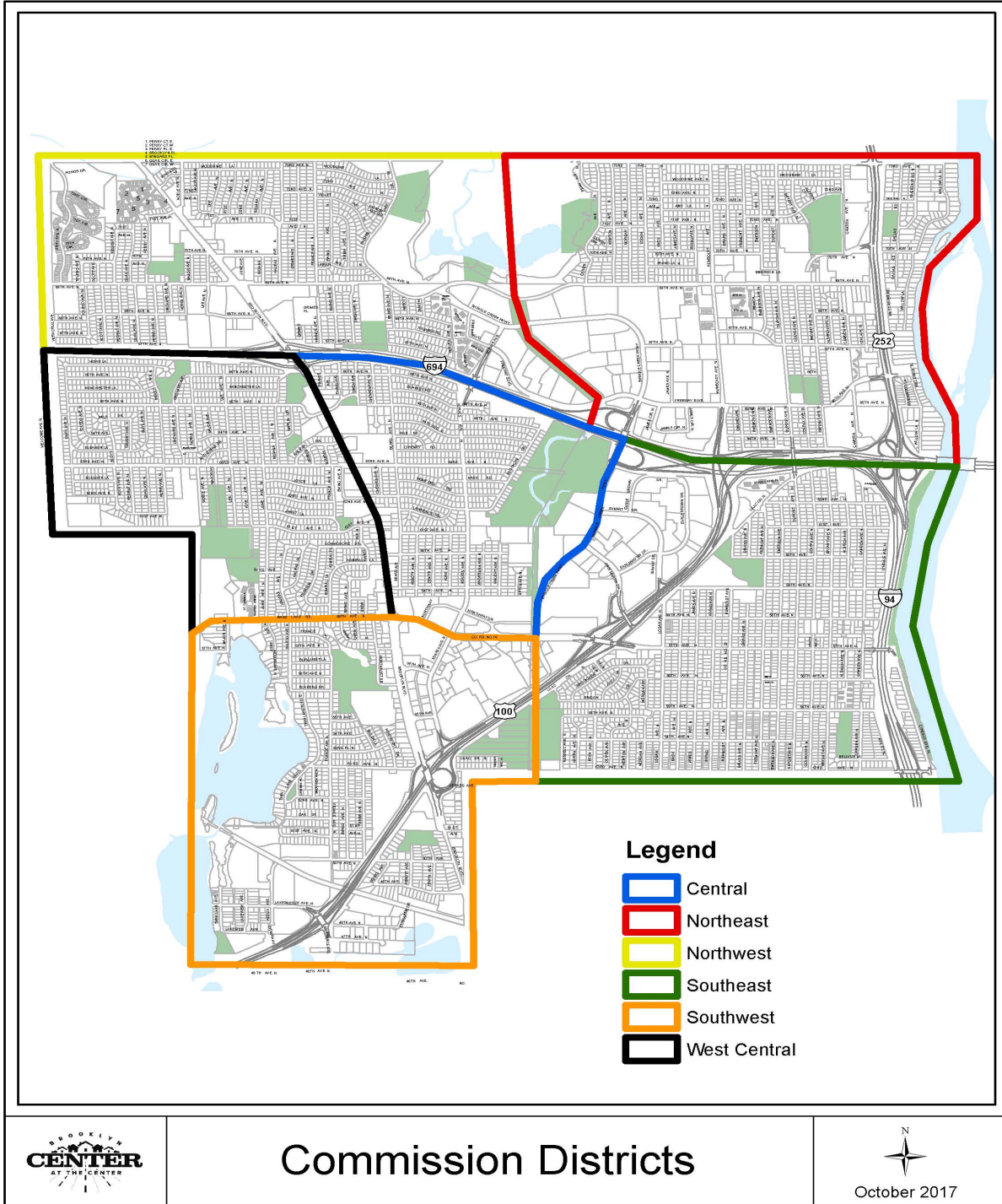
Mayor

ATTEST: 
Assistant City Manager/City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member Graves
and upon vote being taken thereon, the following voted in favor thereof:
Butler, Graves, Kragness
and the following voted against the same: Jerzak, Lawrence-Anderson
whereupon said resolution was declared duly passed and adopted.

EXHIBIT A

Map of Neighborhoods



Council Regular Meeting

DATE: 1/13/2025
TO: Council Study Session
FROM:
THROUGH:
BY: Barb Suciu, City Clerk
SUBJECT: Discussion of Resolution 2024-128 - Code of Conduct

Requested Council Action:

Background:

A request was submitted to have this added to the Study Session agenda for further discussion.

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

ATTACHMENTS:

1. 2024-128 Resolution_Adopting_Council_Code_of_Conduct__Ethics (2)
2. DOCSOPEN-#982190-v5-Council_Code_of_Conduct_and_Ethics

Member Butler introduced the following resolution and moved its adoption:

RESOLUTION NO. 2024-128

RESOLUTION ADOPTING A CITY COUNCIL CODE OF CONDUCT AND ETHICS

WHEREAS, the City Council discussed at its study sessions throughout 2024 the issue of adopting a City Council Code of Conduct and Ethics to better address Council interactions and behavior between Council Members, the Public, and the Media; and

WHEREAS, the City Council previously adopted the City Council Code of Policies (“Code of Policies”) to address various items related to how the City Council conducts its business; and

WHEREAS, the Code of Conduct and Ethics will be incorporated into the City Council Code of Policies as Section II and will include in-depth guidance for the City Council regarding behavior in and outside of Council Meetings, Ethics, and provides accountability measures for Council Members; and

WHEREAS, the City Council determines it is in the City’s best interests to amend the Code of Policies to include the City Council Code of Conduct and Ethics to provide additional context and guidance on how the City Council can best exemplify the values of the City and model respectful interactions in the face of disagreement and discord; and

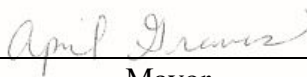
WHEREAS, the Council Code of Conduct will serve as a positive tool to maintain camaraderie, collaboration, and to assist the City Council in executing the business of the City;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Brooklyn Center as follows:

1. The City Council Code of Conduct and Ethics is hereby adopted in its substantial form, subject to future amendments as directed by Council.
2. The Code of Policies is hereby amended by adding the City Council Code of Conduct, attached as Exhibit A, which is incorporated in and made part of this Resolution.
3. The City Manager (or designee) is authorized and directed to insert the new Section II into the Code of Policies, including updating the table of contents, and said updated document shall constitute the official Code of Policies.

December 9, 2024

Date



Mayor

ATTEST: Barbara Securi
City Clerk

The motion for the adoption of the foregoing resolution was duly seconded by member
Graves
and upon vote being taken thereon, the following voted in favor thereof:
Butler, Graves, Kragness
and the following voted against the same:
Jerzak, Lawrence-Anderson
whereupon said resolution was declared duly passed and adopted.

EXHIBIT A

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SECTION II. CITY COUNCIL CODE OF CONDUCT AND ETHICS

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

1. In Public Meetings

- (a) **Council Member Interaction.** Council Members should seek to practice civility, professionalism and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. Council Members can promote camaraderie and collaboration by refraining from making belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. Shouting or physical actions that could be construed as threatening will not be tolerated. Council Members should make every effort to conduct themselves in a professional manner at all times, including listening actively during Council meetings.
- (b) **Deference to Order.** Council Members should honor the role of the Mayor, Mayor Pro Tem, or Acting Mayor Pro Tem in maintaining order by deferring to their direction and guidance. It is the responsibility of the Mayor, Mayor Pro Tem, or Acting Mayor Pro Tem to keep the comments of Council Members on track during public meetings. Council Members should honor efforts by the Mayor, Mayor Pro Tem, or Acting Mayor Pro Tem to focus discussion on current agenda items. If there is disagreement about the agenda or the Mayor, Mayor Pro Tem, or Acting Mayor Pro Tem's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.
- (c) **Setting a Positive Example.** One prominent goal of every council meeting should be to demonstrate a positive example of decorum and respect for constituents. To accomplish that goal, Council Members should avoid comments that personally attack other Council Members. If a Council Member is personally attacked by the comments of another Council Member, the offended Council Member should make notes of the actual words used and may call for a "point of order" to challenge the other Council Member to justify or apologize for the language used. The Mayor, Mayor Pro Tem, or Acting Mayor Pro Tem will maintain control of this discussion.
- (d) **Collaborative Problem Solving.** Another goal of the council meeting should be to demonstrate effective problem-solving approaches. Council Members have a responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.
- (e) **Timeliness.** To ensure smooth and timely execution of each council meeting, Council Members should make best efforts to be punctual and keep comments relative to topics discussed. Every Council Member has made a commitment to attend meetings and participate in discussions. Therefore, it is important

that 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.

- (f) **Endorsement of Candidates.** Council Members have the right to endorse candidates for all Council seats or other elected offices. It is inappropriate to mention endorsements during Council meetings or other official City meetings or functions.
- (g) **Council Decisions.** Once a majority decision of the governing body has been made, Council Members should endeavor to “speak with one voice,” respect the official position of the Council, and defend it if needed.

2. In Private Encounters

- (a) **Respectful Workplace Values.** Council Members should continue to model 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.
- (b) **Data Practices.** Council Members should remember at all times that written notes, voicemail messages, social media and email may be public information. Technology allows words written or said without much forethought to be distributed wide and far. Consider how you, your family and/or friends would feel if this voicemail message was played on a speaker phone in a full office? Or broadcast on the nightly news. What could the consequences be if this email message was forwarded to others? Written notes, social media postings, voicemail messages and email should be treated as potentially “public” communication.
- (c) **Public-Private Considerations.** 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 will be watched, and casual comments between individuals before and after public meetings noted.
- (d) **Personal Comments.** Council Members should refrain from making personal comments about other Council Members. It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Council Members, their opinions and actions.

B. **Council Conduct with City Staff**

The relationship between Council Members and administrative personnel is dependent on the particular form of government. Governance of the City is a cooperative effort, including 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 each individual for the good of the community. Council Members should be careful to restrict that relationship to the defined channels. Unofficial Council interference in administrative affairs can disrupt business, weaken employee morale, and create antagonistic relationships between administrators and Council Members.

Council Members should not attempt to exert any influence over the hiring and firing of administrative personnel, except for those people whose appointment they are responsible, namely the City Manager, City Attorney, and City Prosecutor.

Federal, State, and local laws have made personnel administration a very complex affair, with mishandlings costing public employers hundreds of thousands of dollars in litigation, claims, and damages. The City of Brooklyn Center has a very strong commitment to providing its employees with a fair, accountable, and uniform system of personnel administration including procedures to address employee grievances.

1. **Respectful Workplace Values.** Council Members should treat all staff as professionals. Council Members should engage in clear, honest communication that respects the abilities, experience, expertise, and dignity of each individual. Berating, personal, impertinent, slanderous, threatening, abusive, or disparaging comments toward staff are not acceptable and are automatic grounds for a code of conduct violation.
2. **Limited City Staff Contact.** Pursuant to Brooklyn Center Charter Section 6.02, Council Members should limit contact with City staff. Questions of City staff and/or requests for additional background information should be directed to the City Manager or City Attorney. The City Manager should be copied on or informed of any request. Except in extraordinary circumstances, Council Members should avoid disrupting City staff while they are in meetings, on the phone, or engrossed in performing their job functions.
3. **Council Direction to staff.** In accordance with Charter Section 2.09, individual Council Members cannot give direction to City staff either publicly or privately. The Council as a body may provide staff direction on matters that come before the Council.
4. **Follow-up Requests or Directives.** Requests for follow-up or directions to staff should be made only through the City Manager or the City Attorney when appropriate. When in doubt about what staff contact is appropriate, Council Members should consult with the City Manager. Additionally, requests for additional staff support – even in high priority or emergency situations – should be made to the City Manager who will work to allocate city resources. Materials supplied to a Council Member in response to a request for information of interest to all Council Members will be made available to the entire Council so that all have equal access to the information. Limit requests for staff support. (see Brooklyn Center City Charter Section 2.09).
5. **Staff Criticism.** Council Members should not publicly criticize an individual employee. Council should not 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 Manager through private correspondence or conversation.
6. **City Administrative Functions.** Pursuant to Section 6.02 of the City Charter, the administrative functions of the City are the responsibility of the City Manager. To avoid the appearance of bias or to avoid violating the ethics code, Council Members should not attempt to influence City staff on the making of employment or personnel decisions, the awarding of contracts, the selecting of consultants, the processing of development applications, or the granting of City licenses and permits.

7. **City Staff Meetings.** If City Council Members desire to attend a staff meeting, consult with the City Manager. Council Member attendance at meetings could imply support, show partiality, intimidate staff, and could impede staff's ability to do their job objectively/effectively.
8. **Political Solicitation.** 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.
9. **Council, EDA and Commission agendas.** Staff's responsibility is to provide Council Members the information needed for informed decision making. Every effort should be made to ask staff questions regarding Council, EDA and commission agendas before the meeting.
10. **Personal Comments.** Council Members should refrain from speaking ill of other Council Members to staff. This puts staff in an uncomfortable and compromising position because staff have the responsibility to treat all Council Members equally and with respect.
11. **Political Gamesmanship.** Council Members should avoid putting colleagues in awkward or disadvantageous positions in an effort to capitalize on another colleagues' vulnerability or to embarrass them publicly for political gain. And Council Members should make every attempt to submit questions or concerns prior to formal meetings to surprising Council Members or staff at said meetings.

C. Council Conduct with the Public

1. In Public Meetings

- (a) **Create a Welcoming Environment.** Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual 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.
- (b) **Speaking Time.** Council as a body should be fair and equitable in allocating public hearing time to individual speakers. Pursuant to Council Procedure, the Mayor, Mayor Pro Tem, or Acting Mayor Pro Tem will determine and announce limits on speakers at the start of the public hearing process and ensuring those with Brooklyn Center addresses have an opportunity to speak. Generally, each speaker will be allocated two minutes to speak. Applicants or their designated representatives may be allowed more time. If many speakers are anticipated, the Mayor, Mayor Pro Tem, or Acting Mayor Pro Tem may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.
- (c) **Public Hearing Speakers.** No speaker will be turned away unless the speaker exhibits inappropriate behavior. Each speaker may only speak once during the public hearing unless the Council requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless agreed upon by the Council.

- (d) **Avoid Public Debate.** Council Members should avoid debate and argument with the public. Only the Mayor, Mayor Pro Tem, or Acting Mayor Pro Tem – not individual Council Members – can interrupt a speaker during a presentation. However, a Council Member can ask the Mayor, Mayor Pro Tem, or Acting Mayor Pro Tem for a point of order if the speaker is off the topic or exhibiting behavior or language the Council Member finds disturbing. Council Members may request that the Mayor, Mayor Pro Tem, or Acting Mayor seek clarification from the speaker.
- (e) **Mayor to Focus Discussion.** If speakers become flustered or defensive by Council questions, it is the responsibility of the Mayor, Mayor Pro Tem, or Acting Mayor Pro Tem 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.
- (f) **Avoid Personal Attacks.** Council Members should not personally attack, under any circumstance, a member of the Public. Council Members should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.
- (g) **Parliamentary Procedure.** Council Members should follow parliamentary procedure (outlined in the Council 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 parliamentary procedures. Final rulings on parliamentary procedure are made by the Mayor, Mayor Pro Tem, or Acting Mayor Pro Tem subject to the appeal of the full Council.

2. In Unofficial Settings

- (a) **No Promises.** Council Members should refrain from making promises on behalf of the Council. Council Members may 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 give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Council action, or to promise City staff will do something specific (fix a pothole, plow a specific street, plant new flowers in the median, etc.).
- (b) **Personal Comments.** Council Members should refrain from making personal comments about other Council Members to constituents. It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Council Members, their opinions and actions.
- (c) **Public-Private Considerations.** 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 conduct in the City of Brooklyn Center. Honesty and respect for the dignity of each individual should be reflected in every word, communication, (whether in social media or otherwise), and action taken by Council Members, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

D. Council Conduct with the Media

Council Members may be contacted by the media for background and quotes.

1. **Official Spokesperson.** 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.
2. **When Speaking to the Media.** Council Members should choose words carefully and cautiously. Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.
3. **Best Advice.** The best advice for dealing with the media is to never go "off the record."

E. Council Conduct with Other Public Agencies

Council Members should be as clear as possible when representing City or personal interests. If a Council Member appears before another governmental agency or organization to give a statement on an issue, the 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. Even if the Council Member represents his or her own personal opinions, remember that this still may reflect upon the City as an organization.

If the Council Member is representing the City, the Council Member must support and advocate the official City position on an issue, not a personal viewpoint.

F. Council Conduct with Boards and Commissions

The City has established several Boards and Commissions as a means of gathering more community input. The Council appoints members to all committees, boards, and commissions which serve in a purely advisory role to the Council. These commissions/committees/boards are as follows:

- Cultural and Public Arts Commission,
- Financial Commission,
- Housing Commission,
- Park and Recreation Commission,
- Sister Cities Commission, and
- Planning Commission.

The Council also appoints representatives to Visit Minneapolis Northwest Tourism, Watershed Commissions, and Northwest Suburbs Cable Communications Commission.

The Charter Commission is a statutory commission appointed by the Chief Judge of the District Court. The terms of Commission members are staggered for two or three years with appointments ending on December 31 of each year.

Residents who serve on Boards and Commissions are a valuable resource to the City's leadership and should be treated with appreciation and respect.

1. **Council Liaison.** If attending a Board or Commission meeting in the role as liaison. "Liaison" means non-voting member of a commission who shall speak on behalf of the Council (or staff) as a whole, not as an individual, thus providing a communication link between the commission and Council (or staff).
2. **Limited Contact.** Council Members should endeavor to limit contact with Board and Commission Members. It is inappropriate for a Council Member to contact a Board or Commission member to lobby on behalf of an individual, business, or developer. Council Members may contact members of the Commission and staff liaison in order to clarify a position taken by the Board or Commission.
3. **Commission Service.** Council Members should keep in mind that Boards and Commissions serve the community, not individual Council Members. The City Council appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow the policy established by the Council. But Board and Commission members do not report to individual Council Members. Council Members should not threaten to remove Board and Commission members if the parties disagree about an issue.
4. **Respect Diverse Opinions.** Council Members should be respectful of diverse opinions. The primary role of Boards and Commissions is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns and perspectives. Council Members should be fair and respectful of all residents serving on Boards and Commissions.

G. Accountability Measures

1. Types of Accountability Measures

A potential action for failing to comply with this code of conduct may include the following measures:

- (a) **Admonition.** An admonition shall be verbal and made by the Mayor to the Council Member.
- (b) **Reprimand.** A reprimand shall be administered to the Council Member by letter. The letter shall be approved by the City Council and shall be signed by the Mayor, or by the Mayor Pro Tem or Acting Mayor Pro Tem if the Mayor position is vacant, or if the matter involves the Mayor.
- (c) **Censure.** A censure shall be administered pursuant to a formal resolution adopted by the Council.

2. Conduct

- (a) City Council Members who violate the code of this conduct are subject to admonition, reprimand, or censure. Any violations that potentially constitute criminal conduct shall be handled by the criminal justice system.
- (b) Factors that will be considered in determining the appropriate consequence include but are not limited to the following: seriousness of the violation and number of preceding violations.

3. Conduct During Meetings

- (a) For inappropriate statements or conduct by Council Members occurring during a Council meeting, a verbal correction by the Mayor (or Mayor Pro Tem or acting Mayor Pro Tem) will normally be the first step to address the matter, either during or outside of the Council meeting.
- (b) Further incidents may be addressed by subsequent verbal corrections accompanied by use of the gavel. Repeated incidents can give rise to the Mayor not recognizing the offending Council Member to speak. A Council Member can request that the Mayor take any of these actions against an offending Council Member if the Mayor has not done so on her/his own.

4. Reporting a Potential Violation

- (a) A member of the Brooklyn Center City Council may report a potential Code of Conduct violation by a member of the City Council by bringing the matter to the attention of the official of their choice, Mayor, City Manager, or City Attorney.
- (b) A Brooklyn Center staff member may report a potential code of conduct violation by a member of the City Council by bringing the matter to the attention of the City Manager or Human Resources Manager.
- (c) If the potential violation involves the Mayor, it should be brought to the attention of the Mayor Pro Tem, City Manager or City Attorney.
- (d) A community member may report potential code of conduct violations by a member of the City Council to the Mayor, City Manager or any member of the City Council.

5. Alternative Reporting

If the Mayor, Mayor Pro Tem, or Acting Mayor Pro Tem are unable to be involved in reviewing the code of conduct complaint for any reason, the matter will be reviewed by the next most senior member of the Council that is not involved in the complaint.

6. Investigation Procedure

- (a) Triage. The Mayor and City Manager will gather initial information, consult with the City Attorney if necessary and decide how to move forward.
- (b) Fact Finding. If necessary, the matter will be referred to the criminal justice system. The Mayor and City Manager will determine whether to pursue independent fact-finding or internal fact-finding.
- (c) Possible Outcomes. As is referenced above, (i) a verbal admonition may be given to the Council Member by the Mayor, (ii) a reprimand may be administered to the Council Member by a letter approved by the Council, or (iii) a censure may be administered pursuant to a formal resolution adopted by the Council.
- (d) Notice and Hearing. After voting to issue a reprimand or censure, the City Council will provide written notice to the Council Member at least fourteen (14) days prior to the Council's formal action upon the reprimand or censure. The notice may be served by mail and shall specify the grounds for the reprimand or censure and state the date the Council will take action upon the reprimand or censure. At any time prior to the Council's formal action, the Council Member may, in writing, request a hearing before the City Council, which shall be held at the next regular City Council meeting. After the hearing, the City Council shall decide whether or not to proceed with the reprimand or censure.

H. Ethics

1. Open Meeting Law

- (a) State law requires that, with certain exceptions, meetings of the City Council be open to the public. A meeting is a gathering of a majority of City Council Members at which City business is discussed. It is not necessary that action be taken for a gathering to constitute a "meeting."
- (b) A meeting does not include chance, social gatherings as long as public business is not discussed.
- (c) A majority of Council Members should not communicate with each other by phone, email, in-person, or otherwise, to discuss City business.
- (d) Use of social media does not violate the open meeting law as long as social media use is accessible to all Members of the public.

See Minnesota Statutes, Chapter 13D, for further information regarding the Open Meeting Law.

2. Gift Law

A City Council Member cannot accept a gift from someone who has an interest in any matter involving the City. A "gift" includes money, property, a service, a loan, forgiveness of a loan, or a promise of future employment. A "gift" does not include:

- Campaign contributions;
- items costing less than \$5;
- items given to members of a group; the majority of whose members are not local officials;
- gifts given by family members; or

- food or beverages given at a reception, meal or meeting at which a Council Member is making a speech or answering questions as part of a program

See Minnesota Statutes, Section 471.895 and City Charter, Section 14.04(A) for further information regarding the Gift Law.

3. Conflict of interest

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

Council Regular Meeting

DATE: 1/13/2025
TO: Council Study Session
FROM:
THROUGH:
BY: Barb Suciu, City Clerk
SUBJECT: Council Agenda Packet Delivery Date Discussion

Requested Council Action:

- Discussion on the Date of Delivery for the Council Agenda Packet

Background:

Budget Issues:

Inclusive Community Engagement:

Antiracist/Equity Policy Effect:

Strategic Priorities and Values:

ATTACHMENTS:

None