



CITY OF
CREDIT RIVER, MN

Mayor and City Council
Bylaws

Adopted January 8, 2024

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**SECTION 100:
PURPOSE**

- 101: **PURPOSE:** The purpose of the Credit River City Council Bylaws is to provide the members of the City Council with a set of operating procedures designed to guide them during the Council meetings.
- 102: The Bylaws shall be considered and adopted at the annual meeting of the Credit River City Council. The Annual Meeting is the first regular meeting in January. A simple majority is required to pass the Bylaws at the annual meeting. In addition, bylaws can be reviewed and amended at any meeting other than the annual meeting. A super majority (4 of the 5 members) is required to amend at any meeting other than the annual meeting unless otherwise provided by these bylaws, State Statute or City Code.
- 103: These Bylaws shall govern the procedures of the Credit River City Council immediately upon adoption. If an issue is raised which is not covered in the Bylaws, the procedures to respond to the issue shall be governed by Robert's Rules of Order Revised. Failure to comply with these Bylaws or Robert's Rules of Order shall not invalidate Council action unless at the time the action is taken a member of the Council raises a parliamentary objection and advises the Council of the particular rule which was not observed. If these Bylaws conflict with State or Federal law, or the City Code, the State or Federal law or City Code, as applicable, shall govern.

**SECTION 200:
COUNCIL MEMBER ROLES**

- 201: The most important single responsibility of a Council Member is participation at Council meetings. Each Council Member, including the Mayor, has full authority to make and second motions, participate in discussions, and vote on matters before the Council.
- 202: Council Members should devote official time to problems of basic policy and act as liaisons between the City and the general public. Council Members should establish a course of action to be executed by the City Administrator and ensure the accountability and transparency of City operations. Council Members should be concerned with the future of the City beyond the length of their terms.
- 203: Council Member's statutory duties are to be performed by the Council as a whole. As individuals, Council Members have no administrative authority. They cannot give orders or otherwise supervise City employees. Council Members speaking to the public should make clear that they are speaking for themselves as an individual, not on behalf of the Council or the City.
- 204: The Council delegates the administrative duties to the City Administrator. The City Administrator is accountable to the Council for the effective administration of City business in accordance with Council decisions. The Council should exert all its control through the City Administrator. Generally, the City Administrator will act as an intermediary between Council Members and City staff. However, at times, Council Members may wish to obtain information pertaining to City business directly from staff. In such cases, Council Members may correspond directly with department heads but

should copy the City Administrator with correspondence.

205: The Minnesota Open Meeting Law (“OML”) requires that all meetings of the City be open to the public. Meetings that are subject to the Open Meeting Law include the following:

205.1 City Council Meetings. Whenever the City Council meets, it must comply with the OML. For purposes of the OML, a meeting is a gathering of a quorum or more members of the governing body at which members discuss, decide, or receive information as a group on issues relating to the official business of that governing body.

205.2 Telephone conference calls. A meeting occurs if a majority of City Council Members participate in a conference call or other virtual communication, such as Skype or Zoom.

205.3 Serial meetings. Serial meetings, each consisting of less than a quorum of the City Council, may violate the law depending on the facts and circumstances of the case.

205.4 Email and Text Messages. A meeting arguably occurs if a majority of the City Council Members use email or text messages to discuss, express approval, or express disapproval of a matter that is before the City Council or is likely to come before the City Council.

- Electronic communications that involve a back-and-forth exchange of viewpoints are analogous to a telephone conference call.
- Avoid use of “reply all.”
- If two City Council Members correspond by email with each other, they should consider a “no forwarding” and a “no copying” rule so there is less risk of an OML violation.
- The risk of a violation is reduced if the City Administrator sends the email to City Council Members and then have City Council Members respond directly to the City Administrator without copying other City Council Members.

205.5 Exceptions to the Definition of a “Meeting”.

- Chance social gathering. Even if a quorum of the City Council is present, “chance social gatherings” are not a “meeting” for purposes of the OML.
- General training programs. A training program that is attended by a quorum of a City Council to develop skills and a better understanding of City Council responsibilities and is directed toward general municipal matters rather than specific problems, is not a meeting for purposes of the OML.

205.6 Committee Meetings. The OML applies to committee meetings if the committee has decision-making authority on behalf of the City Council.

206: All newly elected Council Members shall attend training and orientation sessions as scheduled by the City Administrator and are encouraged to attend the League of

Minnesota City's new council member training. The sessions are intended to familiarize new Council Members with the City's organization, staffing, procedures and ongoing issues.

SECTION 300:
REGULAR, SPECIAL AND EMERGENCY MEETINGS, AND WORK SESSIONS

301: Except as otherwise provided in the Minnesota Open Meeting Law, M.S.A. Chapter 13D, all meetings of the City Council, including regular, special, emergency, work sessions, and adjourned meetings shall be open to the public.

302: REGULAR MEETINGS: The City Council shall establish a regular meeting schedule. Notice of all meetings shall follow the requirements of the Minnesota Open Meeting Law.

The City Administrator, in consultation with the Mayor or Acting Mayor, may cancel or reschedule a regularly scheduled Council meeting when appropriate, including but not limited to the following: there will not be a quorum of the City Council present; weather conditions develop or are forecast that make attendance at the meeting impractical, imprudent, or dangerous for the Council Members, staff and public; or the amount of business pending does not warrant a meeting.

The City Administrator shall post any decision to reschedule or cancel a meeting. The procedures provided for in the Open Meeting Law shall be followed. In addition, notice shall be posted on the City website.

A City Council member shall inform the City Administrator when an absence is planned or pending prior to the meeting.

303: SPECIAL MEETINGS: Special meetings may be called by the Mayor or any two (2) members of the City Council by writing, filed with the City Administrator. The City Administrator shall then provide notice to all members of the time and place of the meeting. Notice shall be posted at City Government Center and provided to any member of the public or news media who have requested notification in writing. All notice for special meetings shall comply with the Minnesota Open Meeting Law.

304: EMERGENCY MEETINGS: The Mayor or City Administrator may call an emergency meeting. Notice of the emergency meeting shall be given by either telephone, fax, electronic communication or written notice to members of the City Council. Notice shall be provided to each news medium and individual that has filed a written request for notice. Posted or published notice of an emergency meeting shall be in accordance with the requirements of the Minnesota Open Meeting Law. An "emergency" meeting is a special meeting called because of circumstances that require immediate consideration by the City Council.

305: WORK SESSIONS: The City Administrator may schedule work sessions subject to Council approval. The purpose of the work sessions is to afford the City Council, City Administrator and City staff the opportunity to discuss policy matters in a more informal environment. Public input will not be allowed unless specifically scheduled in the agenda or requested by the Council at the meeting. Minutes will not be taken for work sessions.

The City Administrator may cancel or reschedule a regularly scheduled work session when appropriate, including but not limited to the following: there will not be a quorum of the City Council present; weather conditions develop or are forecast that make attendance at the meeting impractical, imprudent, or dangerous for the Council Members, staff and public; or the amount of business pending does not warrant a work session.

The City Administrator shall post any decision to reschedule or cancel a work session. The procedures provided for in the Open Meeting Law shall be followed. In addition, notice shall be posted on the City website.

A City Council member shall inform the City Administrator when an absence is planned or pending prior to the work session.

306: AGENDAS: The City Administrator shall prepare agendas for all meetings. The agenda for a regular meeting shall be available the Thursday before the following Monday meeting. The agenda for a special meeting, emergency meeting or work session shall be noted in the notice and an agenda posted 48 hours in advance, if possible

306.1 A copy of the agenda materials will be available in the Council Chambers (or other location of the meeting) for public inspection at the time of the meeting.

306.2 Agenda materials will also be available online through the City's website.

307: DAIS: The seating of the Council on the dais is at the discretion of the Mayor.

308: BROADCASTING / RECORDING: Meetings and work sessions, in which a quorum is present as defined by state statute, shall be live-streamed on the Credit River's YouTube channel and recorded for the public. Closed sessions, as defined by state statute, shall not be live-streamed. The link to the live stream and recordings can be found on the City's website.

308.1 The City has no obligation to live-stream or record a work session when the work session was not initiated by Council or Staff.

SECTION 400: ANNUAL MEETING

401: The first regularly scheduled meeting in January shall be referred to as the annual meeting. Regular business may be conducted at this meeting and the following organizational business is required if applicable unless scheduled at an earlier meeting or deferred by the Council

401.1 Swear in newly elected officials.

401.2 Appoint Acting Mayor. The Mayor shall recommend a council member to serve as acting mayor and the Council will affirm or deny the recommendation. The acting mayor shall perform the duties of mayor during the disability or absence of the mayor from the City or, in case of vacancy in the office of mayor, until a successor has been appointed and qualifies. MN Stat. 412.02. The acting mayor, in the absence of the mayor, is known as the Mayor Pro Temp. ("Mayor for the Time")

401.3 Appoint the official newspaper.

- 401.4 Designate the official bank.
- 401.5 Appoint Council Members to serve as liaisons to the various City advisory committees.
- 401.6 Approve City Council and City Council appointed committee bylaws and procedures.
- 401.7 Adopt the yearly fee schedule.

**SECTION 500:
MEETING AGENDA FORMAT AND CONSENT AGENDA**

501: MEETING AGENDA: Business of the meeting will be conducted according to the agenda prepared by the City Administrator.

501.1 Open Forum. The agenda shall include a Open Forum. The Open Forum is intended to afford the public an opportunity to address concerns to the Council. The Open Forum will be no longer than 30 minutes in length and each presenter will have no more than five (5) minutes to speak. Topics of discussion are restricted to local governmental topics rather than private or political agendas. The Council may discuss but will not take formal action on Open Forum presentations. Matters that are the subject of pending litigation are not appropriate for the forum. All public comments are subject to this process and these limitations:

501.11 Each presenter should sign up to speak no later than five (5) minutes prior to start of the City Council Meeting. A sign-up form will be made available in the meeting location.

501.12 Presenters should enter the following information on the sign-up form: (1) Name; (2) Address; and (3) email address or phone number.

501.13 Those citizens who are listed on the sign-up form will be allowed to speak first during Open Forum and the Mayor will announce each presenter and ask that the presenter approach the podium at the appropriate time. Those citizens not listed on the sign-up form may be provided the opportunity to speak after those on the list, providing there is time remaining in the public forum session.

501.14 When multiple presenters appear to speak on the same topic in Open Forum, comments should not be repetitive. The Mayor may request that the presenters appoint a spokesperson.

501.15 Presenters shall not use obscene, profane or threatening language, nor conduct themselves in a threatening, loud or boisterous manner that disrupts the conduct of the meeting or the security of the public.

501.16 Presenters are required to follow the direction of the Mayor.

502: CITY ADMINISTRATOR TO DETERMINE AGENDA: It shall be the responsibility of the City Administrator to prepare and decide the City Council agenda. The City Administrator shall be responsible for overseeing and reviewing the preparation of all agenda items.

502.1 If a member of the public requests to appear before the City Council or requests an item to be placed on the Council agenda, the City Administrator shall determine whether the item should appropriately be considered by the City Council at a regular meeting.

502.2 If the City Administrator determines that an item should not be placed on a City Council agenda, the City Administrator may recommend that the individual appear at a City Council meeting and talk during the Open Forum.

502.3 The City Administrator shall maintain a list of items scheduled to appear on meeting agendas. The City Administrator shall endeavor to manage the anticipated length of Council meetings in order to assure each matter receives full and fair consideration, and that the meeting can be concluded by 10 p.m.

502.4 The City Council maintains final authority to approve, disapprove or modify the agenda.

502.5 A council member may request to have an item placed on an agenda. The council member shall forward the request to the city administrator who will work with the council member to determine the best way to address the topic on an agenda. . Council member agenda requests should be submitted to the City Administrator by 5:00pm one week prior to the scheduled meeting date.

502.6 A council member may make a motion to remove an item from the agenda during the time to adopt the agenda. The motion must be approved by a simple majority vote.

502.7 To ensure the public's ability to know the items being addressed by council, and to allow Council Members the ability to be prepared to discuss the matters before them, no items may be added to the agenda after the agenda is posted. If an item arises after an agenda is posted, that should be addressed before the next council meeting, every effort should be made to amend the agenda prior to the meeting. An urgent situation that requires immediate attention may be added at the time of agenda approval, but only with the agreement of the majority of council.

502.8 To assist with the effective flow of information during council meetings, Council Members should send questions on agenda items to the City Administrator no later than noon on the day of the meeting. This will assist staff with their preparation for the meetings so they can be prepared to address the questions. This does not preclude Council Members' ability to ask additional questions during the meeting.

502.9 Council Members who are assigned liaisons, committee or task force roles should be prepared to provide an update to the City Council at each meeting,

as necessary.

503: CONSENT AGENDA: Those items on the Agenda which are considered routine or noncontroversial are included as part of the Consent Agenda. Unless a Council Member specifically requests that an item on the Consent Agenda be removed and considered separately, items on the Consent Agenda are considered under one motion, second and vote. Any item removed from the consent agenda shall be placed at the end of the General Business section of the Agenda.

503.1 Council Members shall notify the City Administrator by noon on the day of the meeting any item that they would like removed from the Consent Agenda and placed in the General Business section of the Agenda.

504: MEETING RECESS / ADJOURNMENT

504.1 The presiding officer may call a recess at any time during the meeting. Except for recesses for closed meetings, the presiding officer shall announce the length of the recess. The purpose of the recess is to provide the City Council, City staff and the public attending the meeting with a short rest period from the Council business. The presiding officer may also recess or adjourn a meeting if a member(s) of the public is behaving in a disruptive manner or using inappropriate language.

504.2 Unless waived by motion, second and majority vote, no agenda item shall be initiated after 10 p.m. If a motion to extend the meeting is tendered, it shall include the time the meeting is to be adjourned. A meeting, once extended, must be adjourned at or prior to the time specified in the approved motion to extend.

SECTION 600: QUORUM AND VOTING PROCEDURES

601: At each meeting, a majority of all the members elected (3 out of 5) shall constitute a quorum for the transaction of business.

602: The voting options available to the City Council when a vote has been initiated are: "aye" - an affirmative vote; "nay" - a negative vote. A council member may abstain only when they have a disqualifying conflict of interest or an appearance of a conflict of interest.

603: Three votes shall be necessary for approval of any ordinance unless otherwise provided by these bylaws, State Statute or City Code. A majority vote of members present at a meeting, which must be at least a majority vote of a quorum, is necessary for the approval of all general motions and resolutions unless otherwise provided by these bylaws, State Statute or City Code.

604: When a question is put before the Council by the presiding officer, every member present shall vote. If a member intends to abstain from voting based upon a disqualifying conflict of interest or appearance of a conflict of interest, the Council Member must state they have a conflict of interest and abstain from discussion and from the vote.

605: A Council Member making the motion should articulate the specific motion they are making.

**SECTION 700:
MINUTE PREPARATION**

701: The City Administrator is responsible for the preparation of the minutes of the meeting. The meeting proceedings will be audio-recorded and written minutes will be prepared. The written minutes of the meeting as approved by the City Council are the official record of the meeting. The audio recording will be maintained in accordance with records retention requirements. The following two requirements for "minute" preparation shall be adhered to:

701.1 List the name of City Council Member who makes motion and second typed in bolded print.

701.2 Results of vote typed in bold print.

702: The official minutes shall be prepared and presented to the City Council at the next regularly scheduled meeting as part of the agenda packet. The text of the minutes shall consist of official Council business conducted while the Council is in session. Any comments made at a meeting that are made prior to the start of or after adjournment of the meeting, or during any recess, shall not be made part of the minutes. The City Council shall review the minutes and the presiding officer shall call for any additions or corrections. If an addition or correction is presented, the change must be specific as to place, paragraph, and sentence, if applicable. The official minutes shall be corrected to reflect the change.

**SECTION 800:
ROLES AT MEETING**

801: All meetings of the City Council shall comply with the Minnesota Open Meeting law, which requires meetings (with few exceptions) of all municipal bodies to be open to the public. The City Council of Credit River encourages citizen attendance. Public attendance at meetings of the Council helps to develop a more enlightened, interested and participatory citizenry.

802: The presiding officer may recognize a member of the public for the purpose of asking question(s) relating to the matter under consideration by the Council. The presiding officer must use judgment and discretion when recognizing members of the public to answer a question during the time they have the floor.

803: Members of the Council may also ask questions of staff to clarify their understanding of the relevant information necessary to make an informed judgment. In preparation for Council meetings, Council Members should contact the City Administrator, in sufficient time prior to the meeting, to advise of the question they intend to ask in order for the City Administrator to attempt to bring the additional information to the Council meeting.

804: The Mayor has the same power to make or second a motion and to vote as do the other

members of the Council. The Mayor may vote on all motions and he/she does not have any extra voting powers if the vote results in a tie, except as may be authorized by state statute.

805: The Mayor shall be the presiding officer at all meetings. If the Mayor is absent, the Acting Mayor shall preside at the meeting. If the Mayor and Acting Mayor are absent, the City Administrator shall call the meeting to order and preside until such time the City Council elects among itself a member to preside at the meeting. The presiding officer, at all times, shall be allowed to vote in the same manner as all other members of the Council.

806: The presiding officer has two unique powers: (1) interpreting and applying the rules of procedure; and (2) recognizing speakers from the audience.

807: The presiding officer is responsible for maintaining order at the meetings.

808: The presiding officer shall recognize all speakers from the audience.

809: The presiding officer has the responsibility to facilitate discussion by the City Council. This may occur in a variety of ways, including:

809.1 Interpret and apply rules of procedure.

809.2 Decide whether motions are properly made.

809.3 Decide whether motions are in order.

809.4 Decide whether questions of special privilege ought to be granted.

809.5 Decide when to recognize speakers.

809.6 Call for motions or recommend motions.

809.7 Expel disorderly persons from the meeting.

809.8 Enforce speaking procedures.

810: All members of the City Council may make and second motions, participate in discussions and vote whenever a vote is taken.

811: As individuals, Council Members have no administrative authority. When acting as a Council, however, the legislative body has authority over the appointed City Administrator.

812: The City Administrator shall attend all meetings of the City Council with the right to take part in the discussions, but not to vote. In the absence of the City Administrator, a designated department head may serve as the City Administrator's representative at the meeting.

813: Department Heads may attend all meetings. Department Heads shall attend the meetings when directed by the City Administrator.

814: A memorandum report or brief explanation of each agenda item shall be included in the materials that accompany the agenda. The information provided by staff should serve to inform the City Council on the subject matter under discussion. The information should explain in detail the staff comments or work, or state that staff will present the necessary details and comments at the meeting. If an agenda item requires more than a majority vote, the agenda report shall specify the votes needed to pass the matter under consideration.

SECTION 900:

MOTIONS, RESOLUTIONS, ORDINANCES AND PROCLAMATIONS

901: The City Council may take formal action in any of three methods - motions, resolutions or ordinances. All motions in any form require a second unless otherwise stated herein. All votes of the City Council in any of the three methods require a majority vote of those members present at a meeting for approval unless otherwise provided by these bylaws, State Statute or City Code.

902: MOTIONS: A motion is a matter of parliamentary procedure. Motions are a formal method of bringing business before the Council and for stating propositions on which a decision will have to be made. Motions may be used to introduce resolutions and ordinances, to amend them, and to take any other actions concerning them. Motions may also be used for action on simple administrative acts, such as approving the monthly department reports, or directing the City Administrator.

903: Every motion shall be stated in full and be reasonably understood before it is submitted to a vote by the presiding officer.

904: RESOLUTIONS: Resolutions are normally used to reflect the City Council position on items of business that do not require or warrant an ordinance. Resolutions may be enacted on a motion, which has been duly seconded, and receives a majority vote of those members present at the meeting unless otherwise provided by these bylaws, State Statute or City Code. The City Administrator will maintain a record of all resolutions and will be responsible for the proper numbering and execution of each resolution adopted by the City Council.

905: ORDINANCES: An ordinance is a law governing or regulating some activity that is properly within the power of the Council to regulate. Ordinances shall be used when the City Council action regulates or governs people or property. All police regulations for public health, morals, economic well-being, welfare and safety must be passed in ordinance form. Ordinances may also be used to provide permanent rules for the organization and operation of the City Council. Ordinances may be enacted upon a motion and a second. A majority of the members present must vote in the affirmative for the ordinance to pass unless otherwise provided by these bylaws, State Statute or City Code

906: An ordinance shall become effective upon passage and publication unless otherwise specified in the ordinance. Consistent with State Statute, the Council may authorize publication of a summary of the ordinance rather than its full text.

907: All ordinances shall be reviewed by the City Administrator prior to presentation to the Council. The ordinance format includes title; number; enacting clause; the contents or

body; the penalty; the closing; the attestation, publication date and the effective date.

908: PROCLAMATIONS: Proclamations are used to show the City Council's support for a cause, person or organization. Proclamations may be read aloud and presented by the Mayor on behalf of the City Council.

SECTION 1000: PUBLIC HEARING FORMAT

1001: Public Hearings shall be conducted in the following manner:

1001.1 The presiding officer announces the agenda item that is the subject of the public hearing.

1001.2 It is the intent of the City Council to open all public hearings at the time indicated in the public hearing notice, or as soon as possible thereafter. From a practical standpoint, not all hearings can be opened at their designated time. The Council may delay the start of a hearing until the pending business is acted upon. However, under no circumstances may a public hearing be opened prior to the time specified in the notice and published in the official newspaper.

1001.3 Staff and/or a consultant make a presentation or report on the subject matter of the public hearing.

1001.4 At the conclusion of any presentation or remarks by staff and/or a consultant, the presiding officer may ask the applicant of subject matter if they have any additional detail they would like to share.

1001.5 The presiding officer opens the public hearing and proceeds to ask for citizen input, comments, and questions. Each commentor must state their name and address prior to speaking.

1001.6 After all persons have been heard, the presiding officer will ask whether there are any other persons in attendance who want to be heard on the matter pending. The presiding officer will request a motion to close the public hearing or to continue the public hearing to a date and time certain.

1001.7 Once the public hearing is closed, the City Council addresses the subject matter through deliberation. The Council may ask questions of the staff and City Attorney, or applicant of subject matter. Council Members should refrain from calling upon a member of the public.

1001.8 Once deliberations are complete, the presiding officer requests a motion on the matter at hand.

SECTION 1100: COMMITTEE/TASK FORCE/STRUCTURE

1101: TASK FORCES: To balance effective administration with the public interest, the Council may from time to time establish task forces by designating two (2) Council Members to consider a specific issue.

1101.1 Council Members will be appointed to the task forces on an annual basis. Task forces established by the Council are generally established to deal with single transactions or projects as they arise.

1101.2 The responsibilities of the task force are limited to gathering information and making recommendations to the City Council or City staff. A task force has no authority to filter information or make decisions on behalf of the City Council.

1101.3 Examples of task forces of the City Council include:

- Bylaws & Compensation
- City Administrator Evaluation
- Government Center Building

1102: ADVISORY COMMITTEES. The City Council may establish advisory committees to monitor significant issues in the community of on-going concern.

1102.1 Advisory committees are composed of citizen volunteers appointed by the City Council, or a combination of citizen volunteers, appointed City Council Members, and City staff.

1102.2 Advisory committees are limited to making recommendations to the City Council or City staff and have no authority to make decisions on behalf of the City Council. Advisory committees may meet with the City Council in a public workshop to discuss goals and objectives, mutual concerns or questions and other business as appropriate.

1102.3 Advisory committees may include, for example:

- Planning Commission. (The Planning Commission has been established by statutory authority and the structural composition and Commission rules are set forth in the City Ordinances.)

1102.4 An advisory committee's Bylaws reflect any unique circumstances applicable to the committee. Amendments to an advisory committee's bylaws are recommended by the advisory committee for approval by the City Council. Amendments shall not take effect until thirty (30) days after their passage.

1102.5 Annually, the City Council shall appoint at least one council member to serve as a liaison to the Advisory Committees identified in this subsection. The role of the liaison is to act as a conduit and resource for information by and between the Council and the Planning Commission or Committee. The liaison shall make periodic reports to the Council on the activities of the Planning Commission or committee. The liaison shall not be a member of the Commission or Committee, shall participate in discussion only to the extent requested by the Commission or Committee and shall not be a voting member of the Commission or Committee.

1102.6 A liaison may always testify or submit comments at a public hearing in their capacity as a private citizen as long as they make clear at the beginning of their testimony or in their written comments that they are speaking on their own behalf and not on behalf of the Council.

1102.7 A list of the Council advisory committees and members shall be maintained on

the City Website.

1103: VACANCIES FOR ADVISORY COMMITTEES: When the term of an individual serving on an Advisory Committee identified above expires, the individual may apply to be reappointed if they have not exceeded their term limits and they have met or exceeded the performance standards. An individual seeking reappointment or an individual seeking to be newly appointed by the Council must follow the steps set forth below for filling a vacancy. A vacant position shall be filled following the procedures set forth below:

1103.1 Applications are solicited. A notice of the vacancy is made public and individuals may be encouraged to consider the position. The notice shall state the deadline for submitting applications.

1103.2 Screening Committee. The City Administrator or designee, the City Council liaison, and two members of the committee shall serve as the Screening Committee. An individual subject to re-appointment may not sit on the screening committee.

1103.3 The Screening Committee shall screen all candidates who have applied for appointment or reappointment and make a recommendation to the City Council. The recommendation of the Screening Committee will be presented to the City Council. The Council may accept or reject the recommendation. If the recommendation is rejected, the City Council may appoint another individual or reopen the application period and invite new candidates to apply.

1104: CITY COUNCIL APPOINTMENTS AND ROLES ON OTHER COMMITTEES OR AUTHORITIES: There are certain authorities, committees and commissions not under the City Council's direct control that a council member is appointed to and serves as a representative of the Credit River City Council. These appointments should be distinguished from appointments to serve as a Council liaison to the Planning Commission or a committee. A council member appointed to serve as a member of such a committee, commission or authority shall provide the City Council with periodic reports on the activities of the committee, commission or authority and, unless provided with specific direction, exercise their judgment on how frequently to report to the full Council.

1104.1 Annually, the City Council shall appoint Council Members to serve on these external authorities, committees and commissions as deemed appropriate. Council Members shall receive payment for attendance at these meetings as set forth in the City Code.

1104.2 The authority, committee or commission shall determine if the appointed council member is a full participating and voting member or is a liaison with no voting authority.

1104.3 Examples of these types of authorities, committees or commissions include:

- SCALE
- Liaisons with county, surrounding communities, utilities

- Committees of the League of Minnesota Cities, Metro Cities, or National League of Cities

1104.4 Council Members are encouraged to become more involved in the authorities, committees, or commissions to which they are appointed by joining governing bodies and attending subcommittee meetings. However, unless the Council Member is appointed as a liaison or committee member, Council Members attending such meetings shall act as representatives of the Council but will not be eligible for per meeting payment as such activity is considered part of the Council member's salary.

1104.5 Council Members are also encouraged to become more involved in other groups beneficial to the City. However, such involvement will be as a private citizen unless City Council authorization is obtained to be a Council representative at the meetings in question.

SECTION 1200: SUSPENSION OF RULES

1201: The City Council may vote to suspend the rules set forth herein. The rules may be suspended for a specific meeting only upon a motion, second, debate, and a four-fifths (4/5) vote of the members of the Council unless otherwise provided by these bylaws, State Statute or City Code.

SECTION 1300: TRAVEL & REIMBURSEMENT FOR EXPENSES

1301: The City of Credit River recognizes the need for and value in attending workshops, conferences, public and private events, and meetings in the conduct of City business. Such events may take place in the Minneapolis-St. Paul metropolitan area, in out-state Minnesota, or out-of-state. The purpose of this section is to set forth the guidelines for participating in such events, as well as reimbursement of expenses incurred as a result of attendance.

1302: GENERAL CONDITIONS:

1302.1 All expenses incurred by a Council Member in connection with fulfilling their duties to the City shall be reimbursable. Reimbursement of such expenses shall be in accordance with these City Council Bylaws and state statute.

1302.2 Attendance at and reimbursement for events, workshops, conferences or meetings within the Minneapolis-St. Paul metropolitan area and Greater Minnesota do not require advance approval by the City Council as long as the costs for attendance are within the approved City Council budget.

1302.3 Attendance at and the traveling budgets for events, workshops, conferences or meetings conducted out-of-state, or not within the approved City Council budget, must be authorized in advance by the City Council at an open meeting.

1302.4 In evaluating travel requests for approval, the purpose for attendance must meet one of the following criteria:

- The elected official will be receiving training on issues relevant to the City or to his/her role as the Mayor or as a Council member.
- The elected official will be meeting and networking with other elected officials from around the country to exchange ideas on topics of relevance to the City or on the official roles of local elected officials.
- The elected official will be viewing a public facility or function that is similar in nature to one that is currently operating at, or under consideration by, the City where the purpose for the trip is to study the facility or function to bring back ideas for the consideration of the full Council.
- The elected official has been specifically assigned by the Council to testify on behalf of the City at the United States Congress or to otherwise meet with federal officials on behalf of the City.

1302.5 Council Members attending events at City expense are expected to provide the Council with a summary of the meeting.

1302.6 No reimbursements will be made for attendance at events sponsored by or affiliated with political parties.

1302.7 The City must have sufficient funding available in the budget to pay the traveling expenses for the event.

1302.8 The City may make payments in advance for airfare, lodging and registration if specifically approved by the Council. Otherwise, all payments will be made as reimbursements to the elected official.

1302.9 Reimbursement of expenses is intended to refund the actual costs incurred and must be in accordance with the provisions of section 1303 herein.

1303: REIMBURSEMENT REQUIREMENTS: The City will reimburse for transportation, lodging, meals, registrations and incidental costs if attendance at the event, conference, workshop, or meeting is authorized in accordance with the above General Conditions. A receipt must be submitted for reimbursement of all costs.

1303.1 Meals. Daily or event specific reimbursable meal costs are limited to \$20.00 per meal. In the case of out-of-state or overnight travel, reimbursable meal costs shall not exceed \$60.00 per day. Alcoholic beverages and meal expenses included in the cost of registration are not reimbursable expenses.

1303.2 Lodging. Reimbursable lodging costs for travel within the Midwest are limited to \$200 per night. For travel outside the Midwest, reimbursable lodging costs are limited to those that are reasonable and necessary, and as pre-approved by the City Council when authorizing the out-of-state travel budget.

1303.3 Mileage. Mileage will be reimbursed at the IRS rate. If two or more Council Members are traveling together by car, only the vehicle owner will receive

reimbursement. The City will reimburse for the cost of renting an automobile, if necessary, to conduct City business. City vehicles should be used for City Council business in lieu of rental when available.

1303.4 Tips. Tips paid as part of meal service shall not exceed 20% of the total bill and are reimbursable in addition to the cost limits set for reimbursable meals above. Tips and gratuities for services such as taxis are only reimbursable if a receipt is provided, and in no case should exceed 20% of the cost of the service. Tips for non-documented services, such as baggage handling or housekeeping, are reimbursable in an amount not to exceed \$10 per day.

1303.5 Airfare. Airfare shall be reimbursed at the coach rate. The elected official shall use the most cost-effective mode of travel taking into consideration reasonable time constraints.

1303.6 Non-Reimbursable Expenses. The City will not reimburse for personal telephone calls, rental of luxury vehicles, recreational expenses such as movies, golf, shows, or concerts, or the costs associated with the attendance of a family member or person unauthorized to attend the event on the City's behalf.

1304: EXCEPTIONS TO POLICY: Any exceptions to the bylaws relating to expenses and reimbursement must be approved by the City Council at an open meeting.

SECTION 1400: STATEMENT OF ETHICS

1401: POLICY STATEMENT: The City of Credit River recognizes our system of democratic representative government is dependent in large measure, upon people having trust and confidence in their public officials. The public rightfully expects governmental officials will conduct City of Credit River business in ways which benefit the public good generally and that public office will not be used chiefly or improperly to advance personal interests. The City Council of Credit River has pledged the goals of fair, efficient and honest government will be fostered and that it will strive for integrity and objectivity from all its officials.

1401.1 The City of Credit River finds that the proper operation of democratic representative government requires that:

- Elected and appointed officials be independent, impartial and responsible to the people;
- Governmental decisions and policy are made in the proper channels of the governmental structure;
- Public office and position not be used for personal gain; and
- The public have confidence in the integrity of its government.

1401.2 The City of Credit River shall adhere to the highest ethical standards that enhance the public trust in local government by:

- Creating transparency in its actions through honest and open communication;
- Basing decisions and adopting public policies based on what is in the best interest of the public and the overall community;
- Supporting the public's right to know the public's business; and
- Exercising fairness, optimism, responsiveness and respect in communicating with the public.
- Providing a forum and periodic training for public officials and employees to discuss organizational values that reflect high standards and current conditions and concerns.

1401.3 This Statement of Ethics shall be liberally construed in favor of protecting the public's interest in full disclosure of conflicts of interest and promoting ethical standards of conduct.

1402: CAMPAIGN FINANCE AND PUBLIC DISCLOSURE: Minnesota Statutes, Chapter 10A (adopted as the Ethics in Government Act) is incorporated herein by reference. This policy shall be construed and interpreted in consultation with the City Attorney according to Minnesota Statutes and case law.

1403: GIFTS AND FAVORS: No public official shall accept any gift, including but not limited to money, real or personal property, services, loans, mementos, food, beverages, or any other favor or thing, regardless of value, from any interested person except as follows:

1403.1 a contribution as defined in Minn. Stat. Section 10A.01, Subd. 11.

1403.2 services to assist an official in the performance of official duties, including but not limited to providing advice, consultation, information, and communication in connection with legislation, and services to constituents.

1403.3 services of insignificant monetary value.

1403.4 a plaque or similar memento recognizing individual services in a field of specialty or to a charitable cause.

1403.5 a trinket or memento costing \$5 or less.

1403.6 informational material of unexceptional value.

1403.7 food or a beverage given at a reception, meal, or meeting away from the recipient's place of work by an organization before whom the recipient appears to make a speech or answer questions as part of a program.

1403.8 received:

- (1) because of the recipient's membership in a group, a majority of whose members are not local officials, and an equivalent gift is given or offered to the other members of the group;

(2) by an interested person who is a member of the family of the recipient, unless the gift is given on behalf of someone who is not a member of that family; or

(3) by a national or multistate organization of governmental organizations or public officials, if a majority of the dues to the organization are paid from public funds, to attendees at a conference sponsored by that organization, if the gift is food or a beverage given at a reception or meal and an equivalent gift is given or offered to all other attendees.

1403.9 received in exchange goods or services of equal value.

1404: USE OF EQUIPMENT AND FACILITIES: No public official shall request or permit the unauthorized use of City-owned vehicles, equipment, materials, property, labor or services for personal convenience or profit.

1405: CONFLICT OF INTEREST: Except as authorized in Minn. Stat. 471.88, a public officer who is authorized to take part in any manner in making any sale, lease, or contract in official capacity shall not voluntarily have a personal financial interest in that sale, lease, or contract or personally benefit financially therefrom. (Minn. Stat. Section 471.87)

1406: A public official or local official elected to or appointed by a metropolitan governmental unit who in the discharge of official duties would be required to take an action or make a decision that would substantially affect the official's financial interests or those of an associated business, unless the effect on the official is no greater than on other members of the official's business classification, profession or occupation, must take the following action:

- Council Member shall orally inform the City Council of the potential conflict and abstain from any participation in that agenda item.

1407: The purpose behind the creation of a rule, which would disqualify public officials from participating in proceedings in a decision-making capacity when they have a direct conflict of interest in its outcome, is to ensure that their decision will not be an arbitrary reflection of their own selfish interests. There is no settled general rule as to whether such an interest will disqualify an official. Each case must be decided based on the particular facts present. Among the relevant factors that should be considered in making this determination are: (1) nature of the decision being made; (2) the nature of the pecuniary interest; (3) the number of officials making the decision who are interested; (4) the need, if any, to have interested persons make the decision; and (5) the other means available, if any, such as the opportunity for review, that serve to ensure that the officials will not act arbitrarily to further their selfish interests.

SECTION 1500: CITY COUNCIL RECOGNITION

1501: COMMENDATION AND CENSURE: To the extent allowed by law, the City Council desires to encourage appropriate behavior and discourage inappropriate behavior among its members. The City Council, as a body, may by motion and four-fifths (4/5) vote, commend or censure one of its own. If the act involves two members of the Council, a majority vote is required.

1501.1 Commendation: A member may receive public commendation for the exercise of positive leadership, community vision or other actions considered meritorious by the City Council.

1501.2 Censure: A member may receive a public reprimand for failure to conform to any provisions of these bylaws, state statute, misconduct at meetings, violating confidentiality or the attorney-client privilege, absenteeism, disloyalty, a violation of the standards of ethics or violating other value the City holds dear. The purpose of the censure is to reprimand a council member with the hope of reforming him or her so that he or she won't behave in the same way again.

A motion to censure is amendable, debatable, requires a 4/5 vote and cannot be reconsidered.

APPENDIX A: TYPES OF MOTIONS AND PROCEDURES

The following motions will be available for use by the members:

- 1. Main Motion:** An act to bring substantive proposals before the City Council for consideration and action. After the motion is stated and seconded, the subject of the motion may be deliberated and voted upon. Deliberation may take place by the Mayor, Council, staff or the general public as long as the procedures for citizen input are followed pursuant to these Bylaws.
- 2. Amend Main Motion:** A main motion that is being deliberated and has not been voted upon may be changed or modified by a motion, a second, deliberation and a subsequent vote. The only motion that may be amended is the main motion.
- 3. Postpone Definitely Motion:** A motion to put off consideration or discontinue discussion of any motion on the floor and that which established a definite time for the motion to be reconsidered. A motion to postpone requires a second, deliberation and a subsequent vote.
- 4. Vote Immediately Motion (Previous Question):** A motion to prevent or stop deliberation on a pending motion and to bring the pending motion to an immediate vote. A motion to the "Previous Question" requires a second and a two-thirds majority vote to pass, however, no discussion is allowed on the motion. Two votes are required when a Previous Question motion is seconded. The first vote is to close the debate (requires two thirds majority vote) and, if that passes, the second vote is then on the original motion being deliberated prior to the Previous Question being called. If the close the debate motion fails, then deliberation on the original motion continues.
- 5. Substitute Motion:** This is a motion that replaces the motion being considered with another motion on the same subject. A motion to substitute may be made for either a main motion or an amendment to a main motion. A substitute motion requires a motion and second. The Council then votes on the substitute motion and if that passes, the original motion dies. If the substitute motion fails, the deliberation on the original motion continues.
- 6. Withdraw a Motion:** Any member of the City Council who has made an allowable motion has the authority to remove the motion from consideration by the total body. If a member desires to remove a motion that has been seconded, but not yet voted upon, the member who has seconded the motion must consent to the request of the member to remove the motion from consideration. If the motion has not been seconded, the member may remove the motion from consideration by his/her own request.
- 7. Division of Motion:** A motion that is composed of two or more independent sections or ideas may be deliberated, considered and voted on separately. Each section or idea that is to be voted on separately must be acted upon through a separate motion, second,

discussion and subsequent vote. Any member of the City Council may request a motion to be divided into two or more individual motions.

- 8. Eligibility of Motion:** The presiding officer may rule on the eligibility of a motion that has been requested to be divided into two or more individual motions.
- 9. Privileged Motion:** These motions do not relate to pending business but have to do with special matters of immediate and overriding importance, which without any debate, shall be allowed to interrupt the consideration of anything else. These motions can be made at any time, even if another motion is being considered at the time, and they must be settled or voted upon immediately. Motions to adjourn the meeting or take a recess cannot interrupt a speaker, while a motion on a question of privilege or point of vote can interrupt a speaker. Privileged motions include:
 - **Raise a Question of Privilege:** Raising a question of privilege allows a member to make a request or motion related to the rights and privileges of the members or an individual members such as noise or temperature in the assembly room. The chair of the meeting rules on questions of privilege.
 - **Recess:** A motion to recess may be made by any member and if approved results in a short intermission and then resumption of business.
 - **Adjourn:** A motion to adjourn may be made by any member and if approved results in the adjournment of the meeting.
- 10. Incidental Motion:** These motions concern questions of procedure related to pending business. Incidental motions can be made by any member of the City Council and are taken up and decided immediately.
 - **Point of Order:** Whenever a member thinks that the rules of the City Council are being violated, he/she can make a Point of Order. Whenever a question of the order is called, the presiding officer shall make a ruling on whether the City Council rules have been violated. If a Point of Order is to be raised, it must be raised promptly at the time the violation occurs. This procedure does not require a second, is not debatable and can be used to interrupt a speaker.
 - **Appeal Decision of Chair:** The presiding officer will be called on to rule on questions of City Council procedure as set forth in these Bylaws. The decisions of the presiding officer may be appealed by the City Council. A statement of appeal constitutes a motion that, in turn, requires a second and the opportunity for discussion.
- 11. Motions that Bring a Question before the Council again:** These motions allow the Council to consider a question that has already been considered.
 - **Motion to Reconsider:** A motion to reconsider any action taken by the Council may be made at the meeting at which such action was taken or the regular meeting following. Such motion must be made by one of the prevailing sides but may be seconded by any member and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be

debatable. A motion for reconsideration requires only a majority vote regardless of the vote necessary to adopt the motion reconsidered.

- **Renew a Motion:** If a motion is defeated it can be reintroduced at a future meeting. The same or substantially same motion is introduced at a later meeting as new business.

Notwithstanding Robert's Rules of Order, a motion to "lay on the table" shall be debatable.