



CITY OF BIG LAKE, MINNESOTA

Big Lake City Council
BYLAWS

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**SECTION 100:
PURPOSE**

- 101: Purpose of the Big Lake City Council Bylaws (“Bylaws”) is to provide the members of the City Council with a set of operating procedures designed to guide them during the Council meetings, and to establish a code of ethics and conduct.
- 102: Amendments to adopted Bylaws - The Bylaws can be reviewed and amended at any meeting of the City Council. Any changes or amendments to the Bylaws requires a super majority vote of the Council.

**SECTION 200:
REGULAR, SPECIAL AND EMERGENCY MEETINGS, AND WORK SESSIONS**

- 201: Pursuant to the Minnesota Open Meeting Law, Section 13D, all meetings of the City Council, including regular, special, emergency, work sessions, and adjourned meetings shall be open to the public.
- 202: **REGULAR MEETINGS.** The Big Lake City Council regular meeting shall be held on the third Wednesday of each month commencing at 6:30 p.m. All regular meetings shall be held in the designated City Council Chambers.

An Open Forum shall be incorporated into the regular meeting agenda following the adoption of the agenda. The Open Forum will last no longer than 30 minutes. The purpose of the Forum is to afford the public an opportunity to address concerns to the Council. Public Hearing items to be considered on the agenda may not be addressed at the Open Forum. Open Forums are included as part of the regular meeting minutes and cablecast live.

When a regular meeting is projected to fall on an official holiday, the City Council shall reschedule the meeting for the following business day another day. The City Council may consult with the City Administrator to determine the amount of business pending and decide by majority vote to reschedule or cancel a meeting. The City Clerk or his/her designee shall post notice according to MN Statute 13D.04 (Notice of Meetings).

A City Council member shall inform the City Administrator when an absence is planned or pending prior to the meeting. The City Administrator shall inform the members of the City Council at the meeting that the member cannot be in attendance at the meeting.

- 203: **SPECIAL MEETINGS.** The Mayor or any two members of the Council may call a special meeting of the Council upon at least 72 hours’ written notice to each member of the Council pursuant to City Code Section 210.04, subd. 3. The Clerk shall provide written notice to each member of the City Council of the time, place and purpose of the meeting, at least three days in advance of the special meeting. Notice shall be posted at City Hall and on the City website, and notice to the public shall be given in accordance with state law.
- 204: **AGENDAS.** The agenda for a regular meeting shall be prepared by the City Administrator and shall be available the Friday before the Wednesday meeting, except in the event of a holiday

during agenda preparation week in which case the agenda will be available on Monday. The agenda shall include the items set forth under City Code Section 210.07 (Order of Business).

Copies of the agenda, supporting documentation and minutes from the previous meeting shall be made available to the public once the materials have been made available on the City Website. A copy of the agenda materials will be available in the Council Chambers for public inspection at the time of the meeting.

- 205: **EMERGENCY MEETINGS.** The Mayor or City Administrator may call an emergency meeting. Notice of the emergency meeting shall be pursuant to MN State Law 13D.04 (Notice of Meetings), subd. 3 (Emergency Meetings).
- 206: **WORK SESSIONS.** The Big Lake City Council Workshops shall be held on the third Wednesday of each month. Workshops will commence at 5:00 p.m. All Workshops shall be held in the designated City Council Chambers. The City Administrator may schedule other work sessions subject to Council approval. The purpose of the work session 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. The work session may be canceled at the discretion of the City Administrator.
- 207: **CITY COUNCIL OPEN FORUM.** A City Council "Open Forum" shall be part of each regular City Council meeting. No individual presentation shall exceed three (3) minutes. If more than three (3) persons desire to speak, the time allotted for each presentation shall be reduced equally to stay within the time limit. To be recognized, individuals who desire to participate in the Open Forum shall use the sign-up sheet provided at the meeting.

The Open Forum is provided as an opportunity for residents, business owners and property owners of Big Lake to address the City Council on any subject that is of community interest, provides information required by the Council to complete its duties, or is provided by agencies representing citizens of Big Lake.

- 207.1 Every individual who addresses the Council at the Open Forum must first be recognized by the presiding officer and then shall state his/her name and address before beginning any comments.
- 207.2 Public Hearing items to be considered on the agenda may not be addressed during Open Forum.
- 207.3 No Council action may take place during the Open Forum. However, Councilmembers may express their views or reaction to a presentation and may ask questions of the presenter.
- 207.4 At the conclusion of the Open Forum, the Council may, by motion and majority vote, indicate its interest that the subject matter of an Open Forum presentation be placed on a subsequent City Council agenda.
- 207.5 If any Councilmember deems that the comments are not germane to issues within the purview of the City Council, the Councilmember may request the presiding officer to request the speaker to yield the podium. Further, any Councilmember may object to the request of the presiding officer to ask a speaker to yield the podium, in which case, the presiding officer shall put the matter to a vote of the Council.
- 207.6 Open Forums are included as part of the regular meeting minutes and cablecast live.

207.7 As the presiding officer, the Mayor shall have the authority to adjourn the public forum if there is a breach of decorum.

**SECTION 300:
ANNUAL MEETING**

301: The first regularly scheduled meeting in January shall be considered the annual meeting. Regular business may be conducted at this meeting and the following organizational business is required unless deferred by the Council for a specific reason.

At the first regular Council meeting in January of each year the Council shall:

- 301.1 Designate the depositories of City funds;
- 301.2 Designate the official newspaper;
- 301.3 Choose one of the Council Members as acting Mayor, who shall perform the duties of the Mayor during the disability or absence of the Mayor from the City or, in case of a vacancy in the office of Mayor, until a successor has been appointed and qualifies;
- 301.4 Appoint such officers and employees and such members of boards, commissions and committees as may be necessary;
- 301.5 Establish and appoint Council Members to such Council committees as are deemed appropriate for the efficient and orderly management of the City.

**SECTION 400:
MEETING AGENDA FORMAT AND CONSENT AGENDA**

401: **AGENDA.** Business of the meeting will be conducted according to the agenda prepared by the City Administrator. The City Administrator will prepare an agenda in accordance with that follows this order:

Each meeting of the Council shall convene at the time and place appointed for the meeting. Council business shall be conducted in the following order unless varied by the presiding officer:

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Open Forum
5. Proposed Agenda
6. Consent Agenda
7. Business

8. Administrator's Report

9. Mayor & Council Reports and Comments/Questions

10. Other

11. Closed Session (only if needed)

12. Adjourn

402: **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.

402.1 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.

402.2 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 Open Forum.

402.3 The City Administrator or their designee 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 11 p.m.

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

403: The presiding officer may call a recess at any time during a meeting and/or workshop. 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.

404: Unless waived by motion, second and majority vote, no agenda item shall be initiated after 11 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 the time specified in the approved motion to extend.

SECTION 500:

QUORUM AND VOTING PROCEDURES

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

502: The voting options available to the City Council when a vote has been initiated are: aye – an affirmative vote; nay - a negative vote; or an abstention from the vote. If a Council Member chooses not to state their vote, it shall be recorded as having voted in the affirmative.

503: **MN STATUTE 471.87 PUBLIC OFFICERS, INTEREST IN CONTRACT; PENALTY.**

Except as authorized in section 123B.195 or 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. Every public officer who violates this provision is guilty of a gross misdemeanor.

504: A public official 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 actions:

504.1 Advise the City Administrator of the potential conflict of interest as soon as possible, preferably before the meeting; and

504.2 If necessary, the City Administrator will review with the City Attorney, who shall determine whether a disqualifying conflict of interest exists.

504.3 Any Councilmember shall orally inform the City Council of the potential conflict and abstain from any participation in that agenda item.

505: 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 on the basis of 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 insure that the officials will not act arbitrarily to further their selfish interests.

506: When a vote is to be taken, the presiding officer shall first call for the ayes, then the nays. The votes of each member shall be recorded in the Minutes. If a member of the City Council is absent during a vote, the member's vote for the official Minutes shall read as "absent".

507: Three votes shall be necessary for approval of any ordinance unless a larger number is required by statute. A majority vote of a quorum is necessary for the approval of all general motions and resolutions.

508: When a question is put by the presiding officer, every member present shall vote; unless the Council, for special reason, shall excuse a member prior to the calling of the vote or a conflict of interest prohibits a member from voting. If a member abstains from voting based upon a conflict of interest, the Councilmember must advise the presiding officer of the nature of the conflict. A vote dealing with a special assessment that affects a Council member's property shall be considered a disqualifying interest. Otherwise, any Councilmember, who being present when his or her name is called fails to vote upon any then pending proposition, shall be recorded as having voted in the affirmative.

509: **VOTING PROCEDURE.** An agenda item shall be put before the City Council for its consideration and vote in the following manner:

- 509.1 The City Administrator or their designee introduces the agenda item and provides the City Council with a description of the item and the action requested of the Council.
- 509.2 The City Administrator or any Councilmember may call upon City staff to describe an agenda item or to provide additional information.
- 509.3 Discussion of the agenda item by the Council requires a motion and second to formally put the matter before the Council.
- 509.4 Councilmembers may, at this point, ask questions of staff, present their views and engage in a dialogue with other members of the Council.
- 509.5 After discussion concludes, the presiding officer shall call for a vote on the matter pending.

**SECTION 600:
MINUTES PREPARATION**

601: The City Clerk or his/her designee is responsible for the preparation of the minutes of the Meeting. All regular Council Meetings shall be audio and video recorded, and all workshops shall be audio recorded. The minutes of the meeting as approved by the City Council are the official record of the meeting, and shall be made available on the City Website for a minimum of one year after approval. The tape/video recordings are intended to supplement the minutes for the purpose of an "on the record review" in a judicial proceeding. The following requirement for "Minute" preparation shall be adhered to:

601.1 List the names of the City Council after their vote on each motion.

602: 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. Comments from members of the public must be recognized by the presider of the meeting to 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.

603: Approval of the minutes requires a motion, second and a majority vote of the members present at the meeting.

604: The City Clerk or their designee is responsible for the maintenance and filing of the Minutes.

604.1 Approved minutes shall be retained as a permanent record either in paper, or digital format, and shall be made available on the City's Website.

604.2 All audio and video tape recordings will be retained in accordance with the City's data retention schedule. Video and audio tapes shall be made available at City Hall during normal business hours.

**SECTION 700:
ROLES AT MEETINGS**

- 701: **OPEN MEETING LAW.** 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 Big Lake encourages citizen attendance. Public attendance at meetings of the Council helps to develop a more enlightened, interested and participatory citizenry.
- 702: Objections to recessing the regular meeting into Closed Session. Any individual desiring to object to the Council's adjournment into a closed session shall do so in the following manner. This process is included in the bylaws to give individuals or organizations standing, without disruption of any regular meeting. Any comments made at a meeting that are ruled out of order by the presiding officer shall not appear in the minutes.
- 702.1 The objection shall be made in writing providing the basis or legal authority for the objection, together with the name, address and phone number of the objector.
- 702.2 The written objection must be tendered to the City Administrator within one business day of the alleged violation.
- 703: Any Councilmember may recognize a member of the public for the purpose of asking question(s) relating to the matter under consideration by the Council. Members of the City Council must use judgment and discretion when recognizing members of the public to answer a question during the time they have the floor.
- 704: Members of the Council may also ask questions of Staff in order to clarify their understanding of the relevant information necessary to make an informed judgment. In preparation for Council meetings, Councilmembers should consider contacting the City Administrator, in sufficient time prior to the meeting, to advise the question they intend to ask in order for the City Administrator to attempt to bring the additional information to the Council meeting.
- 705: Members of the general public, interested parties or their authorized representatives may address the City Council by written communications in regard to matters under discussion. Written communications may be read aloud at the meeting at the discretion of the presiding officer, if so requested by the author or a member of the City Council. In any case, the written communication shall become part of the record. The communication(s) may be read by the presiding officer or his/her designee. If the communication is lengthy, the presiding officer may summarize the content and advise that the full text of the communication will be part of the record and available to the public for review.
- 706: The presiding officer has the same voting powers as Councilmembers. The presiding officer may vote whenever a vote is taken 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.
- 707: The Mayor shall be the presiding officer at all meetings. If the Mayor is absent, the Acting Mayor shall preside at the meeting. If in the event 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 Councilmembers.

- 708: The presiding officer has two unique powers: (1) interpreting and applying the rules of procedure; and (2) recognizing speakers from the audience.
- 709: The presiding officer is responsible for maintaining order at the meetings.
- 710: The presiding officer shall recognize all speakers from the audience, except when a member of the Council has the floor and they expressly recognize a member of the audience to answer questions relating to the issue under consideration.
- 711: The presiding officer has the responsibility to facilitate discussion by the City Council. This may occur in a variety of ways, including:
- 711.1 Interpret and apply rules of procedure.
 - 711.2 Decide whether motions are properly made.
 - 711.3 Decide whether motions are in order.
 - 711.4 Decide whether questions of special privilege should be granted.
 - 711.5 Decide when to recognize speakers.
 - 711.6 Call for motions or recommend motions.
 - 711.7 Expel disorderly persons from the meeting.
 - 711.8 Enforce speaking procedures.
- 712: One member of the Council shall serve as Acting Mayor, appointed by the Council at the Annual Meeting. The Acting Mayor shall preside at all meetings when the Mayor is absent from the meeting assuming responsibilities as set forth above. In the absence from the City or disability of the Mayor, or where the Mayor is known to be unreachable and there is an urgency to executing a document, the Acting Mayor may execute documents on behalf of the City.
- 713: All members of the City Council may make and second motions, participate in discussions and vote whenever a vote is taken.
- 714: As individuals, Councilmembers have no administrative authority. When acting as a Council, however, the legislative body has authority over the appointed City Administrator.
- 715: 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 shall serve as the City Administrator's representative at the meeting.
- 716: Department Heads may attend all meetings. Department Heads shall attend the meetings when directed by the City Administrator.
- 717: 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 and the public, on the subject matter under discussion. 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 800:
MOTIONS, RESOLUTIONS, ORDINANCES**

- 801: 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 below. All votes of the City Council in any of the three methods require a majority vote for approval unless otherwise specified in Appendix A, or prescribed by statute.
- 802: **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. It also can be used in the form of a proposal so that the City Council can act by resolution or by ordinance. 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 providing direction to staff.
- 803: Every motion shall be stated in full and be reasonably understood, to the extent practical, before it is submitted to a vote by the presiding officer.
- 804: **RESOLUTIONS.** Resolutions are normally used to reflect the City Council position on items of business that do not require or warrant an ordinance. Resolutions must be enacted on a motion, which has been duly seconded, and received majority vote. The City Clerk or his/her designee shall maintain a permanent record of all resolutions and will be responsible for the proper numbering and execution of each resolution adopted by the City Council.
- 805: **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 must be enacted upon a motion and a second and must receive at least a simple majority vote, unless a larger vote is required by State law.
- 806: 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. The Council, by resolution, must approve and authorize the proposed summary. Proof of publication shall be attached to and filed with every ordinance.
- 807: The ordinance format shall include: title; number; enacting clause; the contents or body; the penalty; the closing; the attestation, reference to publication and the effective date. The City Clerk or his/her designee shall maintain a permanent record of all ordinances, and shall be responsible for the Big Lake City Code and codification services.
- 808: These Bylaws shall govern the procedures of the Big Lake 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 or promptly thereafter a member of the Council raises a parliamentary objection

and advises the Council of the particular rule which was not observed.

**SECTION 900:
PUBLIC HEARING FORMAT**

901: **PUBLIC HEARINGS.** Public Hearings shall be conducted in the following manner:

- 901.1 The presiding officer announces the public hearing.
- 901.2 From a practical standpoint, not all hearings can be opened at their designated time. The presiding officer may delay the start of a hearing until the business at hand is acted upon, in any manner, by the City Council. In no circumstance can a hearing be opened prior to the predetermined and published time.
- 901.3 Staff and/or a consultant make a presentation or report on the subject matter for the hearing.
- 901.4 The presiding officer asks City Council members if they have questions of the staff or consultant.
- 901.5 The presiding officer announces that the public hearing is open.
- 901.6 The presiding officer asks for citizen input, comments and questions.
- 901.7 After all persons have been heard, the presiding officer shall close the public hearing, noting the time. Once the hearing has been closed, no further public comment should be taken as part of the official record. Prior to closing the public hearing, the presiding officer may request the Council continue a public hearing, if necessary. If the City Council votes to continue the hearing, the presiding officer, in consultation with the City Administrator and City Council, shall select and announce a time and date for the continued public hearing. No additional publication or notice requirements are needed if a hearing is continued to a later date. However, no public hearing may be continued more than once without re-notice and publishing the time, date and location of the hearing.
- 901.8 The City Council addresses the subject matter through deliberation, questions to citizens and Staff, and reactions and statement of position on the subject.
- 901.9 If the public hearing is closed, the City Council may take action on the subject matter.

**SECTION 1000:
COMMITTEE STRUCTURE**

1001: **TYPES OF COMMITTEES**

- 1001.1 **Special City Council Subcommittee.** The Council may from time to time establish special Council subcommittees by designating one or two members to a specific issue. Special committees appointed by the Council are generally established to deal with a single transaction or project. The membership of the committee does not extend beyond the City Council members and staff liaisons. The work of a special subcommittee should be limited to special policy problems. The committee shall make recommendations to the Council, but may not make decisions on behalf of the Council. The Council's final decision, not the committee's recommendation, binds the City. A special City Council subcommittee will be required to provide status reports to the Council as requested.

1001.2 **Research Work Groups.** The City Council may establish from time to time temporary research work groups to study, research, analyze and make recommendations to the Council on a particular issue or subject matter. The work groups shall consist of as many members, and perform such duties, as the City Council may require. Generally, members of the work groups include up to two Council members, City staff, and members of the public. Work groups may only exercise those duties assigned to them by the City Council (conduct investigations, make reports on facts, interview individuals, gather information and/or public input). The work groups may not make decisions delegated to the City Council by statutory authority. Work groups will be required to make periodic reports to the City Council on their progress. Work groups shall be established by the City Council by motion, resolution or ordinance.

1001.3 **Advisory Authorities.** The City Council may also establish advisory authorities to monitor significant issues in the community of on-going concern. Advisory Authorities shall adopt bylaws to govern the conduct of the Authority. Advisory Authorities are composed of citizen volunteers appointed by the City Council, or a combination of citizen volunteers and City Council members. The number of members and terms of appointment are set by the individual Advisory Authorities through their bylaws. Bylaws shall be forwarded to the City Council for its approval or amendment at its first meeting of each year. After the Council adopts an Advisory Authorities bylaws, the City Council on its own initiative may adopt further changes to an Advisory Authorities bylaws at any time; however, such amendments shall not take effect until sixty (60) days after their passage. At any time during the year, the Advisory Board can propose amendments to its bylaws. The Council shall act on the proposed amendment.

Advisory Authorities shall meet annually with the City Council in a workshop to discuss goals and objectives, mutual concerns or questions and other business as appropriate. Meetings between the Council and advisory authorities may occur on a more frequent basis if needed. Advisory authorities must also report at least annually to the City Council. Current Advisory authorities include:

- The Big Lake Planning Commission. The Planning Commission has been established by statutory authority and the structural composition and Commission rules are set forth in the City Code.
- The Big Lake Park Advisory Committee.
- The Big Lake Economic Development Authority.

1002: **CITY COUNCIL LIAISONS TO CERTAIN COMMITTEES.** Annually, the City Council shall appoint a City Councilmember(s) to be liaisons for certain Committees.

1003: **COMMITTEE VACANCIES.** Citizen Vacancies in the City Council's Committees shall be filled in the following manner:

1003.1 Applications are solicited. A Notice of the vacancy is made public and individuals may be encouraged to consider the position.

1003.2 The appointed Interview Committee shall interview all candidates and make a recommendation to the City Council. No person will sit on any advisory authority, work group or committee charged with the selection of the successor for that person.

1003.3 The recommendation of the interview panel shall be presented to the City Council, and the Council may accept or reject the recommendation. If the recommendation is rejected, the City Council shall appoint another individual or decide to reopen the vacancy to the public for new candidates.

1004: **CITY COUNCIL ROLE ON OTHER COMMITTEES OR AUTHORITIES.** There are certain authorities, committees and commissions where a Council member is appointed and serves as a representative of the Big Lake City Council. A Councilmember appointed to serve on a committee, commission or authority shall provide the City Council with periodic reports on the activities of the committee, commission or authority. The Councilmember shall exercise judgment as to whether more frequent reporting is necessary.

**SECTION 1100:
SUSPENSION OF RULES**

1101: Such other rules that the City Council deems appropriate may be enacted. All matters of procedure not specified herein shall be governed by the City Code, State Statutes, or Federal Laws, whichever is applicable to the procedure in question. The rules herein may be suspended upon a motion, second and debate, and a 4/5 (80%) vote of the members for a specific meeting only.

**SECTION 1200:
TRAVEL & REIMBURSEMENT FOR EXPENSES**

The City of Big Lake recognizes the need for and value in attending workshops, conferences, public and private events, and meetings in the conduct of City business. 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.

1201: **GENERAL CONDITIONS**

1201.1 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, City Code, the City's Financial Policy, and state statute.

1201.2 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 city 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.
- 1201.3 Council members attending events at City expense are expected to provide the Council with a summary of the meeting.
- 1201.4 No reimbursements will be made for attendance at events sponsored by or affiliated with political parties.
- 1201.5 The City must have sufficient funding available in the budget to pay the traveling expenses for the event.
- 1201.6 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.
- 1201.7 Reimbursement of expenses are intended to refund the actual costs incurred and must be in accordance with the provisions of section 1202 herein.
- 1202: **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 Guidelines. A receipt must be submitted for reimbursement of all costs.
- 1202.1 All City Council reimbursements must adhere to the Travel and Training Section of the City of Big Lake Financial Policy.
- 1202.2 The City Council recognizes that public funds may only be spent if the expenditure meets a public purpose and the expenditure relates to the governmental purpose for which the City was created. The meaning of “public purpose” is constantly evolving. The Minnesota Supreme Court has followed a broad approach and has generally concluded that “public purpose” means an activity that meets ALL of the following standards:
- The activity will primarily benefit the community as a body.
 - The activity is directly related to functions of government.
 - The activity does not have as its primary objective the benefit of a private interest whether profit or not-for profit.

**SECTION 1300:
CODE OF ETHICS AND CONDUCT**

- 1301: **DECLARATION OF POLICY.** The proper operation of democratic government requires that the public has confidence in the integrity of its government. In recognition of this goal, there is hereby established a Code of Ethics and Conduct for public officials. The purpose of this Code is to establish ethical standards of conduct for all such officials by setting forth those acts or actions that are incompatible with the best interests of the City, and by directing disclosure by such officials of private, financial or other interest in matters affecting the City. The provisions and purpose of this Code and such rules and regulations as may be established are hereby declared to be in the best interests of the City.

- 1302: **ETHICS IN GOVERNMENT.** Minnesota Statutes, Chapter 10A, Campaign Finance and Public Disclosure, 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.
- 1303: **GIFTS AND FAVORS.** No public official shall accept any valuable gift, favor or thing of value, regardless of amount whether in the form of money, service, loan, thing or promise from any person which to the official's knowledge is concerned, directly or indirectly in any manner whatsoever in business dealings with the City.
- 1304: **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.
- 1305: **CONFLICT OF INTEREST.** Refer to Section 503 through 505.

**SECTION 1400:
CITY COUNCIL RECOGNITION**

- 1401: **COMMENDATION AND CENSURE.** To the extent allowed by law, the City Council desires to encourage appropriate behavior and discourage inappropriate behavior among its members.
- 1401.1 **Commendation:** A member may receive public commendation for the exercise of positive leadership, community vision or other actions considered meritorious by the City Council.
- 1401.2 **Censure:** A member may receive a public admonishment for failure to conform with any provisions of these bylaws, state statute, violation of confidentiality or attorney-client privilege, or other acts considered to merit reprimand by the City Council. The City Council, as a body, may by motion and a 4/5ths vote, commend or censure one of its own. If the act involves two members of the Council, a majority vote is required.

**SECTION 1500:
CITY COUNCIL/STAFF RELATIONS**

1501: **PURPOSE**

The purpose of this policy is to set forth the basic regulations regarding the various contacts and working relationships of the members of the City Council and those employees under the direction of the City Administrator.

1502: **GENERAL**

The City of Big Lake operates under the Council-Administrator form of government. Under this form of local government, citizens elect the City Council, which is responsible for making basic policy decisions for the community. The Council employs a City Administrator who provides administrative leadership for carrying out the policy formulated by the City Council.

The success enjoyed by the Council-Administrator form of local government is in large measure a result of a clear recognition on the part of all officials concerned that the legislative and administrative branches of government must operate within their respective spheres of responsibility to preserve the orderly process of governmental activity.

1503: **COMMUNICATIONS WITH COUNCIL MEMBERS**

1503.1 The City Administrator is responsible for implementing the legislative and policy decisions of the City Council. The City Council issues all orders and directives through the City Administrator because he/she is responsible for the day-to-day operation of the City government.

1503.2 On occasion, a Council member, in his or her desire to serve the people of Big Lake whose interest he or she is elected to voice, may handle a problem or inquiry less formally, perhaps even making a suggestion directly to a division or department director. In such an instance, if the matter can be handled in conformance with existing Council and administrative policy, it should be resolved as the priority of the problem dictates. However, if the requested or suggested action raises any policy or procedural questions, or if the proposed action is inconsistent with any previously adopted Council policies or actions, the staff member should bring the matter to the attention of the City Administrator.

1503.3 Requests from a Council member for information or to respond to maintenance problems, ordinance enforcement difficulties, etc., shall be courteously responded to as soon as possible.

1503.4 The members of the City Council, the City Administrator and all City employees have a responsibility to maintain the sometimes-delicate balance of relationships essential to the proper functioning of the Council-Administrator form of government. The role of staff in maintaining this proper relationship is as important as the role of elected officials. Those in administrative positions have a responsibility to make recommendations on policy decisions, but such recommendations should be made only through their immediate superiors. Suggestions and recommendations from those in administrative positions should always be made through the proper channels.

1503.5 On items before the City Council of a complex or controversial nature, the staff should in all instances attempt to formulate a group consensus and ultimately a staff position or recommendation. Once this position or recommendation is established, individual staff members should support the position as is necessary to present a unified approach to the situation.

1503.6 All communications with Council are reported to the City Administrator. If staff needs to contact Council or a Councilmember, the City Administrator is also to be advised. Not to keep the two groups from communicating, but so the City Administrator is advised should anyone on Council or the media contact him/her to discuss the topic of communication.

1503.7 Department heads are required to attend Council meetings when they have proposed items which are on the council's agenda. If a department head is unable to attend a meeting when required, he/she should request the City Administrator's permission to send a representative. Other city employees are to participate in discussion of official city business at council meetings only when and if questions are directed to them. When attending these "required" meetings, the department head (or representative) should be fully informed of all facts and be prepared to discuss in detail the subject under consideration.

1503.8 City employees are not to bring any matters before the Council that are not on the agenda. They should not initiate any discussion before the council unless a councilmember or the City Administrator so requests. Any city employee may appear before the council as a taxpayer and a resident of Big Lake at Open Forum. All employment issues must follow the city's chain of command and applicable policies. The City Council or their Commissions/Committees will not review or discuss anonymous correspondence.

1504 ELECTED OFFICIALS IN-COMING MAIL/CORRESPONDANCE PROCEDURE

1504.1 Upon receipt at City Hall of incoming mail and/or correspondence addressed to an elected official, the item will be opened and date stamped by designated city staff. Mail will then be provided to the City Clerk's office for review of content to determine if the item should be placed on an upcoming Council Agenda, or requires immediate attention. To ensure compliance with the Data Practices Act, the City Clerk's office will then make copies for filing before distributing the item to the elected official's city hall mailbox.

APPENDIX A: TYPES OF MOTIONS AND PROCEDURES

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 Section 7.B of 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 definitely requires a second, deliberation and a subsequent vote.
4. **Vote Immediately Motion.** 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:

- **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.
- **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 side, 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.

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

Situations where statutes require extraordinary votes.

Several statutes require more than a simple majority to take certain kinds of actions. The following are some examples:

- Adoption or amendment of zoning ordinances that change existing zoning from residential to commercial or industrial. [Minn. Stat. § 462.357, subd. 2]
- Adoption or amendment of comprehensive plans. [Minn. Stat. § 462.355, subd. 3.]
- Abolishment of a planning agency. [Minn. Stat. § 462.354, subd. 1.]
- Some capital improvements and acquisition or disposal of real property if the city has a comprehensive plan. [Minn. Stat. § 462.356, subd. 2.]
- **Contracts that are allowed even though one of the officers has a personal financial interest.** Generally, a councilmember may not have a financial interest in a city contract. However, the statutes allow certain exceptions to this rule. If such a contract is permitted under an exception, the statute requires that it be approved by unanimous vote of the council. In some cases, the interested officer must abstain from voting, but it is probably advisable for him or her to refrain from participating in the discussion and voting, regardless of whether the statute specifically requires it. [Minn. Stat. § 471.88.]
- Some local improvements that will be paid for with special assessments. [Minn. Stat. § 429.031, subds. 1(f), 2.]
- Some types of charter amendments. [Minn. Stat. § 410.12, subds. 6, 7]
- Summary publication of ordinances in statutory cities. [Minn. Stat. § 412.191, subd. 4.]
- Abolishing or changing the size of a statutory city park board. [Minn. Stat. § 412.501.]
- Some street vacations. [Minn. Stat. § 412.851.]
- Abolishment of a hospital board. [Minn. Stat. § 412.221, subd. 16.]

APPENDIX B: ELECTED OFFICIALS' DUTIES & RESPONSIBILITIES

The following criteria is identified by the League of MN Cities to help guide elected officials in their duties/responsibilities/roles:

1. **Duties and Responsibilities.** It is the duty of the Mayor, City Council Members, and the City Administrator to ensure the City fulfills its duties under the law and lawfully exercises its powers.

City Officials can sometimes be held personally liable for failing to act or for taking unauthorized actions on the part of the City. To avoid personal-liability lawsuits, City Officials should gain a working knowledge of the laws that regulate City government. Whenever there is any doubt about the validity of an action or procedure, City Officials should consult their City Attorney.

2. **Role of the Individual Council Member.** Council Members' statutory duties are to be performed, almost without exception, by the Council as a whole. For example, the Council, not individual members, must supervise administrative officers, formulate policies, and exercise City powers.

Council Members should devote their official time to problems of basic policy and act as liaisons between the City and the general public. Council Members should be concerned, not only with the conduct of daily affairs, but also with the future development of the City.

The most important single responsibility of a Council Member is participation at Council Meetings. In Statutory cities, each Council Member, including the Mayor, has full authority to make and second motions, participate in discussions, and vote on every matter before the Council.

In a Statutory City, any two Council Members of a five-member Council may call a Special Meeting. Care should be exercised to give proper notice.

3. **Role of the Mayor.** As the head of the City, the Mayor officially speaks for both the government and the community as a whole. In all Statutory cities and in most Charter cities, the Mayor is the presiding officer and a regular member of the Council. The Mayor has all the powers and duties for the office of Council Members in addition to those of Mayor.

In a home rule Charter City, the Charter spells out duties and responsibilities of the Mayor. Mayors of Statutory cities have the following roles:

- Official Head of the City of Big Lake
 - The Mayor usually serves as the City's representative before the Minnesota Legislature, federal agencies, and other local governments
 - The Mayor usually greets important visitors, gives formal and informal talks, and takes part in public events
 - The Mayor often exerts leadership in City affairs. Because the mayors of statutory cities lack significant authority, this responsibility frequently calls for tact rather than overt acts of direction or supervisory control

- The Mayor often performs ceremonial duties on behalf of the community and should be prepared to explain or defend City problems and programs
 - Executing official documents authorized by the full Council
 - Resolutions
 - Ordinances
 - Claims for Payment
 - Contracts
 - Power to make some appointments
 - Presiding Officer at Council Meetings
 - Weed Inspector
 - The City may also appoint assistant weed inspectors, who have the same power, authority, and responsibility of the Mayor in capacity of weed inspector duties
 - Election duties
 - Perform or delegate fire investigation duties as required by statute
 - Declaring local emergencies
4. **Role of the Council.** As individuals, Council Members have no administrative authority. They cannot give orders or otherwise supervise City employees unless specifically directed to do so by the full Council. The Council, however, has complete authority over all administrative affairs in the City. The Council, not individual members, must supervise administrative officers, formulate policies, and exercise City powers. The City Council has ultimate authority of the hiring and termination of all City employees.

The major areas of Council authority and responsibility are:

- Act as liaisons between the City and the public
- Judging the qualification and election of its own members
- Setting and interpreting rules governing its own proceedings
- Exercising all the powers of cities that the law does not delegate to others
- Legislating for the City
- Directing the enforcement of City Ordinances
- Appointing Administrative Personnel
- Transacting City business
- Managing the City's financial operations
- Appointing members of the Boards
- Conducting the City's Intergovernmental Affairs
- Protecting the welfare of the City and its inhabitants
- Providing community leadership