



Board/Commission Member Orientation Materials

January 2018

Thank you for your commitment and interest in serving on a City of Northfield board or commission. Your service is greatly appreciated. The orientation materials were assembled as a guideline for board/commission members. The City Council Rules of Business and Meeting Rules are attached to the materials. As noted in the document, insofar as practical, City boards and commissions shall be governed by these rules of procedure unless they adopt other rules of procedure which shall be approved by the Council. Staff liaisons will provide addition applicable documents such as ordinances, enabling resolutions and by laws.

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Appendices:

City Council Rules of Business and Meeting Rules
Applicable ordinances, enabling resolutions, and bylaws

1. Cities are a product of state statute

A. The state of Minnesota created laws that permit cities to exist. Therefore, cities must abide by state law.

- 1) Statutory Plan A cities have managers. *
- 2) Statutory Plan B cities have administrators.*
- 3) Charter cities, like Northfield, describe how the city functions without relying on a plan A or B model. The Charter cannot be in conflict with what state law permits.

* Many times the difference between a city manager and a city administrator form of government is difficult to differentiate.

Reference: MN Stat. Ch. 410 & 412

2. Agenda

A. Purpose of the agenda.

The agenda is how the board/commission does the business that it was appointed to do. Meetings are not designed to be town forums or public meetings on topics of interest or to gather input on topics that citizens may raise.

Agendas are created by staff liaisons and the board/commission chair unless otherwise specified in bylaws.

Typically, the staff liaison is looking 2 to 3 months out on major topics that require action or information for the board/commission.

3. Meeting Procedures

A. Quorum

- 1) A quorum of members must be present at the meeting in order to do business. See bylaws for further information.
- 2) If there is not a quorum, the Chair must state that there is no meeting and not discuss public business. Some informal information sharing might be acceptable, but it is important not to give the impression that any public business is being decided or discussed that might have been done at the public meeting.

B. Number of votes to make a decision

- 1) Simple majority is the typical rule. In most cases, a simple majority vote is required for the approval of any item of business.

C. Procedures at a Meeting

The Chair presides at meetings.

The best and most efficient meetings do not overtly rely heavily on parliamentary procedure to organize and manage them. But the underlying foundation of these principles is used throughout public meeting processes. See attached Council Rules of Business for additional information.

D. Motions

- 1) Steps in making a motion:
 - a) Obtain Floor; be Recognized by Chair
 - b) "I MOVE that..."; another member, "Second."
 - c) Chair Repeats Motion and asks for Debate
 - d) Debate pros and cons; make secondary motions
 - e) Chair repeats motion and takes Vote
 - f) Chair announces the Result of Vote
- 2) Motions should be:
 - a) 3 C's: Clear, Complete, Concise
 - b) Chair may request it to be in Writing
 - c) Only one topic at a time
- 3) Motion to "amend"
 - a) I MOVE TO AMEND BY...
 - b) ... Striking out ____
 - c) ... Inserting ____ between ____ and ____
 - d) ... Striking out ____ and Inserting ____
 - e) ... Adding (at the end)
 - f) ... Substituting
- 4) A **"motion to table"** is meant for temporary, brief postponements to a time later in the same meeting.
 - a) This motion is **not debatable**.
 - b) A motion to remove from the table is required to bring the matter up again.
 - c) If that happens, the matter comes up in the state it was when it was tabled (e.g., having been moved and seconded).
 - d) If it is not removed from the table at the same or the next session, it is dead.
- 5) A **motion to postpone to a definite time** is:
 - a) Debatable only as to whether postponement is appropriate.
 - b) The matter should be taken up when the council said it would, and it comes back in the state it was when it was postponed.
- 6) A **motion to postpone indefinitely**, if passed, kills the main motion.
 - a) It is **fully debatable** (the merits of the main motion may be debated).
 - b) If postponed indefinitely and then brought up again, the main motion must be moved and seconded again.
- 7) A motion to **"call the question"** (to end debate):
 - a) Is **not debatable**.
 - b) Requires a second and a 2/3 (5 of 7) vote to pass
 - c) May not interrupt speaker (only the presiding officer is permitted to interrupt the speaker)

4. The Record of the Meeting - The Minutes and the Recording

A. Minutes

The minutes of a public body are not a transcription of the proceedings of the meeting. (Courts transcribe; cities do not for public meetings). Some board/commission meetings are recorded. Meeting minutes are a recording of actions taken at the meeting. This approach avoids paraphrasing what it sounded like someone said at a public meeting only to find out it was misinterpreted some time later. The most defensible minutes are those that do not try to restate comments, but capture the action.

- 1) Minutes will include:
 - a) Time and place of the meeting
 - b) Members present
 - c) Summary of all decisions made
 - d) Who moved and seconded each item
 - e) Who voted for and against each item
 - f) Names of all persons other than members who spoke at the meeting, and subject on which they spoke
- 2) Where the basis or findings for a decision of the board/commission is legally important, it should appear in other records pertaining to the action such as in a motion or resolution.

5. Roles and Responsibilities

A. Role of Council

Authority of the City Council is different than the authority of a City Council Member

- 1) The Council acts as a whole (or by the required majority).
- 2) No individual member has any authority to act on behalf of the City.
- 3) Each member has a fiduciary obligation to the City.
- 4) While most City business is open and public, members should keep confidences such as information shared at lawfully closed sessions.

B. Boards and commissions

- 1) The City has 16 boards, commissions and task forces assigned to provide advice to the City Council on various topics as defined in ordinance for the boards and commissions. Like City Councilmembers, one member of a board or commission cannot represent the entire board or commission and cannot represent the City Council's position on a topic unless the City Council has deemed it appropriate.
- 2) It is important to keep the advisory board's responsibility to the City Council in perspective since it is desirable to have a board or commission recommend projects for council in its CIP process, but not become a lead lobbying group for a project or activity that the City Council cannot accomplish due to funding or timing.
- 3) Typically, boards and commissions, which are appointed by the City Council can operate in one of four ways based upon the type of activity.
 - a) Definitions of authority might include:
 - 1) Level 1: The sub-group is empowered to make decision and take action on its own. The sub-group tells the Council what it is doing.
 - 2) Level 2: The sub-group is empowered to lay out two or three decisions the Council might make and identify which decision the members of the sub-group prefer and why;
 - 3) Level 3: The sub-group generates options for the City Council to consider. There is no decision making power, only the responsibility to gather information and organize it so that the Council can consider options.
 - 4) Level 4: This is a brainstorming authority. This level is often used as a way to get many different inputs, ideas and suggestions about what to do.

C. Role of the Chair.

- 1) Be a Facilitator
- 2) Make it EASY for everyone to engage

- 3) Be Patient and Professional
- 4) Control the meeting process
- 5) Enforce the Rules fairly and consistently
- 6) Interrupt! Don't allow members to:
 - a) speak out of turn
 - b) question the motives or character of other members
 - c) drift off topic
- 7) If needed to let off steam, take a recess or "stand at ease"
- 8) Use an Agenda to keep on track
- 9) Always use time wisely
- 10) Start/end on time

D. Role of Members.

- 1) Attend all meetings; respond to meeting notices
- 2) Arrive on Time and Stay to the End
- 3) Be Prepared; do Homework
- 4) Participate
- 5) Follow the Rules

E. Role of Staff

The staff liaison acts as the staff to the board/commission and is ultimately responsible for the information going before the board/commission. The staff directly serves as staff liaison to boards and commissions by gathering information and helping accomplish the activities that are being recommended and approved. The board and commission members are quite active in providing advice, information and ideas, but ultimately it is the staff's responsibility to be sure that all the information is available that is needed and that the project, once approved, is moving forward.

6. Public Information (Or Data Practices)

A. Data.

- 1) The Minnesota Government Data Practices Act applies to **all data** collected, created, received, maintained or disseminated by the city, including all of its officers, employees and appointees.
- 2) Includes data you might not expect, like email communications regarding city business, whether on a work or home computer, and personal notes.
- 3) You are not required to retain such data in your personal possession, unless the data is necessary to a full and accurate knowledge of official activities.
- 4) If you retain it, it will be available to the public on request unless a state or federal law makes particular content non-public.

B. Classification of data as public or private.

All government data is **public data** unless a specific state or federal law says otherwise.

Government data should be stored at City Hall. However, even if it is stored off site such as in a file in an elected official's home, it is government data under the data practices act.

Any request for government data should be directed to the City Clerk. No one other than the City Clerk should release government data to the public unless it is entirely obvious that it is public data (such as agendas, minutes of open meetings, resolutions, ordinances, recorded documents, and such things).

7. The Open Meeting Law

A. The law on what is considered an open meeting:

- 1) Open Meetings. Most meetings of a quorum or more of the council, a committee of the council, or any board, commission or agency of the City, must be announced at least 3 days in advance and must be open to the public. When applicable, this rule applies whenever the body meets to discuss, decide or receive information as a group on issues relating to official business.
- 2) Serial Communications. The rule prohibits serial communications regarding City business which ultimately include a quorum or more via email, telephone or in person.
- 3) Electronic Communications. The serial communications rule may be violated, intentionally or unintentionally, by electronic messaging which is addressed, copied, forwarded or otherwise distributed to a quorum of members. Members should not communicate with each other about City business by electronic means unless the communication is certain not to be shared with a quorum of members. Members may communicate with a staff person and ask that other members be contacted by the staff person. Always use blind copy (Bcc) if sending an e-mail to an entire group for a one-way message.
- 4) Social functions or meetings that are not city meetings. A quorum of members may attend social events just like any other individual without posting the meeting as a public meeting. It is important that members not gather in a group of a quorum or more and discuss City business. Sitting adjacent to each other at a social event is not a violation of the open meeting law. Use common sense.

B. Violation of Open Meeting Law under Statute.

- 1) A member may be personally liable for a penalty up to \$300 for violation of the law.
- 2) A member may forfeit the right to continue to serve the city in any capacity for the length of one term of the current office, if the member has 3 violations.
- 3) The city may be ordered to pay up to \$13,000 of a complainant's costs and attorney fees.
- 4) The city includes open meeting law violations in its insurance. However, this does not cover those items that a councilmember would be personally liable for.

8. City of Northfield Ethics Policy Guidelines

A. Guidelines in the Northfield ethics ordinance

- 1) If a member has a business or financial or other personal interest, direct or indirect, including an interest arising from blood, adoptive or marriage relationships or close business or personal associations;
- 2) which is incompatible with the proper discharge of official duties in the public interest or which would tend to impair independence of judgment in the performance of official duties;
- 3) the member must disclose the interest and abstain from discussion and voting;
- 4) except the member may participate in discussion as a member of the public; abstention is not required if discussion and action by the member will not affect the member more than any other member of the same group, neighborhood, business classification, profession or occupation.

Reference: Northfield City Code Section 2-121 thru 2-128

9. State Conflict of Interest Law

- A. Under state law, subject to certain enumerated exceptions, members absolutely may not make a sale, lease or contract in which the member has a personal financial interest or benefit. **Any questions related to potential conflict of interest should be discussed with staff so that they can discuss with the City Attorney well in advance of any issues at a meeting.**
 - 1) Abstaining from the action does not “cure” this type of conflict of interest. A contract entered in violation of the statute is void and a member who violates the statute commits a gross misdemeanor.

Reference: MN Stat. 471.87, MN Stat. 412.311

10. Gift Laws

- A. A member may not accept a gift from an “interested person” (a person or entity which has a direct financial interest in a decision the member is authorized to make).
- B. A gift is money, real or personal property, a service, loan or forbearance, given without consideration of equal or greater value in return.
- C. There are limited exceptions to the rule for:
 - 1) Contributions of monetary value to a candidate or committee for a political purpose
 - 2) Services to assist an official in the performance of official duties
 - 3) Services of insignificant monetary value
 - 4) A plaque or similar memento recognizing individual services
 - 5) A trinket or memento of insignificant value
 - 6) Informational material of unexceptional value
 - 7) Food or beverage given at a reception, meal or meeting by an organization before whom the recipient appears to make a speech or answer questions as part of a program
 - 8) Gift given 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 other members of the group
 - 9) Gift given by a member of the family of the recipient on his or her own behalf
 - 10) Food or beverage given to attendees at a conference sponsored by a national or multi-state organization of governmental organizations or public officials, if a majority of the dues of the organization are paid from public funds

Reference: MN Stat. 471.895