

Council Code of Conduct

Adopted by Council: March 28, 2022

Purpose

The City Council of the City of Fairmont determines that a code of conduct for its members, as well as the members of the various boards and commissions of the City of Fairmont, is essential for the public affairs of the city. By eliminating conflicts of interest and providing standards for conduct in city matters, the City Council hopes to promote the faith and confidence of the citizens of Fairmont in their government and to encourage its citizens to serve on its council and commissions.

Standards of Conduct

1. No member of the City Council or a city board or commission may knowingly:
 - a. Violate the Open Meeting Law.
 - b. Participate in a matter that affects the person's financial interests or those of a business with which the person is associated, unless the effect on the person or business is no greater than on other members of the same business classification, profession, or occupation.
 - c. Use the person's public position to secure special privileges or exemptions for the person or for others.
 - d. Use the person's public position to solicit personal gifts or favors.
 - e. Use the person's public position for personal gain.
 - f. Except as specifically permitted pursuant to Minn. Stat. 471.895, accept or receive any gift of substance, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or any other form, under circumstances in which it could be reasonably expected to influence the person, the person's performance of official action, or be intended as a reward for the person's official action.
 - g. Disclose to the public or use for the person's or another person's personal gain, information that was gained by reason of the person's public position if the information was not public data or was discussed at a closed session of the City Council.
 - h. Disclose information that was received, discussed, or decided in conference with the city's legal counsel that is protected by the attorney-client privilege unless a majority of the City Council has authorized the disclosure.
 - i. Represent private interests before the City Council or any city committee, board, commission, or agency.
2. Except as prohibited by the provisions of Minn. Stat. § 471.87, there is no violation of subdivision 1 b. of this section for a matter that comes before the council, board, or commission if the member of the council, board, or commission publicly discloses the circumstances that would violate these standards and refrains from participating in the discussion and vote on the matter. Nothing herein shall be construed to prohibit a contract with a member of the City

Council under the circumstances described under Minn. Stat. § 471.88, if proper statutory procedures are followed.

Complaint - Hearing

1. Any person may file a written complaint with the city clerk alleging a violation of the standards of conduct. The complaint must contain supporting facts for the allegation.
2. The city council may hold a hearing after receiving the written complaint or upon the council's own volition. A hearing must be held only if the City Council determines:
 - a. Upon advice of the city attorney, designee, or other attorney appointed by the council, that the factual allegations state a sufficient claim of a violation of these standards or rise to the level of a legally recognized conflict of interest, and
 - b. That the complaint has been lodged in good faith and not for impermissible purposes such as delay.
3. The City Council's determination whether to hold a hearing must be made within 30 days of filing of the allegation with the city clerk. If the council determines that there is an adequate justification for holding a hearing, the hearing must be held within 30 days of the City Council's determination.
4. At the hearing, the person accused must have the opportunity to be heard. If, after the hearing, the council finds that a violation of a standard has occurred or does exist, the council may censure the person, refer the matter for criminal prosecution, request an official not to participate in a decision, or remove an appointed member of an advisory board or commission from office.

City of Fairmont
City Council
City Council Policies

Adopted by Council: _____

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I. Purpose

The purpose of this policy is to:

1. Adopt rules of procedure and provide for order at their meetings pursuant to City Charter section 3.03; and
2. Adopt standards of conduct for orderly and respectful communication between and among the Mayor, Councilmembers, City staff, and citizens to promote the efficient working of the City.

II. Guiding Principals

A. To ensure professional and respectful interactions between and amongst members of City Council and City staff, Councilmembers are expected to:

1. Practice professionalism by being respectful to all and by being prepared for and participating in City Council meetings.
2. Assume the best of intentions from each other and give the benefit-of-the-doubt that City Council members and City staff are motivated by the best interests of the City. When confronted with a problem, approach it with a mindset of goodwill—thinking the best of others as a first reaction to its discovery.
3. Foster civil dialogue, welcome diverse viewpoints, and engage others with transparency and mutual respect to strengthen the democratic process and serve the shared interests of the Fairmont community.
4. When there are disagreements, understand the importance of acknowledging that members of City Council and City staff are all working hard for what they think is best for the City and greater community. Offer constructive feedback when appropriate, and avoid sarcasm, personal attacks, or dismissive language.
5. Avoid gestures or expressions that convey disrespect, such as eye rolling or glaring.
6. Acknowledge the importance of discussions that are candid yet diplomatic and that uphold and respect the dignity of all.
7. Acknowledge the importance of respecting decisions made by the City Council's majority while retaining the right to have a differing opinion. Therefore, outside of official business, it is important to respect the decision made and to not undermine its implementation.
8. Demonstrate integrity, fairness, and respectful behavior that reflects positively on the City Council and the City.

9. Build trust through honest communication, ethical decision-making, and transparent actions.
10. Avoid behaviors that intimidate, manipulate, or silence dissent, as these undermine open dialogue, public trust, and the integrity of democratic governance.

III. Rules of Business

- A. Voting. The votes of the City Council will be taken by voice vote. The mayor shall announce the results of all votes of the City Council.
 1. Councilmembers may ask for a roll call vote for any item to be voted on by the City Council.
 2. The Mayor or City Clerk may ask for a verification roll call if the vote of a Councilmember is not clear on the voice vote or if the roll call vote is not unanimous.
 3. Whenever a matter is put forward for a vote, every Councilmember shall vote, unless a bona fide conflict of interest, as defined by state law, exists. If a conflict of interest exists, a Councilmember shall announce as early in the discussion as possible that they have a conflict and that they are abstaining from the vote and discussion on a matter.
 4. The mayor and Councilmembers have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole. In so doing, members should support the majority opinion of the City Council once a vote has been taken.
- B. Agenda. An agenda shall be prepared for all regular City Council meetings by the City Administrator.
 1. A Councilmember may request that a topic be placed on the agenda for cursory discussion, with the intent of seeking Council direction to formally consider the matter at a future meeting. To initiate this request, the Councilmember may complete a standard form or submit a brief summary via email to the City Clerk. The City Clerk may follow up for clarification if needed. Submissions must be received by 4:30 p.m. on the Monday preceding the meeting to be included in the draft agenda developed on Tuesday.
 2. Topics introduced in this manner are not intended for immediate decision-making, but rather to gauge interest from fellow Councilmembers in directing staff to research and return with the item at a future meeting. Staff time will not be allocated to individual Councilmember requests unless the Council votes to pursue further action.

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3. Notwithstanding the process for introducing topics for future consideration, a Councilmember may add an item directly to the agenda by motion, second, and majority vote.
 4. A Councilmember may move to remove an item from the agenda during its adoption. Approval requires a simple majority vote.
 5. An item previously discussed may not be reintroduced by a Councilmember for six (6) months unless significant new information is presented. A majority of Councilmembers may revisit any item at any time. Robert's Rules of Order shall govern the process for reconsideration.
 6. It is the goal to post and email agendas to Councilmembers on the Thursday prior to the meeting. If extenuating circumstances prevent timely distribution, the agenda will be posted and emailed on the following Friday.
 7. The City Administrator will contact each Councilmember on the Monday of the meeting week to assist with preparation. Councilmembers are encouraged to submit questions about agenda items by noon on Monday to support staff readiness. Additional questions may be asked during the meeting.
- C. Consent Agenda. The consent agenda is used to improve the efficiency of the meetings and allows the City Council to consider several items at one time. Only one motion is necessary to approve all items on the consent agenda.
1. The City Administrator, Mayor or any single Councilmember may request that an item be removed from the consent agenda. Upon such a request, the item shall be placed on the regular agenda for separate discussion and consideration.
- D. Public Comment and Participation During Council Meetings.
1. Public participation at City Council meetings. City Council meetings are the forum for the City Council to conduct the City's business. While City Council meetings are open to the public pursuant to the Minnesota Open Meeting Law, they are not a forum for public expression. As such, members of the public are not allowed to participate in City Council discussion and debate without a specific invitation and/or formal recognition by the Mayor. Members of the public shall not applaud, engage in conversation, or engage in other behavior through words or action that may disrupt the proceedings of the City Council.
 2. Public conduct at City Council meetings. Members of the public who do not follow Rules of Decorum or the direction of the Mayor will be warned that further disruptive conduct will result in removal from the meeting. After warning, if the conduct continues, the Mayor may ask the member of the public to leave the meeting room. If the member of the public refuses to follow the direction of the Mayor, the Mayor may direct the removal of the person through any lawful means or ask for a motion to recess the meeting. In emergency

situations, or where conduct is an egregious threat to the safety of the public or the City Council, a warning is not necessary before the removal may be directed.

3. Public Comment Period. Members of the public may provide public comment during the public comment section of the agenda. All public comments are subject to the Rules of Decorum and the following:

- i. Speakers are required to state their name and if they are a resident of Fairmont or a non-resident at the beginning of their comment.
- ii. Either before the meeting starts, or at the conclusion of their comments, speakers shall provide their name and address on the sheet provided at the City Clerk's desk.
- iii. Speakers are limited to three (3) minutes for comment.
- iv. When multiple speakers appear to speak on the same topic, comments should not be repetitive. The Mayor may request that the speakers appoint a spokesperson.
- v. When several members of the public appear to provide comment during a meeting, the Mayor may ask the City Council to limit the public comment period to no longer than 30 minutes to ensure the efficient operation of the City Council meeting. A decision to limit the public comment period must be approved by a majority vote of the City Council.
- vi. Speakers 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.
- vii. Speakers are required to follow the direction of the Mayor.
- viii. The City Council shall not be required to respond at the same meeting where an issue is initially raised by a member of the public. Matters raised by members of the public will generally be referred to staff for further research and possible report of action at a future City Council meeting.

E. Public Hearings. Public hearings are sometimes required by law to allow the public to offer input on City Council decisions. When public hearings are required by law, notice shall be provided as required by state statute. Public hearings shall commence at the time advertised in any notice required by law, or as soon thereafter as is practical.

1. General procedure for public hearings. The order of business for all public hearings conducted by the City Council shall be:

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- i. Mayor announces the purpose of the public hearing and opens the public hearing.
 - ii. Staff presents information on the public hearing.
 - iii. Developer/other presentation (if any).
 - iv. Public comments are received.
 - v. Written comments submitted prior to or during the meeting by interested persons shall be read.
 - vi. Motion and vote to close the public hearing.
 - vii. Mayor announces the public hearing is closed.
2. Interested persons who wish to address the City Council at a public hearing must follow the same rules as provided for public comment. However, the Mayor may allow additional time for speakers, as required, to comply with applicable state law.
 3. Speakers may also provide written comments to the City Council before or at the meeting. Written comments shall be read aloud by the City Clerk unless the reading is waived by the City Council. Anonymous, unsigned communications will not be read.
- F. Communications. In order to maintain a consistent, open, and mutually productive relationship between the City Council and City staff, a common communication protocol is needed. To further these objectives, and in compliance with the City Charter, communications should follow these guidelines.
1. The Mayor and Councilmembers shall direct all questions to the City Administrator or Department Head. (Director Public Works, Finance Director, Police Chief) The City Administrator shall be included in all communications.
 2. The City Council directs City staff and consultants only through the City Administrator, as determined by a majority vote of the City Council. Individual Councilmembers shall not direct city staff, nor the City Administrator.
 3. The Mayor and Councilmembers shall refer questions and concerns from citizens to the City Administrator. City staff should report back to the City Council on the resolution of the referral.
 4. If the Mayor or a Councilmember is utilizing an inordinate amount of staff time, the City Administrator may bring this to the attention of the City Council for resolution.

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3. No City Councilmember or member of the public shall engage in private conversation or pass private messages while in the chamber in a manner so as to interrupt the proceedings of the City Council.
4. In keeping with the intent of the Minnesota Open Meeting Law, the City Council shall not use any form of electronic communications technology, such as sending or receiving text messages or e-mail, to communicate with one another or third parties about the business of the meeting during a public meeting.
5. No person shall leave his or her seat or make any noise of disturbance while a vote is being taken and until the result of the vote is announced.
6. No person shall use profane or obscene words or unparliamentary language or use language that threatens harm or violence toward another person during a City Council meeting.
7. No person shall use dismissive body language (i.e. eye rolling, gestures, turning back to speaker, etc.)
8. No person shall speak on any subject other than the subject in debate.
9. No person shall ask rhetorical or leading questions during City Council question period. Questions of clarification should be succinct.
10. No person shall speak without being recognized by the chair; nor shall any person interrupt the speech of another person, except where permitted to raise a point of order.
11. No person shall engage in disorderly conduct that interferes with the effective orderly conduct of any meeting by failing to comply with these rules of decorum or otherwise disrupting or impeding the meeting, where the interference is solely caused by the conduct of the person and not the content of the person's expression. Prohibited conduct includes, but is not limited to, audible demonstrations of approval or disapproval; cheering or shouting; vulgar, profane, threatening, obscene, abusive, or disruptive conduct or unprotected speech; whistling, clapping, or stamping of feet.
12. No person shall hold, display, or place banners, signs, objects, or other materials in any way that endangers the safety of others, prevents the free flow of individuals within the meeting room or the ingress or egress from the meeting room or any emergency exits thereto, or otherwise obstructs or prevents the viewing of the meeting by other persons in attendance.
13. All cell phones and other electronic devices shall be silenced during meetings.
14. Persons should be addressed by use of title and/or last name.

C. Enforcing Decorum.

1. When a person, attendee or participant violates the above rules of decorum, the Mayor is authorized to take any one or more of the following actions:
 - i. Not recognize a violating or breaching person's, attendee's or participant's request to speak, or limiting their role in debate or comment, as applicable, until decorum is observed.
 - ii. Declare the person's, attendee's or participant's actions out of order.
 - iii. Temporarily recess the meeting until order is restored.
 - iv. Issue the person, attendee or participant a verbal warning and/or directive that the person, attendee or participant is out of order and shall follow the rules of decorum, be silent unless recognized to speak and/or immediately cease such conduct.
 - v. If after issuance of a verbal warning as provided above, the person, attendee or participant continues to engage in prohibited conduct or otherwise fails to comply with the Mayor's warning, the Mayor may further direct or order the person, attendee or participant to immediately leave the meeting.
 - vi. If the person, attendee or participant so ordered as provided above does not immediately abide by the Mayor's order or directive by leaving the meeting, and/or the person, attendee or participant continues such prohibited conduct, the Mayor may direct any law enforcement officer to remove the person from the meeting.
2. Members of the City Council may request action by the Mayor to curb another member's conduct through a motion for a point of order. The motion may request a specific response to conduct by the Mayor.
 - i. For example, "I make a motion for the Mayor to call Councilmember ____ to order and to desist from making personal attacks."
 - ii. Any member of the City Council may appeal to the full City Council for a ruling on order or procedure made by the Mayor.
 - iii. Members may make a motion for adjournment or for a brief recess if a participant's actions are so offensive as to disrupt the orderly process of the meeting.
 - iv. Generally, any Councilmember may make a motion to censure a Councilmember for conduct that breaches decorum. A censure often takes the form of a resolution adopted by City Council vote noting the member's conduct and expressing disapproval of such conduct.

- v. State law also prohibits persons, including Councilmembers, from disturbing public meetings, through fighting or threatening words and conduct. Persons or Councilmembers who engage in this unlawful conduct may be charged with a misdemeanor.

V. Standards of Conduct

- A. To uphold the integrity of the City's government and serve the community effectively, the Mayor and Councilmembers are expected to:
 - 1. Comply with the applicable federal laws, state laws, and city ordinances in the performance of their public duties. These laws include, but are not limited to, the following:
 - i. Open Meeting Law
 - a. No member of the City Council may violate the Open Meeting Law.
 - ii. Minnesota Government Data Practices Act
 - a. No member of the City Council may violate the Minnesota Government Data Practices Act.
 - iii. Conflict of Interest
 - a. Members shall adhere to relevant Minnesota Statutes pertaining to conflicts of interest.
 - iv. Political Endorsements
 - a. Members shall not use the City's name or logo for the purpose of endorsing any political candidate or business.
 - 2. Participate fully and respectfully by attending meetings and public forums with professionalism, demonstrating courtesy and respect in all interactions.
 - 3. Be well-prepared by reviewing agenda materials in advance to contribute thoughtfully and knowledgeably to discussions.
 - 4. Represent the City with dignity by serving as a positive ambassador for the City when attending ceremonial events or representing the City publicly.
 - 5. Respect time and stay focused by conducting meetings efficiently to honor the time of colleagues, staff, and constituents.

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6. Model leadership and civility by demonstrating integrity, fairness, and respectful behavior that reflects positively on the City Council and the City.
7. Inspire public confidence by building trust through honest communication, ethical decision-making, and transparent actions.
8. Uphold democratic principles through best practices such as:
 - i. Encouraging public participation and listening actively to all voices;
 - ii. Making decisions based on evidence, fairness, and the public good;
 - iii. Ensuring that all deliberations are open, honest, and free from bias; and
 - iv. Respecting the rule of law and the integrity of institutional processes.
9. Engage in official activities by actively participating in scheduled meetings, events, and responsibilities.
10. Follow established protocols by adhering to approved procedures, including, but not limited to, the proper process for adding agenda items and Robert's Rules of Order.
11. Appointments and reappointments to City Boards, Committees, and Commissions should be based on qualifications such as expertise, collaboration with staff and the public, and commitment to fulfilling responsibilities.
12. Communications
 - i. The Mayor and Councilmembers shall direct all questions to the City Administrator or Department Head. (Director Public Works, Finance Director, Police Chief) The City Administrator shall be included in all communications.
 - ii. The City Council directs City staff and consultants only through the City Administrator, as determined by a majority vote of the City Council. Individual Councilmembers shall not direct city staff, nor the City Administrator.
 - iii. The Mayor and Councilmembers shall refer questions and concerns from citizens to the City Administrator. City staff should report back to the City Council on the resolution of the referral.
 - iv. If the Mayor or a Councilmember is utilizing an inordinate amount of staff time, the City Administrator may bring this to the attention of the City Council for resolution.

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- a. The City Council may direct staff to not expend any additional time on matters brought by the Councilmember without receiving direction from a majority vote of the City Council.
 - v. The Mayor and Councilmembers shall refer all legal questions to the City Administrator and not directly to the City Attorney. The City Administrator will forward questions/concerns to the City Attorney with appropriate information for the City Attorney to be able to provide legal guidance and opinion as needed. If a Councilmember has a concern involving the City Administrator, they may forward that question directly to the City Attorney.
 - vi. Communicate with respect and appreciation by recognizing the efforts of others by expressing sincere gratitude for contributions that support the well-being of the City.
 - vii. Clearly identify representation by indicating whether they are speaking on behalf of the City or expressing a personal viewpoint. If the City Council has taken an official position on the matter, they should also clarify whether their statement reflects the majority or minority opinion of the Council.
 - viii. Remain mindful that statements may be interpreted as representing the Council or the City. If officially representing the City, they are expected to support and advocate for the City's adopted position, regardless of personal disagreement.
 - ix. Make no promises on behalf of the Council without prior authorization.
 - x. Refrain from publicly stating a position on any matter until after public hearings have been duly held and relevant information has been processed in accordance with State Law to ensure transparency, fairness, and adherence to proper procedures in decision-making.
- B. Use of Social Media. The Mayor and Councilmembers are expected to use social media in a manner that reflects the integrity of their office and supports public trust by demonstrating the following:
- 1. Distinguish personal and official communication by clearly separating personal opinions from official City positions on social media.
 - 2. When posting in a personal capacity, the Mayor and Councilmembers should avoid implying endorsement or representation of the City unless authorized.
 - i. The Mayor is the designated spokesperson for communicating the City's adopted positions.

- ii. Repeated violations by the Mayor or a Councilmember during a City Council meeting may result in escalation to the formal process explained in Subsection 2 below.

2. Violations Occurring Outside City Council Meetings

- i. Any alleged violations by the Mayor or a Councilmember outside of a City Council meeting should first be attempted to be resolved informally, if possible.
- ii. If informal resolution is not successful, the alleged violation shall be addressed and resolved as follows:
 - a. A formal complaint shall be filed with the City Administrator, and shall include:
 - 1. The name of Councilmember/Mayor involved;
 - 2. A summary of the alleged violation; and
 - 3. References to the relevant section(s) of the Standards of Conduct that were violated.
 - b. The matter shall be referred to the Mayor or a Councilmember for introduction at a duly noticed City Council meeting.

3. City Council Consideration of Alleged Violations

- i. If a Standards of Conduct complaint is brought before the City Council, the City Council shall review all available evidence at a duly noticed meeting and determine if further investigation and a hearing is needed.
- ii. If the City Council determines that the Standards of Conduct been violated after holding a meeting, the City Council shall consider whether sanctions are appropriate.
 - a. Sanctions may include:
 - 1. Reprimand
 - 2. Formal censure
 - 3. Removal from a City Board/Commission
 - 4. Referral of the matter to relevant public agencies for potential criminal prosecution

5. Other actions deemed appropriate to uphold the standards of this policy
4. Supersession Notice
 - i. The process identified herein supersedes any previous procedures or documentation related to enforcement. However, all behaviors previously identified as violations of the Code of Conduct remain valid and enforceable under this policy.

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City of Fairmont City Council and Staff Standards of Engagement

These standards shall establish a structure and guide for interactions between and amongst the City of Fairmont (City) City Council and City employees or “staff.”

1. I acknowledge the importance of practicing professionalism by being positive and respectful to all, and by being prepared for City Council meetings.
2. I acknowledge the benefit of assuming the best of intentions from each other and giving the benefit-of-the-doubt that City Council members and City staff are motivated by the best interests of the City.
3. When there are disagreements, I understand the importance of acknowledging that members of City Council and City staff are all working hard for what they think is best for the City and greater community.
4. I acknowledge the importance of discussions that are candid yet diplomatic and that uphold and respect the dignity of all.
5. City staff are expected to clearly communicate and City Council are expected to understand that certain policies and procedures within City departments are mandated and implemented through legislative guidelines, state and federal case law, and licensing authorities by the state. Staff will explain the extent to which policies and procedures are limited or unable to be changed in scope, definition, and implementation at the local level and provide options where possible.
6. I acknowledge the importance of respecting decisions made by the City Council’s majority while retaining the right to have a differing opinion. Therefore, outside of official business, it is important to respect the decision made and to not undermine its implementation.
7. I acknowledge the importance of the City’s mission, vision and values. As elected officials and City staff, we will remember we represent the position/office, we are not the position/office.
8. I recognize that City staff works for the City Council as a whole, not the mayor or any one council member.
9. I acknowledge the importance of maintaining a respectful relationship between City staff and the City Council, both inside and outside of City business.

Acknowledgment

By signing below, I acknowledge that I received, read, and understood the City of Fairmont Council and Staff Standards of Engagement.

Date: _____

Employee: _____
Signature

Printed Name

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