

City of New Ulm

Boards, Committees and Commissions Handbook



Welcome

Welcome and thank you for your willingness to serve as a member of a City of New Ulm City Boards, Committees and Commissions (“Body”). These Bodies play an important role in City governance by assisting the City Council in addressing specific issues in detail, lending professional expertise, facilitating community decision-making, and serving as a primary conduit between citizens, City staff and departments and the City Council.

The City of New Ulm has a varying number of Bodies, each with distinct responsibilities. As a Body member, you should familiarize yourself with the documents governing your particular Body. These may include City ordinance, City Council resolutions, body bylaws, relevant elements of the City Charter and Code and other documents – materials are all available from your staff liaison. Review of these documents will help you get a sense of what your responsibilities are and what they are not.

This Handbook is designed to serve as a reference for the basic protocols that apply generally to all Bodies. Orientation is necessarily an active process. As a new member, you may want to meet with the Chair of your body to get a better sense of your role and the business of the body, as well as with the staff liaison assigned to the body. Along with familiarizing yourself with your body’s foundational documents, you may want to review agendas and minutes from recent meetings to see what current issues have been under consideration, as well as the body’s work program to familiarize yourself with current goals.

Learning your role and developing an effective voice takes time and familiarity. We hope this Handbook will assist you towards a satisfying and productive experience. Your participation is deeply appreciated by all around you – by the City Council, by City department staff and by your community. The vitality and strength of our community is found in the willingness of people like you to serve.

/s/Kathleen Backer
Mayor

/s/Chris W. Dalton
City Manager

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Roles and Responsibilities

As a member of a Board, Committee or Commission (“Body”), you are essential to the City’s commitment to develop and enforce policies and services which reflect the needs and values of the community. In carrying out your responsibilities you will work closely with your fellow body members, the City Council and staff – all of which play a specific role in the City operation.

City of New Ulm

The City of New Ulm was established in 1857. It currently operates under a “Home Rule Charter”. The Charter acts as a local constitution and was adopted and approved by local voters. The City of New Ulm uses a weak mayor-council-manager form of governance. Under the Charter, legislative as well as administrative authority is the ultimate responsibility of the council. Council administrative control is exercised through the appointed City Manager’s position. Through City Charter and City Ordinance, operational authority is extended to independent boards, such as the Public Utilities Commission, the Library Board and others, to handle specific functions. The Mayor serves as an ex-officio member of the City Council and enjoys the same rights and privileges of the Council except those of making motions, seconding motions, offering resolutions, seconding resolutions or voting thereon. He has the power to veto certain specific council actions.

City Council

The City Council is the governing body of the City. It is vested with broad powers in areas of legislative policy, budgetary adoption and establishment of services levels. The City Council, elected by ward residents, represents his/her constituents and serves as the “Board of Directors” for the municipal corporation. The City Council President, elected at large, represents the entire community, and serves as the “Board Chair” for the municipal corporation.

Boards, Committees and Commissions

These types of bodies are used to provide ongoing citizen input to major policy areas and are established by City Charter or Code. Body members are appointed by the Mayor, with final approval by the City Council. Body size, terms and responsibilities are dictated by City Code or Charter. Some bodies have their own by-laws as directed by City Charter or Code. (City Code Section 3.01)

General requirements:

1. In order to be appointed to, and remain a member of a body, a citizen must live within the City.
2. A member may be removed for misfeasance (the performance of a lawful action in an illegal or improper manner), malfeasance (wrongdoing or misconduct) or nonfeasance (failure to do what ought to be done) in office.
3. Terms are generally three years and staggered to provide consistency. Generally, a member may serve two consecutive terms or six years and may return to the body after at least one year’s absence.
4. Unless filling a vacancy, a term begins January 1 and ends on December 31. A filled vacancy is only for the unexpired term.
5. Generally, body members serve without compensation, but will be reimbursed for pre-approved out-of-pocket expenses incurred in the performance of duties.

Staff

The City staff, under the direction of the City Manager, is responsible for carrying out policy and enforcing the City Codes adopted by the City Council and implementing the programs and services set out in the Budget. The City Manager is appointed by and reports directly to the City Council. Department Heads and staff members are responsible to the City Manager.

As the City's chief administrative officer, the City Manager oversees responsibilities of the day-to-day affairs of the City, including assigning staff liaisons to assist the various Bodies in carrying out their responsibilities. These staff liaison, by virtue of their technical training and experience, are competent to provide such staff assistance. Bodies work closely with the staff liaisons; however, they do not have the authority to supervise or direct the work of staff. Special assignments to staff are made through the City Manager.

The relationship of bodies and staff is an active, continuous and nuanced one. Cultivating a balanced understanding of your role is essential. The interaction need never be adversarial, but rather can promote respect for different perspective and appreciation for each other's knowledge and experience. In order to recognize the range of roles and responsibilities, some of the issues to clarify are:

1. What are the reporting relationships? Does the staff liaison report directly to the body, to the department head, to the City Manager, or to all?
2. How is direction given? Can a study be directed to the staff from a body or must it be given through the City Manager or the City Council?
3. How are staff proposals and recommendations handled? The staff must strive to provide the body with its best professional judgment and this should be continuously encouraged.
4. How are disputes between body members and staff handled? Proper lines of communication should be established beforehand to deal with problems.

Roles of Advisory Bodies	Roles of Staff Liaison
• Provide ongoing recommendations to the City Council and staff regarding special program areas. • Identifying issues that the Commission, Board or Committee believes should be addressed by the City Council or staff. • Focus attention on specific issues. • Encourage broad citizen participation through public hearings. • Weigh community values in making recommendations to the Council. • Thoroughly research and review alternatives to accompany formal recommendations to the Council. • Interpret regulation applications to specific circumstances.	• Keep apprised of new laws by attending training. • Attend all meetings of the body assisting the body to stay on track and focused. • Maintain a professional position on all topics. • Prepare an annual report of goals for coming calendar year and accomplishments in prior calendar year. • Provide administrative support to the body, including agenda preparation, posting agendas and distribution of meeting packets to members. • Work with the chair to prepare agendas. • Provide background information and research, express views and prepare reports for the body. • Alert members of possible detrimental actions. • Assure that a report is prepared to the Council that will represent the views of the body. • Staff may present an accompanying report that contains a different recommendation. • Serve as the liaison between the body and the staff. • Can refer matters to the appropriate staff member for review.

Role of the Chair

The Chair shall preserve order and decorum at all meetings, announce the body decisions, and decide questions of order. The Chair is responsible for ensuring the effectiveness of the group process. A good Chair balances two purposes: moving the discussion forward involving all the body members and allowing for adequate public participation.

Responsibilities of the Chair

1. Officially open the meeting.
2. At the start of a meeting, check that the order of agenda items is arranged for convenience, for response to those attending only for certain items or for better pacing of the agenda.
3. Ensure that the public understand the nature of the issue being discussed (for example, reason for discussion, process to be followed, and opportunities for public input, timeline for decision).
4. Keep discussion focused on the issue at hand.
5. Solicit opinions from all members. Encourage evaluation of new, tentative or incomplete ideas. Discourage overly dominate members from having disproportionate control over the discussion.
6. Protect members, staff and the public from personal attacks.
7. Provide structure for addressing complicated issues.
 - State law does not generally require a school district or municipality to have a “public forum” or “open mic” period on the agenda. But, if you do, you cannot restrict comments based on content.
 - Even if you have a public comment period, you may impose reasonable time limits on commentators. Three minutes is a common limit. Enforce the limit.
 - If you have a large crowd that wants to speak, advise them of procedural rules before comment begin. Encourage them not to be redundant.
 - Require commentators to address the board or council. Do not allow them to cross-examine others. Once they begin doing so, you have lost control.
 - If individuals are disruptive, consider taking a break and speaking with them individually.
8. For major items, delay analysis and action until the full range of alternatives is on the table.
9. Attempt to reach decisions expeditiously on action items. At those times when action would be premature, guide discussion toward a timeline or framework for responsible action.

Responsibilities of Body Members

1. In agreeing to serve on a body, you make a commitment to put in the time required to prepare fully for each meeting.
2. Thoroughly review the agenda packet. If you have any questions, contact the Chair or your staff liaison before the meeting to clarify questions or request further information.
3. Additional agenda items should be submitted to the chair and the support staff five working days prior to the meeting date.
4. If necessary, agenda items can be added at the meeting, if supporting documentation is available for all body members.
5. Keep an open mind. It will be necessary to discern between fact and opinion, as well as between those concerns which are relevant and those that are secondary to the issue at hand. Keeping an open mind will make it easier for you to understand all sides of an issue before you make a judgment or take a position.
6. If you are unsure about something during the meeting, ask for clarification. The staff liaison will provide information to assist you throughout the decision-making process.
7. A body member may represent the position of the body at Council Meetings when that body has an item of interest on the Council agenda.

The purpose of this practice is to respond to questions from Council members as necessary. When addressing the Council, it is important to speak as a member of the body as a whole, rather than as an individual member. Should you be communicating your individual viewpoint on an issue, it is imperative that you first state that for the record.

8. Only when a member is acting in an “official capacity” as a member of a body, may he/she use of the title “Commissioner” or title of the body.

There may be an occasion for a body member to send a letter pertinent to body business to an individual, group, or the editor of a newspaper. When signing as a body member, care should be taken that the views expressed are the adopted position of the body as a whole. If this is not the case, it should be clear that the views stated are those of the individual. The same holds true when presentations are made to other groups.

When a letter is written or public testimony is given as a private citizen, and not in an official capacity, on issues unrelated to body business or position, the title of “Commissioner” or title of the body should not be used.

If there is any question on the appropriateness of using the official title, the staff liaison to the body should be consulted.

9. Representing the City of New Ulm, body members may have occasion to take a position on various bills before the State Legislature.

It is valuable to the Council to be kept informed of such legislative activity affecting New Ulm. Any communication to another legislative body should first be reviewed through the City Manager’s office to maintain consistency with Council approved positions. If there is some question regarding the recommendation, it will be scheduled for discussion on a City Council agenda.

City of New Ulm “Bodies”

- **Airport Advisory Commission** –This five-member, Councilor-appointed commission advises the City Council in the planning and study of the use of the airport and its improvements and future development. This commission adopts its own bylaws and rules. (Section 3.25)
- **Joint Airport Zoning Board** – This five member board (two chosen by the City Council and two chosen by the Board of Commissioners of Brown County and a Chair elected by a majority of the appointed members) was created to adopt and monitor airport zoning regulations for the airport hazard area. (Section 3.19)
- **Board of Health** – The Health Officer is a qualifying physician and the other two members are residents of the City. This board meets periodically regarding matters of sanitary conditions and the public health of the residents of New Ulm. (Section 82)
- **Cable Communication Advisory Board** - This five member board advises the Council on its regulatory jurisdiction and monitors the performance of Franchisee in executing the provision of the franchise. It works with Franchisee and any organization created pursuant to this ordinance to operate community access cable casting to encourage the use of community access services and to explore the feasibility of new services. (Section 20, V, Subd. 14)
- **Economic Development Authority** – This seven member commission includes two City Councilors. The Finance Director serves as treasurer. The City Manager is the executive director. It may include a “resident Authority member” with participation limited to Federal public housing programs or Section 8 rental assistance programs. A representative of NUEDC serves as an ex officio, non-voting member. These commissioners serve a six year term. They may create an economic development district, secure property, enter into contracts, act as a limited partner, lease land, exercise the powers of a redevelopment agency and a Housing and Redevelopment Authority. Its powers derive from MN Statutes sections chapter 469 (Section 3.27)
- **Energy Awareness Commission** – This commission’s five voting members serve in an advisory capacity to the Mayor and City staff in matters concerning energy conservation and alternative sources of energy. (Section 3.28) – Disband in 2024
- **Emergency Management Committee** - This City committee’s purpose is to establish and execute a basic plan of action for emergencies. One at-large community member serves to bring issues forward to the Committee and adding citizen input to the decision-making process. (Section 3.24)
- **Heritage Preservation Commission** – Established by City Code and pursuant to MN Statutes section 471.193, this commission recommends to the City Council adoption of ordinances designating heritage preservation landmarks or districts. Of the seven members, five are appointed by the Mayor (two are preservation-related professionals), one is appointed by BCHS & one is a member of the Planning Commission. (Section 3.31)
- **Human Rights Commission** – This nine member commission is to advise the City Council and staff on human relations and civil rights problems (Section 3.03)
- **Joint Airport Zoning Board** – This is a five member board to adopt and monitor airport zoning regulations for the airport hazard area. Members include two chosen by the City Council and two chosen by the Board of Commissioners of Brown County and a Chair elected by a majority of the appointed members (City Code Section 3.19).

- **Library Board** – Although the City no longer operates a museum, this nine member board, adopts and reviews the by-laws and regulations for the governance of the “library, reading room and museum.” It has exclusive control of expenditure of the library fund. (Section 101).
- **Monuments and Cemetery Commission** – This six member board with the following ex officio members: Finance Director, Street Commissioner, Park & Recreation Director and the Cemetery Custodian, serve as an advisory body to the City Council and City staff in matters concerning the preservation, maintenance and enhancement of the City monuments and Cemetery. This includes review of any public markers or monuments placed upon property owned by the City. (Section 3.26)
- **Park and Recreation Commission** – This seven member commission has four duties: recommendations to enhance the City’s Park and Recreation program; interpret needs of Park and Recreation Department to City Council and City Manager; promote use of departmental facilities by the general public; and to keep citizens’ groups aware of and in support of organized recreation. (Section 3.22)
- **Planning Commission** – This seven member body advises the City Council in matters directing the future physical development of the City. They conduct hearings and make recommendations to the City Council on all applications for conditional use permits and on matters affecting zoning, platting and public improvements. They adopt a plan and map for future development and land use. (Section 3.09)
- **Police Commission** – This three member commission meets at Chair’s call to confirm or disapprove all appointments, suspensions and removals of members of the police force. (Section 88)
- **Public Utilities Commission** – This five member commission was created to have sole and exclusive management and operational control of City Public Utilities including: the Water Works System, the Electric Light Plant, the Gas Distribution System, the Steam Heating System, and the Sewage Disposal Plant. (Section 208) This commission is also regulated under City Code (Section 2.51). It has the power to make regulations for operation of utilities. Regulation adoption requires a public hearing.
- **Safety Commission** – This nine member advisory committee meets once each month to study matters of traffic and safety. The Fire Chief, Chief of Police, City Engineer, Public Works Superintendent, Mayor and Brown County Sheriff serve as additional non-voting members. (Section 3.23) – Possible reduction in members
- **Sister Cities Commission** – This eleven member commission works to broaden and strengthen the cultural bonds with the cities of Ulm, Germany, Neu Ulm, Germany and other such cities. (Section 3.29) – Possible reduction in members
- **Tree Advisory Commission** - This five member commission is to aid and advise the City Council in the creation and implementation of a plan for the development, conservation, and care of the urban forest resources of the City. (Ordinance 05-028)

City of New Ulm “Bodies”

Body	Established by	Members	Terms	Staff Liaison & Meeting
Absentee Ballot Counting Board This board counts all absentee ballots cast at elections.	City Code Section 3.15	4	3 years	Nicole Jorgensen As needed
Airport Advisory Commission Councilor-appointed commission advises the City Council in the planning and study of the use of the airport and its improvements and future development. This commission adopts its own bylaws and rules.	City Code Section 3.25	5	3 years	Joe Stadheim Beth Watson 2 nd Tuesday 4:00 p.m. City Hall Council Chamber
Board of Health The Health Officer is a qualifying physician and the other two members are residents of the City. This board meets periodically regarding matters of sanitary conditions and the public health of the residents of New Ulm.	City Charter Section 82	3	1 Year or until their successor is duly appointed and qualified	Kathleen Backer
Cable Communication Advisory Board This board, including a City Councilor and PUC Commissioner, advises the Council on its regulatory jurisdiction and monitors the performance of Franchisee in executing the provision of the franchise. Work with Franchisee and any organization created pursuant to this ordinance to operate community access cable casting to encourage the use of community access services and to explore the feasibility of new services.	City Code Chapter 20 Part V Subd. 14	5	3 years	Steven Sherman Lisa Grathwohl 3 rd Thursday/Quarterly 4:30 p.m. City Hall Council Chamber
Economic Development Authority This commission includes 2 City Councilors. The Finance Director serves as treasurer. The City Manager is the executive director. It may include a “resident Authority member” with participation limited to Federal public housing programs or Section 8 rental assistance programs. They may create an economic development district, secure property, enter into contracts, act as a limited partner, lease land, exercise the powers of a redevelopment agency and a Housing and Redevelopment Authority. (Section 3.27) Its powers derive from MN Statutes sections chapter 469. This body requires a president, vice-president and secretary. There are specific removal procedures.	City Code Section 3.27	7	6 years	Chris Dalton Heather Bregel Lisa Grathwohl 2 nd Tuesday 8:00 a.m. City Hall Council Chamber

Energy Awareness Commission This commission serves in an advisory capacity to the Mayor and City staff in matters concerning energy conservation and alternative sources of energy. Disband in 2024	City Code Section 3.28	5 voting members	3 years	Derek Nelson 2 nd Tuesday/Every other month 5:00 p.m. City Hall Council Chambers
Emergency Management Committee This committee's purpose is to establish and execute a basic plan of action for emergencies. One at-large community member serves to bring issues forward to the Committee and adding citizen input to the decision-making process.	City Code Section 3.24	Community member	3 years	Dave Borchert Kristi Hose 3 rd Thursday 8:30 a.m. Fire Station One
Heritage Preservation Commission Pursuant to MN Statutes section 471.193, this commission recommends to the City Council adoption of ordinances designating heritage preservation landmarks or districts. Of the 7 members, 5 are appointed by the Mayor (2 are preservation-related professionals), 1 is appointed by BCHS & one is a member of the Planning Commission.	City Code Section 3.31	7	3 years	Ellwood Zabel Beth Watson 3 rd Monday 4:45 p.m. City Hall Council Chamber
Human Rights Commission This commission is established to advise the City Council and staff on human relations and civil rights problems. This commission adopts its own by-laws and rules and has a memorandum of agreement with the State Department of Human Rights.	City Code Section 3.03	9	3 years	Kathleen Backer Lisa Grathwohl 4 th Monday 5:15 p.m. City Hall Council Chambers
Library Board This board adopts and reviews the by-laws and regulations for the governance of the library, reading room and museum. It has exclusive control of expenditure of the library fund.	City Charter Section 101	9	3 years	April Ide 2 nd Thursday 4:00 p.m. City Hall Council Chambers
Joint Airport Zoning Board This board was created to adopt and monitor airport zoning regulations for the airport hazard area. Two chosen by the City Council and two chosen by the Board of Commissioners of Brown County and a Chair elected by a majority of the appointed members.	City Code Section 3.19	5	2 years	Joe Stadheim Beth Watson
Monuments and Cemetery Commission This board with the following ex officio members: City Clerk-Treasurer, Public Works Superintendent, Park & Recreation Director and the Cemetery Custodian, serves as an advisory body to the City Council and City staff in matters concerning the preservation, maintenance and enhancement of the City monuments and Cemetery. This includes review of the placement of any public markers or monuments upon property owned by the City.	City Code Section 3.26	6	3 years **may serve 3 terms	Jeff Hoffmann Kim Seifert Samuelson 3 rd Monday/Quarterly 4:00 p.m. City Hall Council Chambers

Park and Recreation Commission This commission has four duties: recommendations to enhance the City's Park and Recreation program; interpret needs of Park and Recreation Department to City Council and City Manager; Promote use of departmental facilities by the general public; and to keep citizens' groups aware of and in support of organized recreation.	City Code Section 3.22	7	3 years	Joey Schugel Donitta Trebesch 2 nd Monday 4:00 p.m. City Hall Council Chambers
Planning Commission This body advises the City Council in matters directing the future physical development of the City. They conduct hearings and make recommendations to the City Council on all applications for conditional use permits and on matters affecting zoning, platting and public improvements. They adopt a plan and map for future development and land use.	City Code Section 3.09; Ordinance 17-022 adopted 12-05-2017	7	3 years	David Schnobrich Ellwood Zabel John Knisley Beth Watson Last Thursday 4:30 p.m. City Hall Council Chamber
Police Commission This commission meets at Chair's call to confirm or disapprove all appointments, suspensions and removals of members of the police force.	City Charter Section 88	3	3 years	Chris Dalton Lisa Grathwohl At chair's call
Public Utilities Commission This commission was created to have sole and exclusive management and control of City Public Utilities including: the Water Works System, the Electric Light Plant, the Gas Distribution System, The Steam Heating System, and the Sewage Disposal Plant. It has the power to make regulations for operation of utilities. Regulation adoption requires a public hearing.	City Charter Section 208 City Code Section 2.51	5	3 years	Chris Dalton Kris Manderfeld JoAnn Sprenger Lisa Pelzel 4 th Tuesday 4:30 p.m. City Hall Council Chamber
Safety Commission This advisory committee meets to study matters of traffic and safety. The Fire Chief, Chief of Police, City Engineer, Public Works Superintendent, Mayor and Brown County Sheriff serve as additional non-voting members. Possible reduction in members	City Code Section 3.23	9	3 years	Joe Stadheim Beth Watson 2 nd Thursday -12 noon City Hall Council Chamber
Sister Cities Commission This commission works to broaden and strengthen the cultural bonds with the cities of Ulm, Germany; Neu Ulm, Germany and other such cities. Possible reduction in members	City Code Section 3.29	11	3 years	Kathleen Backer Lisa Pelzel 1 st Monday 5:15 pm City Hall Council Chambers
Tree Advisory Commission This commission is to aid and advise the City Council in the creation and implementation of a plan for the development, conservation, and care of the urban forest resources of the City.	Ordinance 05-028	5	3 years	Joey Schugel Donitta Trebesch 1 st Thursday/Every other month 4:00 pm City Hall Council Chambers

Operational Guidelines

1. Governmental policy for the City is decided by the City Council.

However, there are particular areas of decision-making that benefit from the advice and council of qualified citizens. For these reasons the City Council, City Code and City Charter has established Boards, Committees and Commissions (“Bodies”).

2. A body is established by the City Council by Charter or through the adoption of an ordinance, which defines the duties of that body.

It is incumbent upon the Chair of the body to limit discussion and recommendations to the scope of these assigned responsibilities. When a body’s interest reaches beyond these parameters, the Chair and staff liaison should discuss the matter with the City Manager. It may be necessary to request authority from the Council to consider and make recommendations in that particular area.

3. Body members are appointed from the community-at-large.

Members are not selected to represent a business, district, or organization unless specified by City Charter or Code. Each member of the body, and as a whole, should consider the general public good. Where personal interest conflicts with the general welfare of the public, the latter must prevail. In these instances where there is a perceived or real personal conflict of interest, members should abstain from discussing, debating or voting on an issue by publicly identifying the reason for doing so prior to debate. Members should recuse themselves from a vote using the phrase, “. . .to avoid the appearance of impropriety.”

4. Rules of Parliamentary Procedure will be followed.

If you have any questions about procedure, the staff is available to assist the body through the process. See [Parliamentary Procedure Summary Chart](#), [Making and Processing a Motion](#), [Rules of Civil Debate](#), [Political Straight Talk](#), [Meeting Rules/Guidelines](#), and [Roles and Responsibilities of the Chair](#) for more information.

5. The Chair and Secretary shall be chosen from and by the body membership at its first regular meeting in December of each year.

6. From time to time, there may be instances when the Staff’s recommendation on an issue may differ from that of the body.

If this occurs, both recommendations are presented to the Council for their consideration.

7. Advisory body meetings are covered by the MN Open Meeting Law, MN Statutes 13D.

a. This statute requires all body meetings to be open to the public.

- A meeting is defined as a gathering of a quorum or more members of the body at which members intentionally discuss, decide or receive information as a group on issues relating to the official business of the body.
- Serial face-to-face or phone conversations between members of the body, to marshal their votes on an issue for the purpose of making a body decision, is a violation of the statute.
- Additional requirements include: notice of meetings, recording votes, and providing written materials to the public. Your staff liaison and departmental staff will assist in this process. If you have any questions, please contact them.
- Meetings may be closed for quasi-judicial functions involving disciplinary proceedings, to consider strategy of labor negotiations and to discuss litigation strategy with legal counsel. Before closing a meeting, the body must state on record the specific grounds that permit the meeting to be closed and describe the subject to be discussed. The same notice requirements apply to closed meetings as open meetings.
- While law is unclear about the use of technology such as email in regards to open meeting regulations, it is best to limit the use of technology when either of these criteria exist: a quorum is contacted regarding the same matter and the matter discussed is body business. For example, on a seven-member body, three members may communicate with one another by way of e-mail. However, “forwarding” an e-mail message to a fourth member is to be avoided. In addition, avoid using the reply to all function. This can inadvertently link a quorum of your body and would be a violation of the open meeting law. When communicating, only reply to the sender.

b. Any person may observe any advisory body meeting.

- The Council (and all bodies) encourages citizen attendance to help raise public awareness of city business. Citizens must be able to hear the discussion and must be able to determine who votes for or against a motion. A minimum of one copy of the agenda and all materials should be available for the audience. The amount of meeting agenda materials should somewhat reflect expected public attendance.
- Although anyone can attend body meetings, citizens cannot speak or otherwise participate in any discussions unless the presiding chair recognizes them for this purpose. The body should not sample public opinion by asking for a show of hands. The majority opinion of those attending does not necessarily represent general public opinion. Individuals who are noisy or unruly do not have the right to remain and should be ordered to leave.
- The body should make sure citizens are invited to participate when appropriate and listen with courtesy. Citizens attend meetings to receive or give information for the body to consider. Brief verbal exchanges to clarify information or encourage participation are acceptable. However, prolonged, intense discussions between individual body members and individual citizens during a meeting are inappropriate.

- c. **This statute requires that adequate notice of the meeting be given to the public.**
 - Written notice of unscheduled public meetings, including date, time, place and subjects to be covered, must be posted on the door of the meeting room, sent to each person requesting such notice and sent to the news media 72 hours prior to the meeting time. The actual agenda is adopted or amended at the meeting.
 - Public hearings require a different set of deadlines and notifications. See page 20.

8. Official Conflict of Interest

- Learn responsibilities of city officials to avoid prohibited personal or financial benefits in contracts, which public offices may not be held simultaneously by the same person, need to disclose economic interests, and limits on gifts. Links to a code of conduct and statement of values; contains resolutions for contracting with an interested council member.
- View the memo:
<https://www.lmc.org/media/document/1/officialconflictofinterest.pdf?inline=true>

Meeting Rules/Guidelines

1. Start meetings on time.
2. Let the Chair run the meeting.
3. The Chair's rulings must be followed unless they are overruled by the body.
4. Listen to audience concerns. Your response is appropriately saved for after the public testimony is closed.
5. Close the public testimony before you begin serious deliberation on an issue.
6. Often you must balance multiple views, neither favoring nor ignoring one individual or group over another. Your obligation is to represent a broad-based view of the community's long-range interests.
7. Understand parliamentary procedure including **how to make a motion**.
 - a. The member asks to be recognized by the Chair.
 - b. After being recognized, make the motion: *"I move that we"*
 - c. Another member seconds the motion: *"I second the motion."*
 - d. The Chair restates the motion and asks for discussion on the motion.
 - e. When the Chair determines that there has been enough discussion, the debate may be closed with: *"I call the question."* or *"Is there any further discussion?"*
 - f. If no one asks for permission to speak, the Chair then puts the question to a vote: *"All those in favor say aye. All those opposed say nay."* The Chair should restate the motion prior to the vote to ensure the motion is clearly understood by all. Any member may request a roll call vote on a motion.
 - g. After the vote, the Chair announces the decision: *"The motion carries unanimously/carries four to three/failed."*
8. Properly phrasing a motion can be difficult and corrections may be necessary before it is acted upon.
 - a. Until the Chair states the motion, the member making the motion may rephrase or withdraw it. Other members or staff may make suggestions for rephrase but the member making the motion actually makes the corrections.
 - b. It is best to avoid including more than one proposal in the same motion.
 - c. Any member may ask the Chair to divide a motion. If others do not object, the Chair may proceed to treat each proposal a separate motion.
 - d. Only motions that are voted on will appear in the minutes.
9. If the above rules do not cover the situation being addressed, first check the Summary of Parliamentary Procedure on the next page. For further guidance, Roberts Rules of Order is available in the council chambers.
10. Learn to trust your own good judgment on decisions.
11. Remember that your body exists to take action.
12. Endeavor to end meetings at a reasonable hour. Short breaks may be helpful during long meetings.
13. Meetings with an agenda are adjourned with the agenda is completed.

Open Meeting Law

The Minnesota Open Meeting Law requires that meetings of governmental bodies generally be open to the public. This information brief discusses the groups and types of meetings covered by the open meeting law, and then review the requirements of and exceptions to the law and the penalties for its violation.

The law applies to all levels of state and local government. The open meeting law applies to:

- a state agency, board, commission, or department when it is required or permitted by law to transact public business in a meeting;
- the governing body of any school district, unorganized territory, county, city, town, or other public body;
- a committee, subcommittee, board, department, or commission of a public body subject to the law; and
- the governing body or a committee of a statewide or local public pension plan.

“Public body” is not defined but the Minnesota Supreme Court has stated that in common understanding, ‘public body’ is possibly the broadest expression for the category of governmental entities that perform functions for the public benefit.”

The law does not cover chance or social gatherings.

The open meeting law does not apply to chance or social gatherings of members of a public body. However, a quorum of a public body may not, as a group, discuss or receive information on official business in any setting under the guise of a private social gathering.

The primary requirement of the open meeting law is that meetings be open to the public.

Open meetings must be held in a public place within the borders of the public body.

Penalties

The open meeting law provides a civil penalty of up to \$300 for intentional violation. A person who is found to have intentionally violated the law in three or more legal actions involving the same governmental body forfeits the right to serve on that body for a time equal to the term the person was serving. The Minnesota Supreme Court has held that this removal provision is constitutional as to removal of elected officials only if the conduct constitutes malfeasance or nonfeasance and provided that the violations occurred after the person had a reasonable amount of time to learn the responsibilities of office.

The above information is an excerpt of the Minnesota Open Meeting Law. To review the entire Minnesota open meeting law access <http://www.house.leg.state.mn.us/hrd/pubs/openmtg.pdf>

Summary of Parliamentary Procedure

Fundamentals of Parliamentary Procedure

1. Justice and courtesy to all.
2. Address only one issue at a time.
3. The majority rules.
4. Respect the rights of the minority.
5. Each proposition is entitled to full and free debate.
6. The purpose is to facilitate action, not to obstruct it.

The Underlying Principles

1. The organization is paramount.
2. All members are equal.
3. An established minimum number of voting members are present at the meeting.
4. Only one member has the floor at any one time.
5. Discussion is not in order unless there is a pending question.
6. It is the issue under discussion, not the person; personal remarks are not in order.
7. A question once decided may not be brought up again at the same meeting.
8. A majority vote decides.
9. A 2/3 vote is necessary if a member's fundamental rights are being reduced or taken away.
10. Silence is regarded as consent.

Meeting Minutes Content

1. Date, time and place of meeting; attendance of members.
2. Every motion.
3. Identity of the maker of the motion
4. That the motion was seconded.
5. Other motions that apply to the main motion.
6. The disposition of all motions.

Items ordinarily not included in the minutes

1. The identity of the seconder of the motion.
2. The debate/discussion held on a motion.

Order of business

1. Call to Order
2. Quorum Established (number necessary to transact business legally)
3. Minutes (motion to accept is not in order)
4. Treasurer's Report, when appropriate (motion to accept is not in order)
5. Reports
6. Unfinished Business (never Old Business)
7. New Business
8. Announcements
9. Adjournment

Gender Protocol

The term "Chairman" or "Chair" is the same as the title of president, mayor or secretary. Use the honorific "Mister" or Madam" to recognize and respect gender (ie: "Madam Chair," "Mister Chairman," "Mister Mayor" or "Madam Mayor")

Presenting and Processing a Motion

Formal Method:

1. Member addresses the chair.
2. Chair recognizes member.
3. Member makes a motion (introduces the business).
4. Another Member seconds the motion.
5. Chair repeats the motion.
6. Chair calls for discussion.
7. Chair takes vote on motion (putting the question).
8. Chair announces result of vote.

Informal Method (not typically used in New Ulm):

In routine and noncontroversial matters, the Chair may use a method known as “general consent.” The Chair may identify an issue or matter that needs action and he/she could merely say, “Without objection, we will (describe action to be taken)”. If there is no objection from the assembly to the proposed action, the chair can declare the action to be adopted. If there is so much as one objection, however, general consent may not be used and the matter must be processed as a formal motion.

Amendments to Motion:

Purpose: to modify working of a pending motion, it must be germane to the pending motion but the result may be to produce the opposite effect intended by the pending motion.

You say, “I move to amend the motion to . . .

- insert or add (word/s).”
- strike (word/s).”
- strike (word/s) and insert (word/s).”
- substitute (paragraph/s).”

How Amendments are classified:

- Primary (First Degree) only applies to the main motion.
- Secondary (Second Degree) applies to the pending amendment; is also referred to as an amendment to the amendment.
- There can be no Third Degree amendments (the amendment to the amendment to the amendment).

Note: After a motion is “stated” by the chair, the motion belongs to the assembly, not to the maker and any amendments thereto must be, and may be adopted **only** by the assembly. Amendments must be processed either as a formal motion and must be voted upon by the assembly, or if the modification appears to be of a corrective or noncontroversial nature, the chair may process the modification informally under the rules of “general consent.” Note that if “general consent” is used, it is the unanimous consent of the “assembly” and not the consent of the “maker” that is obtained.

NOTE: This information is not intended to provide legal advice and may not be relied upon as such. Please consult our own legal counsel to maintain compliance with applicable laws.

Source of parliamentary information: Robert’s Rules of Order Newly Revised, 1990 Edition 9th Edition.

If you want to . . .

Introduce business	I move that . . .
Recess the meeting	I move that we recess for/until . . .
Complaint about noise, temperature, etc	Point of Privilege.
Defer action/put off discussion	I move we table the motion.
End debate	I move the previous question.
Postpone consideration of something	I move we postpone the matter until . . .
Have something studied further	I move we refer to the committee.
Amend a motion	I move to amend the motion to . . .
Object to procedure	Point of Order.
Request information	Point of Information.
Request verification of voice vote	I call for a division of the house.
Take up a matter previously table	I move we take from the table.
To reconsider (from prevailing side only)	I move we reconsider. . .
Consider something out of scheduled order	I move we suspend the rules to . . .
Challenge the ruling of the chair	I appeal the ruling of the chair.
Rescind	I move we rescind . .

you say:

Rules of Civil Debate

1. Keep your sense of humor.
2. We may disagree, but we will be respectful of one another.
3. All comments will be directed to the issue at hand.
4. Personal attacks will not be tolerated.
5. Give full attention when others speak.
6. Use questions to focus discussion and direct decision-making.
 - a. What is the history behind this item?
 - b. What are the benefits and drawbacks?
 - c. What is the proposal trying to accomplish?
 - d. What are the long-range interests of the community?
 - e. What guidance is in the foundational documents?
 - f. What other alternatives were considered?
 - g. What are the public comments?
 - h. What will it take for the body to support this proposal?
 - i. What specific, constructive alternatives can be recommended?

Political Straight Talk

These suggestions may help you keep your role and responsibilities clear to yourself and others.

It is better to *promise to investigate* than to promise to act.

It is better to say *“If other council members will go along with me”* than to say “I will get your zoning changed.”

It is better to say *“Let me see what I can do”* than to say “I can do.”

It is better to *speak about the larger picture* than about specific citizen demands *until you have the facts*.

It is better to say *“I don’t know what can be done”* than to promise action when you are not sure.

It is better to *recognize official constraints (state law, federal law, court decisions)* than to say you can do what is beyond your ability.

It is better to say “No” than to say “Yes” and then have to make excuses why not.

It is better to *be realistic about “getting half a loaf”* than to be idealistic about “getting the whole loaf”.

It is better to say *“I haven’t made up my mind”* than to tacitly support any and every demand by constituents.

Robert J. Horgan

Public Hearing Rules

Public hearings require public notice at least 10 days prior to the hearing in the official newspaper designated by the City Council AND the proposed regulation shall be made available for inspection prior to the hearing at the office of the City clerk-Treasurer during normal business hours.

Some actions require that the public notice appear twice before the hearing date (once each week for two weeks with the last publication not less than seven days prior to hearing date). These include: improvements such as USA projects, assessments, vacation of right of way or easement, sidewalk installments and repairs.

Notices on final plats and others needs to be published once (not less than 10 days before the hearing date).

Ordinance is any council enactment that regulates or governs people or property—law of the city. Public hearing is required. There is a First Reading and a Second Reading. And, if approved, it must be published in the official paper. Ordinances take effect 30 days after the date of publication, unless otherwise specified.

Every PUC regulation change must be published at least once in the official newspaper of the City within ten days after adoption.

Resolutions are decisions, opinions, and directives of a body in a formal form. Usually, no public hearing required. However, a Roll Call Voice Vote is required.