



**City of North St. Paul
City Council
Workshop Meeting Agenda**

**February 7, 2023
5:30 PM**

The City Council Meeting will be conducted on **February 7, 2023** at 5:30 p.m. in the City Council Chambers of City Hall, located at 2400 Margaret St., North St. Paul.

The City Council will also be meeting by interactive TV under Minn. Stat. 13D.02.

The **February 7, 2023** Zoom meeting can be accessed via:

<https://tinyurl.com/NSPCityCouncil>

(from a PC, Mac, tablet, iPhone or Android device) or by phone at 1-929-205-6099.

Participants accessing the meeting by phone please use the following meeting ID:
84409094358

You can also watch the meeting on our YouTube channel here:

tinyurl.com/NSPYouTube

- I. Call to Order**
- II. Roll Call**
 - Council Member Cole
 - Council Member Schweer
 - Council Member Wong
 - Council Member Nordby
 - Mayor Monge
- III. Adopt Agenda**
- IV. Topic(s)**
 - A. City Council Training
- V. Other Business**
- VI. Adjournment**

The next regularly scheduled City Council Workshop meeting is February 21, 2023



To

Honorable Mayor Monge and City Council

Date

February 7, 2023

Agenda Placement # IV.A

Topic(s)

Subject

City Council Training

Background/Facts

City Attorney, Soren Mattick will provide and discuss training materials for Open Meeting Law, Data Practices, Conflicts of Interest, Gift Law, Roles of City Manager and Rules of Order to the City Council.

Recommended Action

Attachments

1. DOCS-#225052-v1-TRAINING_MATERIALS___NSP___OML_-_DPA_-
CONFLICTS_-_GIFT_LAW

Respectfully submitted,
Soren Mattick



CAMPBELL KNUTSON
PROFESSIONAL ♦ ASSOCIATION

TRAINING MATERIALS

for

Open Meeting Law

Data Practices

Conflicts of Interest

Gift Law

Role of City Manager

Rules of Order

for

City of North St. Paul

February 2023

I. OPEN MEETING LAW

- A. OPEN MEETINGS.** Pursuant to Minnesota Statutes § 13D.01 - .07, almost all meetings of the City Council must be open to the public. A meeting exists when a quorum of the city council is together and:

1. Make a decision concerning city business; or
2. Discuss city business; or
3. Obtain information on city business.

Be wary of serial communications: do not use the “reply all” function in emails. If a discussion occurs on social media, then that discussion must be open for participation by the public.

- B. OTHER ELECTRONIC COMMUNICATION.** Serial communication occurs when one councilmember consults another, who consults another, and so forth. This is not permitted under the Open Meeting Law. One of the main goals of the Open Meeting Law is to ensure that deliberations take place in a public setting.

1. It is not advisable to substantively discuss City matters via text message even with one other councilmember. Text messaging and/or other electronic communication to other councilmembers during a meeting about City matters is also not permitted. Be careful about engaging in discussions on your personal devices. Discussions about city matters are generally public data, subject to mandatory retention periods and accessible to the public upon request. Deliberations and discussions must occur in a public forum.
2. Similarly, a quorum of members having a discussion about public business on social media, such as in the comment section of a private Facebook page, could constitute a meeting in violation of the Open Meeting Law. Minn. Stat. §13D.065.

- C. NOTICE REQUIREMENTS.** The City Council must give the following notices:

1. A schedule of the regular meetings shall be kept on file at the Council’s primary offices. Regularly scheduled meetings on your adopted meeting schedule require no additional notice.
2. Special meetings require mailed & posted or published notice at least three days before the day of the meeting.
3. Emergency meetings - as soon as reasonably practicable.

- D. CLOSED MEETINGS.** Notice of the meeting is required stating why the meeting will be closed and the subject of the meeting. The meeting is still recorded. Closed meetings are allowed in limited circumstances:

1. Labor negotiations.
2. Pending litigation.
3. Preliminary consideration of charges against an employee.

4. Evaluation of a person subject to its authority.
5. To determine the asking price of property being sold.
6. To review confidential appraisal data.
7. To develop counteroffers for the purchase or sale of property.
8. To discuss active investigative data.
9. If it would identify victims or reporters of criminal sexual conduct, domestic abuse, or maltreatment of minors.

E. PENALTIES. If a court finds that an individual intentionally violated this open meeting law, penalties include:

1. Individual fine of \$300.00 per occurrence for an intentional violation, which may not be paid by the City.
2. Three intentional violations in three separate actions can result in removal from office.
3. Additional costs and attorney's fees may be imposed up to \$13,000.00. The City may pay this amount.

II. DATA PRACTICES

A. DATA. The Data Practices Act (Minnesota Statutes, Chapter 13) presumes that all government data are public. The Data Practices Act obligates all levels of state and local government besides the legislature and the courts to preserve created data and respond to data requests.

1. “Government data” means all data collected, created, received, maintained or disseminated by state or local government, regardless of its physical form, storage media, or conditions of use. Data includes: paper documents, emails, CDs, videotapes, and computer files.

B. CLASSIFICATION. To balance the need for transparency with the need to protect individual rights, state and federal law provide for classifications to limit access for private or confidential data.

1. Requests for data can come from the subject of the data (such as an employee) or a member of the public. Responses to data requests depend on how the data is classified.

C. THE LIFE CYCLE OF A REQUEST.

1. A person submits a data request to the Responsible Authority in the City. If the request is for private information, the City may ask for proof of identity. It is impermissible to request for a member of the public’s identity when fulfilling a request for public data.
2. If the request is from the member of the public, the City must respond within a “reasonable amount of time.”
3. If the request is from the data subject, meaning the data is about the requesting individual, then the City is required to respond within ten business days.
4. The City staff then retrieves the data responsive to the request, if there is any.
5. Then the City review the data and determines if there is a justification to deny access to some or all of the data. If responsive data is withheld the City must inform the requestor and cite to the specific law that allows the redaction.
6. The City provides access to the data and collects copy costs, if requested.

III. CONFLICTS OF INTEREST

- A. CONTRACTS.** Under Minn. Stat. §471.87, with limited exceptions, a council member may not have a personal financial interest in a sale, lease, or contract with the City. This law applies to all public officers who are "authorized to take part in any manner in making any sale, lease, or contract in official capacity." Exceptions and special approval procedure may be available in a given fact situation. Simply abstaining from voting is not enough. Violation of this prohibition is a crime.
- B. NON-CONTRACTS.** The general rule is that any official who has a personal financial interest in a non-contract action is disqualified from participating in the action. Courts evaluate certain factors to determine when a conflict requires disqualification. These include:
- the nature of the decision being made
 - the nature of the financial interest
 - the number of interested officials
 - the need, if any, for the interested official to make the decision
 - other means available, if any, such as an opportunity for review of the decision, that serves to insure that the officials will not act arbitrarily to further their selfish interests.
- C. BEST PRACTICE.** If you have an actual or potential financial interest in a decision to be made, disclose the conflict, abstain from voting, and do not participate in the discussion. If you have any concerns, discuss them with the city attorney. Avoid even the appearance of a conflict.
- D. ABSTAINING.** Abstaining means to refrain from a vote. In this case, a member of a body would be present at the meeting but would not partake in discussion or voting of the issue before the body.

IV. GIFT LAWS

A. Pursuant to Minn. Stat. § 471.895, “An interested person may not give a gift or request another to give a gift to a local official. A local official may not accept a gift from an interested person.”

- “Local Official” means an elected or appointed official of a city.
- “Interested Person” means a person who has a direct financial interest in a decision that a local official is authorized to make.
- “Gift” means money, real or personal property, a service or loan, forgiving a debt or a promise of future employment without the giver being paid equal value.

Exceptions include:

- campaign contributions
- plaques or mementos recognizing service
- trinket or memento of insignificant value
- food if you appear to make a speech
- gifts given because of your membership in a group, a majority of whose members are not local officials
- gifts by a member of your family

When the City receives a gift/donation, it must be accepted by a two-thirds vote of the City Council. Minn. Stat. § 465.03.

V. **ROLE OF THE CITY MANAGER**

The City charter establishes North St. Paul as a council-manager system where the council exercises legislative power and determines policy, and the manager is responsible to the council for the proper administration of city affairs. The manager's powers and duties are set by Chapter 6 of the City Charter. Although some city manager actions are subject to council approval, the city council generally may not direct the city manager to take any particular course of action.

- A. Appointment and Removal.** The City Manager is the chief administrative officer of the city, and is appointed by the city council "solely on the basis of training, experience and executive and administrative qualifications."
- B. Oversight and Review.** The council must periodically review the manager's performance.
- C. Control of City Administration.** The manager is responsible for city administration, including the appointment, direction, and removal of all other city officers and employees, except that appointment or removal of the city attorney is subject to the approval of the council. The manager directs the departments and divisions of the city and ensures that the laws and ordinances of the city are enforced.
- D. Departments.** The city manager creates and organizes all city departments, divisions, and other units of the city administration subject to the approval of the council.
- E. Purchases and Contracts.** The manager is responsible for all city purchases.

VI. RULES OF ORDER

A. Robert's Rules. Except where other procedures are specified in statute or ordinance, the City Council does business using Robert's Rules of Order.

B. Motions. All formal council actions must be by motion.

1. The language to make a motion must be similar to, "I move to _____."
2. Motions must be seconded, and the council may consider only one motion at a time.
3. Once a motion is duly made and seconded, the Mayor shall state the question before the council and open the matter for debate.
 - a. The maker of the motion shall be permitted to speak first.
 - b. Everyone who wishes to speak on the motion must be allowed to do so before any member may speak a second time.

C. Secondary Motions. While the council considers a motion, members may make secondary motions. Secondary motions do not require a second.

1. Motion to amend the original motion. A motion may be amended only twice before it must be withdrawn and resubmitted,
2. Motion to take a brief recess of no more than 20 minutes,
3. Motion to withdraw the motion by the motion's maker,
4. Motion to divide a complex question,
5. Motion to defer consideration to a later date,
6. Motion to refer an issue to committee,
7. Motion to limit debate,
8. Motion for an immediate vote on the issue, or
9. Motion for a call to order.

Secondary motions do not require a second, and must be resolved before returning to the original motion. Motions for an immediate vote and motions for a call to order are the only motions that may be made interrupting the current speaker. A motion for an immediate vote may only be made after 20 minutes of debate or after every member has been permitted to speak at least once.

D. Other Motions. Other specific motions include:

1. Motion to adjourn. Motions to adjourn are made by the Mayor or presiding member, are not subject to debate, and do not require a second or a vote.
2. Motion to go into closed session. Must be made pursuant to the Minnesota Open Meeting Law, using language similar to, “I move to close the meeting in order to consider _____ pursuant to _____ of the Minnesota Open Meeting Law.”
3. Motion to leave a closed session. “I move to open the meeting.”
4. Motion to revive an issue. Made to request consideration of an issue tabled, deferred, or referred to committee at a *prior* meeting.
5. Motion to reconsider. Made to request reconsideration of an issue voted upon previously at the *same* meeting. May only be made by a member on the prevailing side of the prior vote.
6. Motion to rescind or repeal. Made to repeal an action taken at a prior meeting.