

AGENDA

1. ROLL CALL: Harris, Allen, Montemayor, Carlson Weinberg, Ulbrich
2. CONSIDERATION OF MINUTES
 - A. Approve meeting minutes from the July 17, 2025 Planning Commission.
3. PUBLIC HEARINGS
 - A. None
4. OLD BUSINESS
 - A. An Ordinance Amending Sections of the Robbinsdale City Code Relating to Electric Vehicles, Electric Vehicle Charging Stations, and Solar Energy Systems
5. NEW BUSINESS
6. OTHER BUSINESS
7. INFORMATION ONLY
 - A. Code of Respect and Ethics Presentation
8. ADJOURNMENT

MINUTES

ROLL CALL

Present: Chair Lucas; Carlson-Weinberg; Ulbrich
Absent: Montemayor; Allen
Staff: Will Bucheger, Assistant Planner; Kayla Kirtz, Sustainability Coordinator

CONSIDERATION OF MINUTES

- A. Approve meeting minutes from the May 15, 2025, Planning Commission.

Commissioner Carlson-Weinberg MOVED, seconded by Commissioner Ulbrich to approve the minutes from the May 15, 2025 Planning Commission meeting. The vote was unanimous and the motion carried.

PUBLIC HEARINGS

- A. An Ordinance Amending Sections of the Robbinsdale City Code Relating to Electric Vehicles, Electric Vehicle Charging Stations, and Solar Energy Systems

Sustainability Coordinator Kirtz gave a staff presentation on a proposed zoning text amendment that sought to introduce language allowing the growth of solar energy and EV charging in Robbinsdale. She stated that there is no current language in the Robbinsdale zoning code about electric vehicles, and there is minimal language about solar energy systems. She indicated that staff would like to recommend amendments to Chapter 5 of the City Code that clearly define EV, EV charging infrastructure, and solar energy terms, identify the uses of solar energy systems and EV charging stations in specific zoning districts, and set EV charging requirements for future high-density housing.

Commissioner Ulbrich said that he is concerned with the proposed language only allowing EV chargers 1-3. He stated that this could restrict the city from allowing updated or newer model EV chargers in the future.

Commissioner Carlson-Weinberg asked if these EV charging spots would be included within the required parking amounts needed for use within the city.

Ulbrich asked if these EV-charging parking spots would be handicapped accessible.

Assistant Planner Bucheger said that the handicap stalls will be reviewed by the International Building Code and not through City Code, so any potential applicant will need to meet building standards for not only the EV charging stations but also the APA requirements indicated by the building code.

Ulbrich asked if strip malls and large commercial stores should have their EV charging units operational 24/7 to help people who need charging at all hours of the day.

Commissioner Harris asked if there are any current level 3 charging stations in the city at this time.

Kirtz responded that Hy-Vee has multiple level 3 Tesla chargers located near their gas station.

Commissioner Carlson-Weinberg MOVED, seconded by Commissioner Ulbrich to open the public hearing at 7:37 pm. The vote was unanimous and the motion carried.

Commissioner Ulbrich expressed his support for this ordinance and wants to see additional charging stations around the city, though he stated that he would like to see this text amendment updated with the comments he expressed dealing with the hours of operations for larger commercial stores with EV charging units and the addition of level 4 EV charging units within the text amendment.

Chair Harris asked staff if they could make a modified recommendation to city council with the viewpoints made by Commissioner Ulbrich.

Bucheger stated that the Planning Commission is allowed to make recommendations of approval with added requirements.

Carlson-Weinberg stated it could be problematic forcing business owners to keep their charging units going 24/7 and that the city should allow businesses to operate their units as they wish. She then expressed concern that 24/7 EV charging unit access could bring criminal activity into the city.

Bucheger stated that requiring businesses to keep their EV charging units going 24/7 may be problematic and could infringe on their rights to operate their business. He then asked Kayla Kirtz if she was aware of any mandatory hours of operation for EV charging units for private businesses from the state.

Kirtz spoke that she is unaware of any such mandatory rule for hours of operation. She further added that she is also unaware of any charging unit classified at level 4, but she can further research this specific charging unit.

Carlson-Weinberg said that she has concerns about 24/7 EV charging unit access since it may increase the chance of a possible carjacking.

Ulbrich said that if we do not require 24/7 access to EV charging stations at certain businesses, then we will reduce people's access to charging units when their vehicles desperately need them. He then asked if gas pumps are required to stay operational 24/7.

Bucheger stated that staff can find that information, and they can also contact the Police Department on the aspect of possible carjackings from a 24/7 public EV charging unit.

Commissioner Ulbrich MOVED, seconded by Commissioner Carlson-Weinberg, to close the public hearing at 7:57 pm. The vote was unanimous and the motion carried.

Harris said that he would like to further discuss this topic after staff research to make a better recommendation for the text amendment.

Ulbrich agreed with tabling the item.

Chari Harris MOVED, seconded by Commissioner Carlson-Weinberg, to table this item for the August Planning Commission meeting so staff can gather further information. The vote was unanimous and the motion carried.

OLD BUSINESS

NEW BUSINESS

OTHER BUSINESS

INFORMATION ONLY

Chair Lucas stated that he will be absent at the next Planning Commission meeting in August.

ADJOURNMENT

Commissioner Ulbrich MOVED, seconded by Commissioner Carlson-Weinberg, to adjourn the meeting at 8:02 pm. The vote was unanimous and the motion carried.



TO: Planning Commission
PREPARED BY: Kayla Kirtz, Sustainability Coordinator
DATE: August 21, 2025
RE: An Ordinance Amending Sections of the Robbinsdale City Code Relating to Electric Vehicles, Electric Vehicle Charging Stations, and Solar Energy Systems

Background:

At the July 17, 2025 Planning Commission meeting, staff presented a draft ordinance amending sections of the Robbinsdale City Code relating to electric vehicles and solar energy systems. A public hearing was held, during which no public comment was given. City staff also did not receive any public comment prior to the meeting. Planning Commissioners and staff had a productive discussion about the proposed zoning code language, and although Commissioners generally voiced support for the draft ordinance, it was ultimately tabled via a unanimous vote. The Planning Commission requested further information and potential revisions to the draft about two items:

1. Commissioners requested language about Level 4 charging stations be added to the definition of "Charging levels" to anticipate growth in the EV charging industry.
2. Commissioners requested more information about best practices for requiring private businesses to operate their privately-owned charging stations 24/7.

Staff have conducted research about the aforementioned subjects and received further input from colleagues at Charging Smart, as well as the City of Robbinsdale's Building Official and Police Chief. Staff recommendations and changes made to the draft ordinance are outlined below in the order in which they appear in the ordinance.

Analysis:

“Accessible Electric Vehicle Charging Station” means an electric vehicle charging station where the battery charging station is located within accessible reach of a barrier-free access aisle and the electric vehicle and is installed and maintained in accordance with Americans with Disabilities Act (ADA) requirements using U.S. Access Board Design Recommendations or other relevant state-level standards for guidance.

Based on guidance from Charging Smart, this is a slight modification to the "Accessible Electric Vehicle Charging Station" definition because the ADA currently does not have specific guidance to help developers install accessible stations. Following the U.S. Access Board's recommendations would make the stations ADA-compliant. The intent of referencing both is to provide the specific requirements the City would like to see in accessible spaces.

“Charging levels” means the standardized indicators of electrical force or voltage, at which an electric vehicle’s battery is recharged. The terms 1, 2, and 3 are the most common charging levels, and include the following specifications:

1. Level 1 is considered slow charging with 120-volt outlets.
2. Level 2 is considered medium charging with 208/240-volt outlets.
3. Direct Current Fast Charging is considered fast or rapid charging. Voltage is greater than 240.

Staff recommend "Direct Current Fast Charging" rather than specifying "Level 3" and "Level 4" charging because Direct Current Fast Charging encompasses both Levels 3 and 4 charging. Leaving the voltage definition open-ended at "greater than 240" also thereby encompasses charging stations that are Level 4. Staff at Charging Smart did not recommend specifically including Level 4 language at this time.

(b) Cords and other design elements extending from EVCS are not permitted in the right of way.

City Engineering staff recommended including this language to avoid charging cords and other infrastructure obstructing the right of way.

(3) All EVCS, including parking spaces replaced with EVCS or other required design elements, count toward minimum parking requirements.

Staff recommend EV parking spaces to count toward minimum parking requirements because it is industry best practice.

(3) All new construction of single-family homes shall have electric capacity to support future EVCS installation.

While Robbinsdale is fully developed and new construction of single-family homes is rare, it is best practice to require that new construction be "EV ready" or "EV capable" meaning they have the electric capacity to support EV charging. It is less costly for the owner/developer to do this proactively rather than retroactively add electric capacity to their property later on.

iii. EVCS must be operational during the normal business hours of the use(s) that it serves. EVCS may be de-energized or otherwise restricted after normal business hours of the use(s) it serves.

Staff, Robbinsdale Chief of Police, and Charging Smart do not recommend requiring businesses to operate their charging stations 24/7 for multiple reasons:

- Prerogative of the charging host. If the site host is making this investment, as with other amenities, it would make sense that they get to monitor and dictate how the amenity is used.
- Enforcement. A 24/7 operation requirement might place an undue burden on the city to ensure the requirement is being followed.
- Safety. If the business isn't operating 24/7, there could be safety concerns for charging station users. Station lighting requirements would need to be adjusted if sites remain operable 24/7.
- Overnight parking. If overnight parking isn't normally allowed where the station is located, then complications could arise with the 24/7 requirement.

Recommendation:

Consider the draft ordinance and the recommended edits.

Attachments:

1. V2-Draft Language-Robbinsdale EV+Solar Ordinance

Member _____ moved and Member _____ seconded a motion that the following ordinance, which was given its first reading on _____, 2025, be given its second reading on this ____ day of _____ 2025, and that it be adopted.

ORDINANCE NO. 25-__

AN ORDINANCE AMENDING SECTIONS 505, 510, 515, 517, 520, AND 525 OF THE ROBBINSDALE CITY CODE RELATING TO ELECTRIC VEHICLES, ELECTRIC VEHICLE CHARGING STATIONS, AND SOLAR ENERGY SYSTEMS

- 1) Sections 505, 510, 515, 517, 520, and 525 of the City Code are hereby amended with the following language to be removed shown by ~~strikeout~~ and new language added shown in **bold and underlined**:

CHAPTER V PLANNING AND LAND USE REGULATION

505.09. Definitions.

“Accessible Electric Vehicle Charging Station” means an electric vehicle charging station where the battery charging station is located within accessible reach of a barrier-free access aisle and the electric vehicle and is installed and maintained in accordance with Americans with Disabilities Act (ADA) requirements using U.S. Access Board Design Recommendations or other relevant state-level standards for guidance.

“Battery Electric Vehicle” means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle’s batteries and produces zero tailpipe emissions or pollution when stationary or operating.

“Charging levels” means the standardized indicators of electrical force or voltage, at which an electric vehicle’s battery is recharged. The terms 1, 2, and 3 are the most common charging levels, and include the following specifications:

- a. **Level 1 is considered slow charging with 120-volt outlets.**
- b. **Level 2 is considered medium charging with 208/240-volt outlets.**
- c. **Direct Current Fast Charging is considered fast or rapid charging. Voltage is greater than 240.**

“Electric capacity” means at a minimum:

- a. **Panel capacity to accommodate a dedicated branch circuit and service capacity to install a 208/240V outlet per charger;**
- b. **Conduit from an electric panel to future electric vehicle charging station location(s).**

“Electric Vehicle” means a vehicle that uses electricity, either partially or exclusively, for propulsion. “Electric vehicle” includes:

- a. **Battery Electric Vehicle**
- b. **Plug-in Hybrid Electric Vehicle**

“Electric Vehicle Charging Station (EVCS)” means a public or private parking space that is served by electric vehicle supply equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

“Electric Vehicle Infrastructure” means conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle.

“Electric Vehicle Parking Space” means any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

“Electric Vehicle Supply Equipment” means an electrical component assembly or cluster of component assemblies designed to specifically charge batteries within electric vehicles.

“Ground-mounted” means a solar energy system mounted on a rack or pole that is ballasted on, or is attached to, the ground. Ground-mounted systems can be either accessory or principal uses.

“Roof-mounted” means a solar energy system mounted on a rack that is ballasted on, or is attached to, the roof of a building or structure. Roof-mounted systems are accessory to the primary use.

“Solar carport” means a solar energy system of any size that is installed on a carport structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities.”

“Solar energy system” means a device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage, and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

“Solar photovoltaic system” means a solar energy system that converts solar energy directly into electricity, the primary components of which are solar panels, mounting devices, inverters, and wiring.

510.17. Off-street parking.

Subd. 10. Electric Vehicles.

(a) Permitted Locations. Level 1, Level 2, and Direct Current Fast Charging EVCS are permitted in every zoning district, when accessory to the primary permitted use.

(b) Cords and other design elements extending from EVCS are not permitted in the right of way.

(c) Minimum Number of Required Electric Vehicle Charging Stations

- (1) All new parking areas, existing parking areas expanding by more than 25% additional parking spaces, and existing parking areas improving more than 25% of the parking area are subject to the standards of Table III.
- (2) For all calculations of required parking spaces based on percentages, any result less than one shall be rounded up to one and, above that, fractional results of at least one half shall be rounded up to the nearest whole number.
- (3) All EVCS, including parking spaces replaced with EVCS or other required design elements, count toward minimum parking requirements.
- (4) Table III.

<u>Table III. Minimum Number of Required Electric Vehicle Charging Stations</u>		
<u>Number of Spaces</u>	<u>New Parking Areas</u>	<u>Expansion or Improvement of Existing Parking Areas</u>
<u>< 50</u>	<u>Optional</u>	<u>Optional</u>
<u>50+</u>	<u>Multiple-unit residential (5 or more units) land uses:</u> <ul style="list-style-type: none"> • <u>10% of required parking spaces, of which at least one shall be an accessible EVCS, as Level 1 or greater</u> • <u>One guest parking space as Level 2 or greater</u> 	<u>EVCS shall be provided at the minimum quantities required for new parking areas, prorated to the number of parking spaces in the area of expansion or improvement.</u>
	<u>Non-residential land uses:</u> <ul style="list-style-type: none"> • <u>5% of required parking spaces, of which at least one shall be an accessible EVCS, as Level 2 or greater</u> 	

- (d) Notwithstanding the requirements of subsections above, all new gasoline service stations as defined in Section 1130.11 shall be required to install at least one EVCS as Level 2 or greater.
- (e) In addition to the number of required EVCS, the following accommodations shall be required for the anticipated future growth in market demand for electric vehicles:
 - (1) New Non-Residential and Multiple-Unit Residential Land Uses (5 or more units): all new parking areas shall provide electrical capacity necessary to accommodate the future hardwire installation of EVCS as Level 2 or greater for a minimum of 10% of required parking spaces.
 - (2) Existing Non-Residential and Multiple-Unit Residential Land Uses (5 or more units): all existing parking areas that are expanded or improved by more than 25%, electrical capacity shall be provided according to the preceding standards required for new parking areas, prorated to the number of parking spaces in the area of expansion or improvement.

- (f) These requirements may be revised upward or downward by the City Council as part of an application for a conditional use permit or planned unit development based on verifiable information pertaining to parking.
- (g) Reductions to EVCS requirements: When the cost of installing EVCS required by this Subdivision would exceed 5% of the total project cost, the property owner or applicant may request a reduction in the EVCS requirements and submit cost estimates for city consideration. When City Council approval of the project is not required, the Community Development Director may administratively approve a reduction in the required amount of EVCS in order to limit the EVCS installation costs to not more than 5% of the total project cost.
- (h) General Requirements for Properties Comprised of Four or Fewer Housing Units
- (1) EVCS shall be located in a garage, or on the exterior wall of the home or garage adjacent to a parking space.
 - (2) EVCS shall comply with all relevant design criteria as outlined in each specific Zoning District unless specifically exempted.
 - (3) All new construction of single-family homes shall have electric capacity to support future EVCS installation.
- (i) General Requirements for Properties Comprised of Five or More Housing Units and Non-Residential Properties
- (1) Accessibility: An EVCS will be considered accessible if it is located adjacent to, and can serve, an accessible parking space as defined and required by the ADA. It is not necessary to designate the EVCS exclusively for the use of vehicles parked in the accessible parking space.
 - (2) EVCS for public use shall be subject to the following requirements:
 - i. EVCS shall be located in a manner that will be easily seen by the public for informational and security purposes.
 - ii. EVCS shall be located in desirable and convenient parking locations that will serve as an incentive for the use of electric vehicles.
 - iii. EVCS must be operational during the normal business hours of the use(s) that it serves. EVCS may be de-energized or otherwise restricted after normal business hours of the use(s) it serves.
 - (3) Lighting: Site lighting shall be provided where EVCS is installed, unless charging is for daytime purposes only.
 - (4) Equipment Design Standards:
 - i. Battery charging station outlets and connector devices shall be mounted to comply with state code and must comply with all relevant ADA requirements. EVCS mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located as to not impede pedestrian travel or create trip hazards on sidewalks.

- ii. EVCS may be located adjacent to designated parking spaces in a garage or parking lot as long as the devices do not encroach into the required dimensions of the parking space (length, width, and height clearances).
 - iii. The design should be appropriate to the location and use. Facilities should be able to be readily identified by electric vehicle users and blend into the surrounding landscape/architecture for compatibility with the character and use of the site.
 - iv. EVCS pedestals shall be designed to minimize potential damage by accidents, vandalism, and to be safe for use in inclement weather.
- (5) Usage Fees: The property owner may collect a service fee for the use of EVCS.
- (6) Maintenance: EVCS shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting problems with the equipment or access to it.

515.01. R-1, single family residential district

Subd. 3. Permitted accessory uses. Permitted accessory uses in an R-1 district are:

(i) solar energy devices that are attached to principal or accessory structures or located in rear yards; (Amended, Ord. No. 23-08), provided that they meet the following performance standards:

(1) Height, Solar energy systems shall comply with the following height requirements:

(i) Roof mounted solar energy systems shall comply with the height standards of the applicable zoning district.

(ii) Ground mounted solar energy systems shall not exceed fifteen feet in height when orientated at maximum tilt.

(2) Setback. Solar energy systems shall comply with the following setback requirements:

(i) Roof mounted solar energy systems shall comply with the setback requirements for the applicable zoning district and structure type (principal or accessory) on which they are mounted.

(ii) Ground mounted solar energy systems shall comply with the principal front yard setback requirements of the abutting zoning district.

(3) Visibility. Solar energy systems shall be designed to blend into their surroundings or the architecture of the associated building provided mitigating for visual impacts will allow the system to function within expected industry standards.

The color of the solar collector is not required to be consistent with other roofing materials.

517.01. P, Public facilities district

Subd. 3. Permitted accessory uses. The following are accessory uses in P districts:

(b) **Roof mounted solar** Solar energy devices ~~as an integral part of the principal structure,~~ **provided that they meet the following performance standards:**

(1) Height. Roof mounted solar energy systems shall comply with the height standards of the applicable zoning district.

(2) Setback. Roof mounted solar energy systems shall comply with the setback requirements for the applicable zoning district.

(3) Visibility. Solar energy systems shall be designed to blend into their surroundings or the architecture of the associated building provided mitigating for visual impacts will allow the system to function within expected industry standards. The color of the solar collector is not required to be consistent with other roofing materials.

Subd. 4. Conditional uses. The following are uses permitted with a conditional use permit in P districts:

(e) **Ground mounted solar** Solar energy devices ~~NOT an integral part of the principal structure,~~ **provided that they meet the following performance standards:**

(1) Height. Ground mounted solar energy systems shall not exceed fifteen feet in height when oriented at maximum tilt.

(2) Setback. Ground mounted solar energy systems shall comply with the principal front yard setback requirements of the abutting zoning district.

(3) Visibility. Ground mounted solar energy systems shall be designed to blend into their surrounded provided mitigating for visual impacts will allow the system to function within expected industry standards.

520.01. B-1, Neighborhood commercial district

Subd. 3. Permitted accessory uses. Permitted accessory uses in a B-1 district are:

(f) **roof mounted** solar energy devices, **provided that they meet the following performance standards:**

(1) Height. Roof mounted solar energy systems shall comply with the height standards of the applicable zoning district.

(2) Setback. Roof mounted solar energy systems shall comply with the setback requirements for the applicable zoning district.

(3) Visibility. Solar energy systems shall be designed to blend into their surroundings or the architecture of the associated building provided mitigating for visual impacts will allow the system to function within expected industry standards. The color of the solar collector is not required to be consistent with other roofing materials.

Subd. 4. Conditional uses. The uses described in this subdivision require a conditional use permit based on procedures set forth in and regulated by subsection 535.01 of this code and are the following:

(k) **Ground mounted** solar energy devices, **provided that they meet the following performance standards:**

(1) Height. Ground mounted solar energy systems shall not exceed fifteen feet in height when oriented at maximum tilt.

(2) Setback. Ground mounted solar energy systems shall comply with the principal front yard setback requirements of the abutting zoning district.

(3) Visibility. Ground mounted solar energy systems shall be designed to blend into their surrounded provided mitigating for visual impacts will allow the system to function within expected industry standards.

525.01. B-W, Business-warehouse District.

Subd. 2 Permitted uses. Permitted uses in a B-W district are:

(r) ground mounted solar energy devices, provided that they meet the following performance standards:

(1) Height. Ground mounted solar energy systems shall not exceed fifteen feet in height when oriented at maximum tilt.

(2) Setback. Ground mounted solar energy systems shall comply with the principal front yard setback requirements of the abutting zoning district.

(3) Visibility. Ground mounted solar energy systems shall be designed to blend into their surrounded provided mitigating for visual impacts will allow the system to function within expected industry standards.

- 2) The following summary clearly informs the public of the intent and effect of the ordinance and is approved for publication:
 - a. To facilitate and encourage the use of electric vehicles, to expedite the establishment of convenient, cost-effective electric vehicle infrastructure, and establish minimum requirements for such infrastructure to serve both short and long-term parking needs.

- b. To allow for and regulate the location, placement, design, and maintenance of active and passive solar energy systems to ensure such equipment are appropriately located and are used in a safe and effective manner.

3) This ordinance shall be effective immediately upon its passage and publication.

First Reading: YEAS:

NAYS:

Second Reading: YEAS:

NAYS:

PASSED AND ADOPTED BY THE CITY COUNCIL ON THIS ___ DAY OF ___, 2025.

Bradley Sutton, Mayor

ATTEST:

Chase Peterson-Etem, City Clerk

(SEAL)

Brooklyn Center City Commission Code of Respect and Ethics

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Brooklyn Center City Commission Code of Respect and Ethics

A. Commissioner Conduct with One Another

City Commissions are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve the community. In all cases, this common goal should be acknowledged even as Commissioners may "agree to disagree" on contentious issues.

1. In Public Meetings

- (a) **Commissioner Interaction.** Commissioners agree to practice civility, professionalism and decorum in discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. Commissioners can promote camaraderie and collaboration by refraining from making belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. Shouting or physical actions that could be construed as threatening will not be tolerated. Commissioners should make every effort to conduct themselves in a professional manner at all times, including listening actively during Commission meetings.
- (b) **Deference to Order.** Commissioners agree to honor the roles of Commission leadership including the Chair and Co-Chair in maintaining order by deferring to their direction and guidance. It is the responsibility of the Chair and/or Co-Chair to keep the Commission meetings on track during meetings. Commissioners agree to honor efforts by the Chair or Co-Chair to focus discussion on current agenda items. If there is disagreement about the agenda or Chair or Co-Chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.
- (c) **Setting a Positive Example.** One prominent goal of every commission meeting should be to demonstrate a positive example of decorum and respect for constituents. To accomplish that goal, Commissioners agree to avoid comments that personally attack other Commissioners. If a Commissioner is personally attacked by the comments of another Commissioner, the offended Commissioner will make notes of the actual words used and may call for a "point of order" to challenge the other Commissioner to justify or apologize for the language used. The Chair or Co-Chair will maintain control of this discussion.
- (d) **Collaborative Problem Solving.** Another goal of the commission meeting is to demonstrate effective problem-solving approaches. Commissioners have a responsibility to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.
- (e) **Timeliness.** To ensure smooth and timely execution of each commission meeting, Commissioners agree to make best efforts to be punctual and keep comments relative to topics discussed. Every Commissioner has made a commitment to attend meetings and participate in discussions. Therefore, it is important

that Commissioners be punctual and that meetings start on time. It is equally important that discussions on issues be relative to the topic at hand to allow adequate time to fully discuss scheduled issues.

- (f) **Endorsement of Candidates.** It is inappropriate to mention endorsements during commission meetings or other official City meetings or functions.
- (g) **Professional Courtesy.** Commissioners endeavor to avoid putting colleagues in awkward or disadvantageous positions in an effort to capitalize on another colleagues' vulnerability or to embarrass them publicly. Commissioners agree to make every attempt to submit questions or concerns to the Staff Liaison prior to formal meetings to avoid surprising Commissioners, Council Liaisons, or Staff at said meetings.
- (h) **Personal Attacks.** Commissioners shall not personally attack, under any circumstance, another member of a Commission. Commissioners acknowledge that cultural differences, body language, tone of voice, as well as the words they use, could be experienced as intimidating, off-putting, or aggressive to the message recipient.

2. In Private Encounters

- (a) **Respectful Workplace Values.** Commissioners agree to continue to model respectful behavior in private. The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.
- (b) **Data Practices.** Commissioners recognize that written notes, voicemail messages, social media and email may be public information. Technology allows words written or said without much forethought to be distributed wide and far. Commissioners agree to consider the following: (1) how they, their family and/or friends would feel if this voicemail message was played on a speaker phone in a full office? Or broadcast on the nightly news; (2) What could the consequences be if this email message was forwarded to others? Commissioners agree that written notes, social media postings, voicemail messages and email should be treated as potentially "public" communication.
- (c) **Public-Private Considerations.** Even private conversations can have a public presence. City officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations could be overheard, parking lot debates may be watched, and casual comments between individuals before and after public meetings noted.
- (d) **Personal Comments.** Commissioners agree to refrain from making personal comments about other Commissioners. It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Commissioners, their opinions and actions.

B. Commissioner Conduct with City Staff

Governance of the City is a cooperative effort, including elected officials, appointed officials, and staff. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.

1. Respectful Workplace Values. Commissioners agree to treat all staff as professionals. Commissioners agree to engage in clear, honest communication that respects the abilities, experience, expertise, and dignity of each individual. Berating, personal, impertinent, slanderous, threatening, abusive, or disparaging comments toward staff are not acceptable and are automatic grounds for a Code of Resect violation.
2. Limited City Staff Contact. Questions for City staff and/or requests for additional background information should be directed to the City Manager or City Attorney. Commissioners agree to copy the City Manager on or keep the City Manager informed of any request. Except in extraordinary circumstances, Commissioners agree to avoid disrupting City staff while they are in meetings, on the phone, or engrossed in performing their job functions.
3. Staff Criticism. Commissioners should not publicly criticize an individual employee. Commissioners agree to express concerns about the performance of a City employee directly to the City Manager through private correspondence or conversation. Commissioners will refrain from expressing concerns in public, to the employee directly, or to the employee's manager.
4. Political Solicitation. Commissioners will not solicit any type of political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff.
5. Personal Comments about other Commissioners. Commissioners agree to refrain from speaking ill of other Commissioners to staff. This puts staff in an uncomfortable and compromising position because staff have the responsibility to treat all Commissioners equally and with respect.
6. Personal Attacks. Commissioners shall not personally attack, under any circumstance, a member if city staff. Commissioners acknowledge that cultural differences, body language, tone of voice, as well as the words they use, could be experienced as intimidating, off-putting, or aggressive to the message recipient.

C. Commissioner Conduct with the Public

1. In Public Meetings (For Commissions with Public Hearings)
 - (a) **Create a Welcoming Environment.** Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual Commissioners toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

- (b) **Speaking Time.** The Commission as a body agrees to be fair and equitable in allocating public hearing time to individual speakers. The Commission Chair or Co-Chair will determine and announce limits on speakers at the start of the public hearing process and ensuring those with Brooklyn Center addresses have an opportunity to speak. Generally, each speaker will be allocated two minutes to speak. Applicants or their designated representatives may be allowed more time. If many speakers are anticipated, the Chair or Co-Chair may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.
- (c) **Public Hearing Speakers.** No speaker will be turned away unless the speaker exhibits inappropriate behavior. Each speaker may only speak once during the public hearing unless the Commission requests additional clarification later in the process. After the close of the public hearing, no more public testimony will be accepted unless agreed upon by the Commission.
- (d) **Avoid Public Debate.** Commissioners agree to avoid debate and argument with the public. Only the Chair or Co-Chair – not individual Commissioners – can interrupt a speaker during a presentation. However, a Commissioner can ask the Chair or Co-Chair for a point of order if the speaker is off the topic or exhibiting behavior or language the Commissioner finds disturbing. Commissioners may request that the Chair or Co-Chair seek clarification from the speaker.
- (e) **Commission Chair to Focus Discussion.** If speakers become flustered or defensive by Commissioner questions, it is the responsibility of the Chair or Co-Chair to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by Commissioners to members of the public testifying should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker. Commissioners agree to refrain from providing personal opinions or revealing inclinations about upcoming votes until after the public hearing is closed.
- (f) **Personal Attacks.** Commissioners shall not personally attack, under any circumstance, a member/members of the public. Commissioners acknowledge that cultural differences, body language, tone of voice, as well as the words they use, could be experienced as intimidating, off-putting, or aggressive to the message recipient.

2. In Unofficial Settings

- (a) **No Promises.** Commissioners may not make promises on behalf of the Commission. Commissioners may be asked to explain a Commission policy or recommendation or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of City policy and to refer to City staff for further information. It is inappropriate to overtly or implicitly promise Commission or Council action, or to promise City staff will do something specific (fix a pothole, plow a specific street, plant new flowers in the median, etc.).
- (b) **Personal Comments.** Commissioners agree to refrain from making personal comments about other Commissioners to constituents. It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other Commissioners, their opinions and actions.

- (c) **Public-Private Considerations.** Commissioners may be observed by the community as they serve the city in their capacity as commissioners. Commissioner behaviors and comments serve as models for proper conduct in the City of Brooklyn Center. Commissioners agree to reflect honesty and respect for the dignity of each individual in every word, communication, (whether in social media or otherwise), and action taken by Commissioners, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

D. Commissioner Conduct with Other Public Agencies

Commissioners will be as clear as possible when representing City or personal interests. If a Commissioner appears before another governmental agency or organization to give a statement on an issue, the Commissioner must clearly state:

1. If his or her statement reflects personal opinion or is the official stance of the City;
2. Whether this is the majority or minority opinion of the Commission. Even if the Commissioner represents his/her/their own personal opinions, the Commissioner must remember that the comments may reflect upon the City as an organization.

If the Commissioner is representing the City, the Commissioner must support and advocate the official City position on an issue, not a personal viewpoint.

E. Poor Conduct and Accountability Measures

1. Conduct

- (a) **Violations.** Commissioners who violate the Code of Respect will be subject to accountability measures. Any violations that potentially constitute criminal conduct shall be handled by the criminal justice system.
- (b) **Factors.** Factors that will be considered in determining the appropriate restorative measure or sanction include but are not limited to the following: seriousness of the violation and number of preceding violations.

2. Types of Accountability Measures

(a) **Restorative Measures**

Commissioners agree to engage in restorative measures prior to initiating sanctions for violations of the Code of Respect. Restorative measures include, but are not limited to:

- (i) Private meeting Commissioner and City Manager
- (ii) Informal Mediation between involved parties and Mediator
- (iii) Mediator issues recommendations (i.e. training, public apology, meeting suspension, etc.)
- (iv) Commissioner / Involved Parties to follow recommendations
- (v) If Commissioner refuses to follow recommendations, then the process moves to sanctions:

(b) Sanction

Commissioners may face commission removal for failing to engage in restorative measures or for continued violations of the Code of Respect.

3. Process

(a) Complaint / Reporting a Code of Respect Violation

- (i) A Commissioner may report a potential Code of Respect violation by another Commissioner by bringing the matter to the attention of the official of their choice, Mayor, or the City Manager.
- (ii) A Brooklyn Center staff member may report a potential Code of Respect violation by a City Commissioner by bringing the matter to the attention of the City Manager or Human Resources Manager.
- (iii) If the potential violation involves the Mayor, it should be brought to the attention of the Mayor Pro Tem, City Manager, or City Attorney.
- (iv) A community member may report potential Code of Respect violations by a member of a City Commission to the Mayor, City Manager or any member of the City Council.

(b) Investigation

- (i) Triage. The Mayor and City Manager will gather initial information, consult with the City Attorney if necessary and decide how to move forward.
- (ii) Fact Finding. If necessary, the matter will be referred to the criminal justice system. The Mayor and City Manager will determine whether to pursue independent fact-finding or internal fact-finding.
- (iii) Possible Outcomes. After an investigation, the City Manager, in consultation with proper staff, will determine if the complaint is substantiated or unsubstantiated. A restorative solution will be sought prior to moving to a sanction.
 - (1) If Substantiated: The Commissioner will have a consultation with the City Manager, if that is unsuccessful, then the parties move to a graduated resolution process:
 - Informal mediation with harmed individuals and City designee (Mediator);
 - Mediator issues recommendations
 - Commissioner / Involved Parties to follow recommendations
 - If Commissioner refuses to follow recommendations, then the process moves to sanction.

(2) Sanction: (Last Resort)

- City Manager compiles redacted report for Council review (names, commission, other identifying information will be removed from the report)
- After review of the circumstances and recommendation, Council will use a standard form provided by the Administration to communicate their vote
- Administration will provide Council forms to Mayor
- Mayor will state Council vote on the record
- If Commissioner is removed from service, Commissioner will receive a letter of removal from the Council
- Commission Removal results in automatic bar from Commission Appointment for 2 years

(3) If Unsubstantiated: City Manager to work with City Attorney to determine resolution compliant with the Minnesota Government Data Practices Act

4. Conduct During Meetings

- (a) **Inappropriate Statements.** For inappropriate statements or conduct by Commissioners occurring during a Commission meeting, a verbal correction by the Commission Chair will normally be the first step to address the matter, either during or after the meeting.
- (b) **Further Incidents.** Further incidents at the same meeting may be addressed by subsequent verbal corrections accompanied Repeated incidents can give rise to Chair not recognizing the offending Commissioner to speak. A Commissioner can request that the Chair take any of these actions against an offending Commissioner if the Chair has not done so on her/his/their own.

F. Ethics

1. Open Meeting Law

- (a) With certain exceptions, meetings of Council Commissions must be open the public. A meeting is a gathering of a majority of Commissioners at which City business is discussed. It is not necessary that action be taken for a gathering to constitute a “meeting.”
- (b) A meeting does not include chance social gatherings as long as public business is not discussed.
- (c) A majority of Commissioners should not communicate with each other by phone, email, in-person, or otherwise, to discuss City business.
- (d) Use of social media does not violate the open meeting law as long as social media use is accessible to all Members of the public.

See Minnesota Statutes, Chapter 13D, for further information regarding the Open Meeting Law.

2. Gift Law

A City Commissioner cannot accept a gift from someone who has an interest in any matter involving the City.

A “gift” includes money, property, a service, a loan, forgiveness of a loan, or a promise of future employment.

A “gift” does not include:

- Campaign contributions;
- Items costing less than \$5;
- Items given to members of a group; the majority of whose members are not local officials;
- Gifts given by family members; or
- Food or beverages given at a reception, meal or meeting at which a Council Member is making a speech or answering questions as part of a program

See Minnesota Statutes, Section 471.895 City Charter, Section 14.04(A), and Section II, 2.95 of the Brooklyn Center Code of Policies for further information regarding the Gift Law and procedure.

3. Conflict of interest

(a) Commissioners cannot have a personal financial interest in a sale, lease, or contract with the City.

(b) Commissioners cannot participate in matters in which the Commissioner’s own personal interest, financial or otherwise, is so distinct from the public interest that the Commissioners cannot be expected to fairly represent the public’s interest when voting on the matter.

See Minnesota Statutes Section 471.87, and Section II, 2.95 of the Brooklyn Center Code of Policies of further information about Conflicts of Interest involving Public Officers.