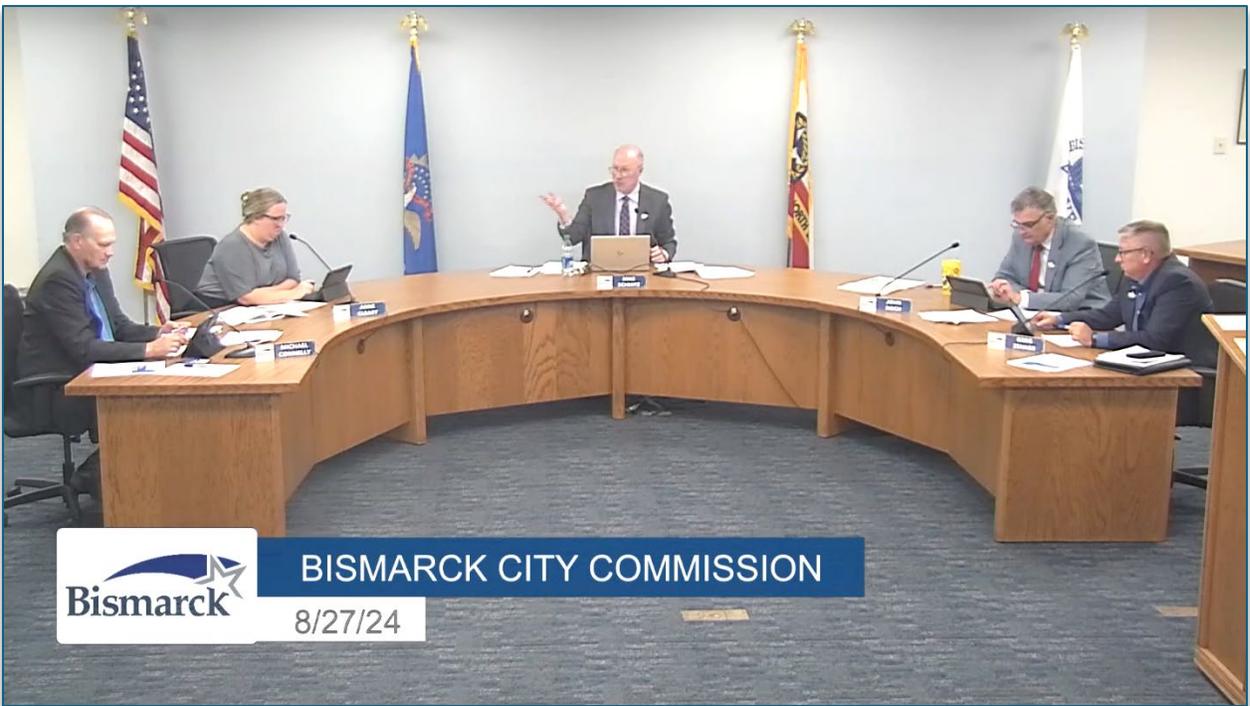




City of Bismarck

Overview for Roles, Responsibilities, Respect & Representation



Adopted by the Bismarck City Commission

August 27, 2024

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Note of Expectation

Commissioners are confronted with difficult decisions and tremendous stress in making those decisions that may impact thousands of lives. Despite these pressures, elected officials are called upon to always exhibit appropriate behavior. Demonstrating respect for each individual through words and actions is the touchstone that can help guide Commissioners to do the right thing in even the most difficult situations.

Michael Schmitz

Bismarck Mayor

August 27, 2024

This document is located on the City of Bismarck website. For more information about the Bismarck City Commission, contact Bismarck City Administration by calling 701-355-1300.

Overview of Roles, Responsibilities, Respect & Representation

Supporting resources that define the roles and responsibilities of elected officials are the City of Bismarck (hereinafter referred to as “the City”) Charter, Ordinances, and the North Dakota Century Code.

Mayor (President of the Board)

- The Executive Officer of the City of Bismarck is the Mayor. (Bis.Ord. 2-03-05(3)).
- Acts as the official head of the City for all ceremonial purposes.
- Chairs Commission meetings (Bis.Ord. 2-03-05(1)).
- Recognized as spokesperson for the City.
- Selects substitute for City representation when Mayor cannot attend (selection is subject to acceptance of request).
- Makes judgment calls on proclamations, Special Orders of the Day, etc.
- Recommends subcommittees as appropriate for Commission approval.
- Serves as the liaison between the Commission and the City Administrator.
- Leads the Commission into an effective, cohesive working representative body on behalf of the citizens.
- Signs documents on behalf of the City.

Serves as official delegate of the City to events and conferences Vice President of the Commission

- Performs the duties of the Mayor if the Mayor is absent or unable (Bis.Ord. 2-03-06).
- Chairs Commission meetings at the request of the Mayor.
- Represents the City at ceremonial functions at the request of the Mayor.

Commissioners

All members of the City Commission, including the Mayor, have equal votes. No Commissioner has more power than any other Commissioner, and all should be treated with equal respect. City Commission members are elected at-large from within the boundaries of the City of Bismarck. It is the role of a commissioner to represent all residents of city.

All Commission members should:

- Fully participate in City Commission meetings and other public forums while demonstrating respect, kindness, consideration, and courtesy to others.
- Prepare in advance of Commission meetings and be familiar with issues on the agenda.
- Schedule regular meetings with the department directors of their assigned portfolios.
- Recognize their role as a governing body for City Government, directing management issues to the appropriate director or City Administrator for resolution.
- Represent the City at ceremonial functions at the request of the Mayor.
- Place activities and events on the Commission’s activities calendar that invite official participation of all Commissioners. A list of the activities of individual Commissioner may also be submitted for public record at the option of the Commissioner.

- Be respectful of other people's time. Stay focused and act efficiently during public meetings.
- Serve as a model of leadership and civility to the community.
- Inspire public confidence in Bismarck government.
- Provide contact information to City Hall in case an emergency or urgent situation arises while the Commissioner is out of town.
- Demonstrate honesty and integrity in every action and statement.
- Monitor Bismarck's progress in attaining its goals and objectives while pursuing its mission.
- Participate in scheduled activities to increase government effectiveness and review Commission procedures as it benefits the citizens and stakeholders of Bismarck.

Commission Chair

The Mayor will chair official meetings of the City Commission unless the Vice President of the Commission or another Commissioner is designated as Chair of a specific meeting.

- Maintains order, decorum, and the fair and equitable treatment of all speakers.
- Keeps discussion and questions focused on specific agenda item under consideration.
- Makes parliamentary rulings with advice, if requested, from the City Attorney who acts as an advisory parliamentarian. Chair rulings may be overturned if a Commissioner makes a motion as an individual and the majority of the Commission votes to overrule the Chair.

Policies & Protocol Related to Conduct

Ceremonial Events

Requests for a City representative at ceremonial events will be handled by City staff. The Mayor will serve as the designated City representative. If the Mayor is unavailable, then City staff will determine if event organizers would like another representative from the Commission. If yes, then the Mayor will recommend which Commissioner (selection is subject to acceptance of request) should be asked to serve as a substitute. Invitations received at City Hall are presumed to be for official City representation. Invitations addressed to Commissioners at their homes are presumed to be for unofficial, personal consideration.

Correspondence Signatures

Commissioners do not need to acknowledge the receipt of correspondence, or copies of correspondence, during Commission meetings. City staff will prepare official letters in response to public inquiries and concerns. These letters will carry the signature of the Mayor unless the Mayor requests that another Commissioner or City staff sign the document(s). If correspondence is addressed only to one Commissioner that Commissioner should check with staff on the best way to respond to the sender and to insure records retention rules are followed.

Endorsement of Candidates

Commissioners may endorse candidates for Commission seats or other elected offices but must state that it is their personal endorsement and not on behalf of the City of Bismarck. It is inappropriate to mention endorsements during Commission meetings or other official City meetings.

Non-agenda Items/Suspension of the Rules

During a designated period of the agenda (Public Comment), citizens, Commissioners, and staff may bring forth issues or questions that are on the meeting's agenda, excluding public hearing items. Each speaker may be limited to five minutes as determined by the Chair and should provide the item number on the agenda and their name for the record. In the event a non-agenda item is mentioned, the Chair should provide an appropriate contact for the individual, whether it is a portfolio holder or a staff, to address the concern so that it can be either resolved or all information briefed when it comes before the full Commission.

Public Meeting Hearing Protocol

The Chair has the responsibility to run an efficient public meeting and has the discretion to modify the public hearing process in order to make the meeting run efficiently.

The applicant or appellant has the right to speak first. Speakers representing either pro or con points of view will be allowed to follow. The Chair may limit the presentation time to five minutes so multiple individuals are allowed to share their perspective. The applicant or appellant will be allowed to make closing comments. Yielding time does not apply to public hearings or public comment as the public is not a member of the legislative body nor are the time frames listed creating a debate under Robert's Rules of Order.

Commissioners will not express opinions until after the public hearing portion is closed, as their minds should not be decided until they have heard from the public who wish to comment. They may ask pertinent questions of the speaker or staff. If a Commissioner votes against a motion, the discussion after the motion is made or commentary prior to vote should explain the rationale so that the public can understand the minority opinion.

Main motions may be followed by amendments, followed by substitute motions. Any Commissioner can call for a point of order. Only Commissioners who voted on the prevailing side may make motions to reconsider, which must occur on the same day as the vote on the original motion. A motion to rescind can be made at any time prior to action occurring on the motion but has different requirements depending upon where and when the motion will be heard. Commissioners who desire to make the first motion on issues which they feel strongly about should discuss their intention with the Chair in advance of the Commission meeting.

Commission Conduct with One Another

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

In Public Meetings

- Use formal titles - The Commission should refer to one another formally during public meetings as Mayor, Chair or Commissioner followed by the individual's last name.
- Practice civility 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. This does not allow Commissioners to make

belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. Shouting, disrespectful language or physical actions that could be construed as threatening or damaging to someone's reputation will not be tolerated.

- Honor the role of the Chair in maintaining order - It is the responsibility of the Chair to keep the comments of Commissioners on track during public meetings. Commissioners should honor efforts by the Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Chair's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedure.
- Avoid personal comments that could offend other Commissioners - If a Commissioner is personally offended by the remarks of another Commissioner, the offended Commissioner should make notes of the actual words used and call for a "point of personal privilege" that challenges the other Commissioner to justify or apologize for the language used. The Chair will maintain control of this discussion.
- Demonstrate effective problem-solving approaches - Commissioners have a public stage to show how individuals with disparate points of view can, if possible, find common ground and seek a compromise that benefits the community as a whole.

In Private Encounters

- Continue 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.
Be aware written notes, voicemail messages, and e-mail may be distributed without your permission - Technology allows all words written or said, to be distributed to the masses. All communication should be treated as public communication, subject to open records requests.
- Private conversations can have a public presence - Elected officials are always on display – their actions, mannerisms, and people around them that they may not know monitor language. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noted.

Commission Conduct with City Staff

The primary responsibility of the Commission is the formulation and evaluation of policy. Routine matters concerning operational aspects of the City are to be delegated to the professional staff. Governance of a City relies on the cooperative efforts of elected officials, who set policy, and City staff, who implement and administer the Commission's policies. 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. The City's organizational charts are established to provide the appropriate chain of command for interactions.

- **Treat all staff as professionals**
 - Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior towards staff is not acceptable.
- **Limit contact to specific City staff**
 - To allow for City Directors to manage workflow in their departments, questions of City staff and/or requests for background information should be directed to the City

Administrator, Finance Director, Public Works Directors, Chief of Police, City Attorney, or City Officers. When in doubt about what staff contact is appropriate, Commissioners should ask for direction from the City Administrator. This does not prohibit a commissioner from having conversation with City of Bismarck staff when they happened to meeting them in a causal setting. In fact, it should be encouraged to engage, just be respectful of their personal time. Materials supplied to a Commissioner in response to a request will be made available to all members of the Commission so that all have equal access to information. Commission members should develop a working relationship with the City Administrator wherein current issues, concerns and projects can be discussed comfortably and openly.

- **Do not disrupt City staff from their jobs**
 - Commissioners should not disrupt City staff while they are in meetings, on the phone, or engrossed in performing their job functions in order to have their individual needs met.
- **Never publicly criticize an individual employee**
 - Commission should never express concerns about the performance of a City employee in public, to the employee directly, or to the employee's supervisor. Comments about staff performance should be made to the appropriate City Officer (City Administrator, Finance Director, Chief of Police or Public Works Director/City Engineer) through printed correspondence or conversation.
- **Do not get involved in administrative functions**
 - Commissioners must not attempt to influence City staff on the making of appointments, awarding of contracts, selecting of consultants, processing of development applications, or granting of City licenses and permits.
- **Check with City staff on correspondence before taking action**
 - Before sending correspondence, Commissioners should check with City staff to see if an official City response has already been sent or is in progress.
- **Do not attend "non-public" meetings with City staff unless requested by the Director**
 - While recognizing all City government business is considered open unless specifically excluded by North Dakota Century Code, even if the Commissioner does not say anything, the Commissioner's presence implies support, shows partiality, intimidates staff, and hampers staff's ability to do their job objectively.
- **Limit requests for staff support**
 - Routine administrative or clerical support will be provided to all Commissioners. City Administration staff collects mail for Commissioners. Mail collected by City Administration staff will be distributed to City Commission members at regular City Commission meetings unless a Commissioner requests other arrangements. Mail addressed to the Mayor is reviewed by the City Hall staff who will distribute items for follow-up. Requests for additional staff support – even in high priority or emergency situations -- should be made to the City Administrator, Finance Director, Chief of Police or Public Works Directors that is responsible for allocating City resources to maintain a professional, well-run City government.

- **Do not solicit political support from staff**
 - Commissioners should not solicit political support (financial contributions, display of posters or lawn signs, name on support list, etc.) from City staff. City staff may, as private citizens with constitutional rights, support political candidates but all such activities must be done away from the workplace.

Commission Conduct with The Public

In Public Meetings

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.

- **Be welcoming to speakers and treat them with care and respect –**
 - Treat every person at the podium with respect.
- **Be fair and equitable in allocating public hearing time to individual speakers –**
 - The Chair will determine and announce limits on speakers at the start of the public hearing process if it appears there are numerous presenters on a topic, so all presenters have a chance to share their perspective. The Chair may institute a limit of three to five minutes. The Chair and may ask speakers to limit themselves to new information and points of view not already covered by previous speakers.
 - No speaker will be turned away unless he or she 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 the Chair reopens the public hearing for a limited and specific purpose.
- **Actively listen to the presenters**
- **Ask for clarification, but avoid debate and argument with the public**
 - Only the Chair – not individual Commissioners - can interrupt a speaker during a presentation. However, a Commissioner can ask the Chair for a point of order if the speaker is off the topic or exhibiting behavior or language the Commissioner finds disturbing. If speakers become flustered or defensive by Commission questions, it is the responsibility of the 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' personal opinions or inclinations about upcoming votes should not be revealed until after the public hearing is closed.
- **No personal attacks of any kind, under any circumstance**
 - Commissioners should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.
- **Follow parliamentary procedure in conducting public meetings**
 - The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. The

Chair, subject to the appeal of the full Commission, makes final rulings on parliamentary procedure.

- If a Commissioner speaks at a public meeting that is not their portfolio, they must clarify that they are speaking on behalf of themselves personally, not on behalf of the City Commission.

In Unofficial Settings

- **Make no promises on behalf of the Commission**
 - Commissioners will frequently be asked to explain a Commission action 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 action, or to promise City staff will do something specific.
- **Make no 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.
- **Respect portfolios**
 - If a member of the public contacts a Commission member outside of a noticed public meeting, the citizen should be referred to the portfolio holder for that topic unless a Commissioner is identified as potentially inhibiting resolution. In this instance, it should be referred to the Mayor unless they are the identified individual at which time, contact with the City Attorney as the Risk Manager should be initiated. If it impacts more than two portfolios, the Commission member should consult with the City Administrator or the City Attorney to refer the individual to the most appropriate portfolio holder, so that a quorum of the Commission is not contacted to result in a serial meeting.
- **A Commissioner's actions are always on display**
 - Commissioners are constantly observed by the community every day. Their behaviors and comments serve as models for proper deportment in the City of Bismarck. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by Commissioners, 24 hours a day, seven days a week. It is a serious and continuous responsibility.

Commission Conduct with Other Public Agencies

- **Be clear about representing the city or personal interests**
 - The Mayor is the spokesperson for the City. If a Commissioner appears before another governmental agency, organization, or media to give a statement on an issue, the Commissioner must clearly state:
 - 1) If their statement reflects personal opinion.
 - 2) Whether this is the majority or minority opinion of the Commission. If the Commissioner is representing the City, the Commissioner must support and advocate the official City position on an issue, not a personal viewpoint.
 - 3) If the Commissioner is representing another organization whose position is different from the City, the Commissioner should withdraw from voting on the issue if it significantly impacts or is detrimental to the City's interest.

- Commissioners should be clear about which organizations they represent and inform the Mayor and Commission of their involvement.
- If the Commissioner is involved with a business that has dealings with the City, they must recuse themselves from any decisions or contact with City staff.
- **Correspondence also should be equally clear about representation**
 - City letterhead may be used when the Commissioner is representing the City and the City's official position. A copy of official correspondence should be given to the City Administration staff to be filed in the Commission Office as part of the permanent public record. It is best that City letterhead not be used for correspondence of Commissioners representing a personal point of view, or a dissenting point of view from an official Commission position. However, should Commissioners use City letterhead to express a personal opinion, the official City position must be stated clearly so the reader understands the difference between the official City position and the minor viewpoint of the Commissioner.

Commission Conduct With Other Boards and Commissions

The City has established several Boards and Commissions as a means of gathering more community input. Citizens who serve on Boards and Commissions become more involved in government and serve as advisors to the City Commission. They are a valuable resource to the City's leadership and should be treated with appreciation and respect.

- **Clarify that you are attending as a member of the community, not as a Commission representative** Commissioners may attend any Board or Commission meeting. However, they should be sensitive to the way their participation – especially if it is on behalf of an organization, individual, business or developer – could be viewed as unfairly affecting the process. Any public comments by a Commissioner at a Board or Commission meeting should be clearly made as individual opinion and not a representation of the City Commission.
- **Limit contact with Board and Commissioners to questions of clarification** It is inappropriate for a Commissioner to contact a Board or Commissioner to lobby on behalf of an individual, business, or developer. It is acceptable for Commission members to contact Board or Commissioners to clarify a position taken by the Board or Commission.
- **Boards and Commissions serve the citizens and stakeholders within the community, not individual Commissioners** The City Commission appoints individuals to serve on Boards and Commissions, and it is the responsibility of Boards and Commissions to follow policy established by the Commission. Board members and Commissioners do not report to individual Commissioners, nor should Commissioners feel they have the power or right to threaten Board members and Commissioners with removal if they disagree about an issue. Appointment and reappointment to a Board or Commission should be based on such criteria as expertise, ability to work with staff and the public, and commitment to fulfilling official duties. A Board or Commission appointment should not be used as a political "reward."
- **Be respectful of diverse opinions** A primary role of Boards and Commissions is to represent many points of view in the community and to provide the City Commission with advice based on a full spectrum of

concerns and perspectives. City Commissioners may have a closer working relationship with some individuals serving on Boards and Commissions but must be fair and respectful of all citizens serving on Boards and Commissions.

- **Keep political support away from public forums**

Board members and Commissioners may offer political support to a Commissioner, but not in a public forum while conducting official duties. Conversely, Commissioners may support Board and Commissioners who are running for office, but not in an official forum in their capacity as a Commissioner.

Commission Conduct with The Media

The media, for background and quotes, frequently contacts Commissioners.

- **The Mayor is the official spokesperson to represent the City's position.**

The Mayor is the designated representative of the Commission to present and speak on the official City of Bismarck position. If the media contacts an individual Commissioner, the Commissioner should be clear about whether their comments represent the official City position or a personal viewpoint. If a Commissioner was to indicate that they are stating an official City position they need to state that the Mayor delegated the sharing of information to them on the specific topic.

- **Choose words carefully and cautiously**

Comments taken out of context can cause problems. Be especially cautious about humor, sardonic asides, sarcasm, or word play. It is never appropriate to use personal slurs or swear words when talking with the media.

Conflicts of Interest & Personal Benefit

- City Commissioners should declare a personal interest in any official actions and withdraw from participation in that action. If a law or policy permits a public servant to have such an interest, in seeking the opportunity to further that interest, or in furthering the interest if the opportunity is obtained, the Commissioner who has the personal interest shall comply fully with all procedures required under the applicable laws or policies, and shall not, under any circumstances, gain or attempt to gain any advantage by virtue of being in a public position.
- No City Commissioner shall accept or receive, directly or indirectly, from any person any personal benefit under circumstances in which it can be reasonably inferred that the benefit is intended to influence the Commissioner in the performance or nonperformance of any official duty or as a reward for any official action of the Commission member.
- No person, including any vendor, contractor, business, or board of the City shall offer or give any personal benefit to any Commissioner or any partner-in-interest of the Commissioner.
- No Commissioner nor partner-in-interest of that Commissioner shall solicit from any person, directly or indirectly, any personal benefit, regardless of value, or the promise of receiving a personal benefit in the future, for the Commissioner.
- No current or former Commissioner shall intentionally use or disclose information gained in the course of, or by reason of, his or her official position or activities in any way that could result in the receipt of any personal benefit for the Commissioner, for a partner-in-interest of that Commissioner, or for any other person, if the information or if the Commissioner has not been authorized to communicate it to the public.

- No Commissioner shall, in such capacity, participate in the discussion, debate, deliberation or vote, or otherwise take part in the decision making process on any agenda item before the City Commission in which the Commissioner or a partner-in-interest has a conflict of interest.

Sanctions

- **Public Disruption**
 - Members of the public who do not follow proper conduct after a warning in a public meeting may be barred from further testimony at that meeting or removed from the Commission Chambers.
- **Inappropriate Staff Behavior**
 - Commissioners should refer to the appropriate department director regarding staff who do not follow proper conduct in their dealings with Commissioners, other City staff, or the public. These employees may be disciplined in accordance with standard City procedures for such actions. (Please refer to the section on Commission Conduct with City Staff for more details on interaction with staff.
- **Commissioners Behavior and Conduct**
 - City Commissioners who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Commission, lose seniority or committee/portfolio assignments, or have official travel restricted. Serious infractions of the Leadership Code could lead to other sanctions as deemed appropriate by Commission. Commissioners should point out to the offending Commissioner infractions of the Leadership Code. If the offenses continue, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Vice President of the Commission.
 - It is the responsibility of the Mayor to initiate action if a Commissioner's behavior may warrant sanction. If the Mayor takes no action, the alleged violation(s) can be brought up with the full Commission in a public meeting. If violation of the Leadership Code is outside of the observed behaviors by the Mayor or Commissioners, the alleged violation should be referred to the Mayor. The Mayor should ask the City Attorney to investigate the allegation and report the findings to the Mayor. It is the Mayor's responsibility to take the next appropriate action. These actions can include but are not limited to: discussing and counseling the individual on the violations; recommending sanction to the full Commission to consider in a public meeting; or forming a Commission ad hoc subcommittee to review the allegation; the investigation and its findings, as well as to recommend sanction options for Commission consideration. A video recording of the complaint hearing should be used for a Commission ad hoc subcommittee.

Checklist for Monitoring Conduct

- Will my decision/statement/action violate the trust, rights or good will of others?
- What are my interior motives and the spirit behind my actions?
- If I have to justify my conduct in public tomorrow, will I do so with pride or shame?
- How would people whose integrity and character I respect evaluate my conduct?

- Even if my conduct is not illegal or unethical, is it done at someone else's painful expense? Will it destroy their trust in me? Will it harm their reputation?
- Is my conduct fair? Just? Morally right? In line with my oath of represent the citizens of Bismarck?
- If I were on the receiving end of my conduct, would I approve and agree, or would I take offense?
- Does my conduct give others reason to trust or distrust me?
- Am I willing to take an ethical stand when it is called for? Am I willing to make my ethical beliefs public in a way that makes it clear what I stand for?
- Do I exhibit the same conduct in my private life as I do in my public life?
- Can I take legitimate pride in the way I conduct myself and the example I set?
- Do I listen and understand the views of others?
- Do I question and confront different points of view in a constructive manner?
- Do I work to resolve differences and come to mutual agreement?
- Do I support others and show respect for their ideas?
- Will my conduct cause public embarrassment to someone else?

Glossary of Terms

- **Attitude** – The manner in which one shows one’s dispositions, opinions, and feelings
- **Behavior** – External appearance or action; manner of behaving; carriage of oneself
- **Civility** – Politeness, consideration, courtesy
- **Conduct** – The way one acts; personal behavior
- **Courtesy** – Politeness connected with kindness
- **Decorum** – Suitable; proper; good taste in behavior
- **Manners** – A way of acting; a style, method, or form; the way in which things are done
- **Point of Order** – An interruption of a meeting to question whether rules or bylaws are being broken, such as the speaker has strayed from the motion currently under consideration
- **Point of Personal Privilege** – A challenge to a speaker to defend or apologize for comments that a fellow Commissioner considers offensive
- **Propriety** – Conforming to acceptable standards of behavior
- **Protocol** – The courtesies that are established as proper and correct
- **Respect** – The act of noticing with attention; holding in esteem; courteous regard