

City of Great Falls, Montana



Board and Commission Handbook

January 2020

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WELCOME

Dear Board Member:

On behalf of the entire City Commission, I wish to congratulate you on your appointment and thank you for volunteering your time to serve our community.

The City has over twenty Boards and Commissions that serve in an advisory capacity or act as independent authorities. Your participation gives you the opportunity to participate in the decision-making process on a variety of issues that are important to the citizens of Great Falls.

I hope you will find the information provided in this Handbook helpful as you become familiar with the powers and duties associated with the various boards and commissions. The sections on ethics and open meeting laws are extremely important to ensure we conduct our meetings and ourselves within the laws and the Constitution of the State of Montana.

The City Commission and staff of the City of Great Falls look forward to working with you. Together, we will make a difference!

Sincerely,



Bob Kelly, Mayor

ETHICS AND PUBLIC TRUST

Montana Code Annotated (MCA) sets forth compelling reasons for knowing the landscape you are charged with traversing. Note – these statements are only part of the full text of the section noted.

§ 2-2-101 – Code of Ethics, Statement of purpose. The purpose of this part is to set forth a code of ethics prohibiting conflict between public duty and private interest as required by the Constitution of Montana. . . The provisions of this part recognize that some actions are conflicts per se between public duty and private interest while other actions may or may not pose such conflicts depending upon the surrounding circumstances.

The City Commission adopted Ordinance 2643, establishing the “City of Great Falls Code of Ethics,” on January 19, 1993 and, more recently, Ordinance 3169 on October 17, 2017, that added a requirement that all City public officers, including City board and commission members and elected officials file a disclosure of any potential conflicts of interest with the City Clerk’s Office, and established an Ethics Committee that would work in conjunction with the City Attorney’s Office to resolve any actual or potential conflicts of interest involving City officials.

All City officers or employees, all members of the City Commission, and all members of any City board, council, committee or commission are bound by this Code of Ethics.

The full text of the City of Great Falls Code of Ethics is codified in Title 2, Chapter 21 of the Official Code of the City of Great Falls (OCCGF), as follows:

Chapter 21

CODE OF ETHICS

Sections:

2.21.010	Title
2.21.020	Findings
2.21.030	Purpose and Authority
2.21.040	Definitions
2.21.050	Ethical Standards
2.21.060	Great Falls Ethics Committee established
2.21.070	Committee purpose
2.21.080	Committee membership
2.21.090	Committee meeting schedule
2.21.100	Committee duties

- 2.21.110 Nepotism
- 2.21.120 Distribution

2.21.010 Title.

This chapter shall be known and may be cited as the "City of Great Falls Code of Ethics."

2.21.020 Findings.

The City Commission of the City of Great Falls finds and declares that:

- A. Public office and employment are a public trust;
- B. The vitality and stability of representative democracy depends upon the public's confidence in the integrity of its elected and appointed representatives; and
- C. Governments have the duty both to provide their citizens with standards by which they may determine whether public duties are being faithfully performed, and to apprise their officers and employees of the behavior which is expected of them while conducting such duties.

2.21.030 Purpose and authority.

It is the purpose of this chapter to provide a method of assuring that standards of ethical conduct for officers and employees of the City of Great Falls shall be clear, consistent, uniform in their application, enforceable, and to provide those officers or employees with advice and information concerning possible conflicts of interest which might arise in the conduct of their public duties. Such ethical standards shall inspire and stimulate each officer and employee to:

- A. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective;
- B. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative and practical attitude toward urban affairs and a deep sense of social responsibility as a trusted public servant;
- C. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships so that each public servant may merit the respect and confidence of elected officials, of other officials and employees, and of the public; and
- D. Recognize that the chief function of local government at all times is to serve the best interests of all of the people.

2.21.040 Definitions.

As used in this section:

- A. "Agency" means any agency, board, governing body, including the chief executive officer, office, commission, or other instrumentality within the City of Great Falls, and any independent local authority created by or appointed under the authority of the City of Great Falls.
- B. "Business organization" means any corporation, partnership, firm, enterprise, franchise, association, trust, sole proprietorship, union, or other legal entity.
- C. "Employee" means any person, whether compensated or not, whether part-time or full-time, employed by or serving on an agency, who is not a local government officer.
- D. "Interest" means the ownership or control of more than ten (10) percent of the profits, assets or stock of a business organization, but shall not include the control of assets in a non-profit entity or labor union.
- E. "Member of immediate family" means the spouse or dependent child of an officer or employee residing in the same household.
- F. "Officer" means any person whether compensated or not, whether part-time or full-time, who is one (1) of the following:
 - 1. Member of the City Commission;
 - 2. City Manager;
 - 3. Deputy City Manager;
 - 4. Director, Department of Finance;
 - 5. Director, Department of Planning and Community Development;
 - 6. Director, Department of Public Works;
 - 7. Director, Department of Parks and Recreation;
 - 8. Chief of Police;
 - 9. City Clerk;
 - 10. City Attorney;
 - 11. Municipal Judge;
 - 12. Fire Chief;
 - 13. Library Director;
 - 14. Human Resources Director;
 - 15. Housing Authority Director; or
 - 16. A member of any City board, council, committee, or commission.
- G. "Officer or employee" means an officer or employee of the City of Great Falls or of an agency under the authority of or appointed by the City Commission.

2.21.050 Ethical standards.

In addition to complying with the provisions of Mont. Code Ann. Title 2, Chapter 2, officers and employees of the City of Great Falls shall comply with the following provisions:

- A. No officer or employee of the City of Great Falls shall have an interest in a business organization or engage in any business, transaction, or professional activity which is in substantial conflict with the proper discharge of his or her governmental duties;
- B. No officer or employee shall use, or attempt to use, his or her official position to secure unwarranted privileges or advantages for himself, herself or others;
- C. No officer or employee shall act in his or her official capacity in any matter where he or she, a member of his or her immediate family, or any business organization in which he or she has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to:
 - 1. impair his or her objectivity or independence or judgment, or
 - 2. substantially conflict with the proper discharge of officer or employee's governmental duties;
- D. No officer or employee shall undertake any private employment or service which might prejudice his or her independent judgment in the exercise of his or her official duties;
- E. No officer or employee, any member of his or her immediate family, or any business organization in which he or she has an interest shall solicit or accept any gift, favor, political contribution, service, promise of future employment, or other thing of value for the purpose of influencing him or her, directly or indirectly, in the discharge of his or her official duties, the appearance of impropriety must be avoided by the acceptance of such a gift;
- F. No officer or employee shall use, or allow to be used, his or her public office or employment or any information, not generally available to the members of the public, which he or she receives or acquires in the course of employment, for the purpose of securing financial gain for himself or herself, any member of his or her immediate family, or any business organization with which he or she is associated;
- G. No officer or employee, or any business organization in which he or she has an interest, shall represent any other person or party except the City in connection with any cause, proceeding, application, or other matter pending before any agency of the City of Great Falls; except in the process of collective bargaining for public employees or where any officer or employee or members of his or her immediate family shall represent himself, herself or themselves, in negotiations or proceedings concerning his, her, or their own interests;

- H. No officer shall be in conflict with these provisions if, by reason of his or her participation in the enactment of any ordinance, resolution or other matter required to be voted upon, no particular material or monetary gain accrues to him or her, or his or her immediate family;
- I. No elected officer shall be prohibited from making an inquiry for information on behalf of a constituent if in return, no fee, reward, or other thing of value is directly or indirectly promised to or accepted by the officer or a member of his or her immediate family;
- J. No officer or employee, elected or appointed in the City, shall without receiving formal written authorization from the appropriate person or body, disclose any confidential information concerning any other officer or employee or any other person or any property or governmental affairs of the City;
- K. No officer or employee shall approve, disapprove, or in any way recommend the payment of any bill, voucher, or indebtedness in which he or she has direct or indirect interests except reimbursement for proper expenses otherwise approved by the City Manager;
- L. No officer or employee shall request, use, or permit the use of any public property, vehicle, equipment, labor, or service for personal convenience or advantage for himself or any other person; except where it is the general practice to make the same available to the public at large, or where the same is provided pursuant to stated public policy for the use of officials and employees in the conduct of official business;
- M. All officers or employees shall exercise prudence and integrity in management of public funds in their custody and in all financial transactions;
- N. All officers or employees shall uphold the letter and spirit of the constitution, statutes, and regulations governing their duties and report violations of the law to appropriate authorities;
- O. All officers or employees shall be sensitive and responsive to the concerns and questions of the public; and
- P. All officers, whether elected or appointed, shall file a signed written disclosure with the City Clerk, and City Attorney, disclosing any appearance of a violation of this chapter, and said disclosure may, within the City Manager's discretion, be forwarded to the Great Falls Ethics Committee for determination if a violation of this chapter exists and appropriate course of action.

2.21.060 Great Falls Ethics Committee established.

The City Commission hereby establishes The Great Falls Ethics Committee hereinafter referred to in this chapter as the “Committee.”

2.21.070 Committee purpose.

The purpose of the Committee is to ensure that all City officers and employees are performing their duties in compliance with the provisions of Mont. Code Ann. Title 2, Chapter 2, and the provisions of this chapter.

2.21.080 Committee membership.

A. Subject to the provisions provided in Subsection (B.) of this part, the Committee shall consist of three (3) members and one (1) alternate member, who shall be appointed and ready to serve in the event that a Committee member is unable or unavailable to serve. The members and alternate shall be appointed by the City Commission for not more than three (3) consecutive, three-year terms. Members shall be qualified electors and residents of the City. Members shall not be City employees. As is reasonably possible, the members shall have experience and or training in the following:

1. Public administration;
2. Governmental operation;
3. Political practices; or
4. Legal practice.

B. The first appointee to the Great Falls Ethics Committee shall serve an initial term of three (3) years, the second appointee shall serve an initial term of two (2) years, and the third appointee shall serve an initial term of one (1) year. Following the expiration of these initial terms, the provisions of Subsection (A.) of this part shall apply.

2.21.090 Committee meeting schedule.

The Committee shall meet on an as needed basis, no more frequently than once a month, after a matter has been referred to the Committee by direction of the City Manager or the City Attorney. Committee meetings shall be held in the Civic Center

and, shall be open to the public, pursuant to Mont. Code Ann. Titles 2 and 7. Committee meeting minutes shall be maintained by the City Clerk.

2.21.100 Committee duties.

The Committee shall meet and be presented testimony regarding matters referred to it. When considering an ethics complaint, the Committee shall determine whether a complaint appears to be substantiated based on the information and testimony presented. If the Committee determines that a complaint appears to be substantiated, it may refer the matter to the Cascade County Attorney, or to the supervisor of a public employee who may be the subject of the complaint, for disposition. The Committee shall make written findings of its decision, which will be filed with the City Clerk.

2.21.110 Nepotism.

All personnel matters shall be administered on the basis of merit and through regular management procedure.

- A. No one participating actively in the appointment of a position, i.e., City Commissioners, City Manager, representatives of the Human Resources Department, the appointing department head, or division head, shall appoint any person related or connected by consanguinity within the fourth degree or by affinity within the second degree;
 - 1. "Consanguinity" means blood relation and degrees are determined as follows:
 - i. Parent and child are of the first degree;
 - ii. Grandparents, grandchildren, brothers and sisters are of the second degree;
 - iii. Uncles, aunts, nephews, nieces and great grandparents are of the third degree; and
 - iv. First cousins, great uncles and great aunts and great-great grandparents are of the fourth degree.
 - 2. "Affinity" means a relationship by marriage and the degrees are determined as follows:
 - i. Husband and wife are of the first degree; and
 - ii. Brothers-in-law, sisters-in-law, fathers-in-law and mothers-in-law are of the second degree.
- B. No one may be appointed to a position, within a City department, if related or connected by consanguinity within the fourth degree or by affinity within the

second degree to any person sitting on a board or commission representing or advising that department.

- C. The above shall include but not be limited to the following:
1. City Commission;
 2. Board of Adjustment;
 3. Board of Health;
 4. Housing Authority;
 5. Library Board;
 6. Park and Recreation Board;
 7. Parking Commission;
 8. Planning Board and Zoning Commission;
 9. Police Commission;
 10. Business Improvement District;
 11. Tourism Business Improvement District; and
 12. Great Falls Ethics Committee.

2.21.120 Distribution.

The City Clerk shall cause a copy of this Code of Ethics to be distributed to every public officer and employee of the City within thirty (30) days after enactment. Each public officer and employee elected, appointed, or engaged thereafter shall be furnished a copy before entering upon the duties of his or her office or employment.

MONTANA OPEN MEETING LAW AND PUBLIC PARTICIPATION

The **Montana Open Meeting Law** is aggressive and essentially applies to any gathering of a majority of the City Commission, Neighborhood Councils, or any City appointed board or commission. Thus, if a private person invites the entire board or commission to hear a presentation on an issue and a majority attends, that presentation must be opened to the public and the media.

This law applies to all City boards, commissions, councils, committees and subcommittees as created by the City Commission.

Montana's open meetings and public participation laws are derived from two fundamental rights contained within the Montana Constitution: The Right to Know and the Right of Participation, Montana Constitution, Article II, Sections 8 and 9.

- **Open Meetings**

Montana's open meeting statutes define the term "meeting" very broadly. MCA §2-3-202 defines "meeting" as "the convening of a quorum of the subject public agency . . . whether corporal or by means of electronic equipment, to hear, discuss, or act upon a matter over which the agency has supervision, control, jurisdiction, or advisory power."

Informal governmental action, which includes discussions and information-gathering by a quorum, must be considered a meeting open to the public as listening and exposing itself to facts, arguments and statements constitutes a crucial part of a governmental body's decision making. The possibility that a decision could be influenced dictates that compliance with the law be met.

MCA §7-1-4141 states that “all meetings of municipal governing bodies, boards, authorities, committees, or other entities created by a municipality shall be open to the public except as provided in § 2-3-203, MCA.” Those exceptions are:

(3) The presiding officer of any meeting may close the meeting during the time the discussion relates to a matter of individual privacy and then if and only if the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure. The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting must be open.

(4) (a) Except as provided in subsection (4)(b), a meeting may be closed to discuss a strategy to be followed with respect to litigation when an open meeting would have a detrimental effect on the litigating position of the public agency.

(b) A meeting may not be closed to discuss strategy to be followed in litigation in which the only parties are public bodies or associations described in subsections (1) and (2).

(5) The supreme court may close a meeting that involves judicial deliberations in an adversarial proceeding.

(6) Any committee or subcommittee appointed by a public body or an association described in subsection (2) for the purpose of conducting business that is within the jurisdiction of that agency is subject to the requirements of this section.

MCA §§ 2-3-203(3)-(6).

A meeting may be closed only in rare instances under Article II, Section 10, of the Montana Constitution, which sets forth that “the right to individual privacy is essential to the well-being of a free society and shall not be infringed without the showing of a compelling state interest.”

You must consult with the City Attorney's office prior to initiating any closed session.

MCA §2-3-212 requires that any time a presiding officer closes a public meeting pursuant to 2-3-203, the presiding officer shall ensure that minutes are taken and kept of the closed

portion of the meeting. The minutes from the closed portion of the meeting may not be made available for inspection except pursuant to a court order.

Minutes from closed sessions are kept separately from the regular meeting minutes and are not made available to the public. **Such minutes must be sealed and safeguarded.** Again, closed sessions are rare occurrences. If you have procedural questions, please do not hesitate to contact the City Clerk or the City Attorney's office.

The importance attached to the open meeting requirement is underscored by MCA §2-3-212 which requires that minutes of all open meetings be kept and made available for public inspection. "Effective Meeting Tips" and "The Art of Taking Good Minutes" are included in the Reference section of this handbook.

Matters of significant public interest require notice, as well as an opportunity for the public to participate in the decision-making process, prior to the final decision being made. Pursuant to an Attorney General Opinion, **forty-eight hours** is generally considered sufficient to notify the public of contemplated action.

How to Comply

MCA Title 2, Chapter 3, Public Participation in Governmental Operations, outlines 1) Notice and Opportunity to Be Heard; 2) Open Meetings, and 3) Use of Electronic Mail Systems. Please refer to the Montana Code Annotated for the full text.

In order to comply with the MCA, these guidelines should be followed:

1. Meetings must be noticed to the public at least 48 hours in advance and include:
 - a. Meeting date, time and location through these venues:
 - i. City website, and
 - ii. Great Falls Tribune
2. Agenda for the meeting (*Sample agenda template can be found in Reference materials section*)
 - a. Include items to be discussed,
 - b. Public comment must be allowed (usually near the beginning or the end of the meeting) on non-agenda items which are in the jurisdiction of the Board or Commission, and
 - c. No action may be taken on any matter unless specific notice is included on the agenda and public comment has been received on each agenda item
3. Minutes (*Minute taking tips can be found in Reference materials section*)
 - a. Appropriate minutes of all meetings shall be kept and be available for inspection by the public
 - b. Minutes shall include without limitation:
 - i. Date, time and place of meeting,

- ii. List of individual members in attendance,
 - iii. Substance of all matters proposed, discussed, or decided, and
 - iv. Record by individual members of any votes taken (if requested by any member)
- c. Minutes shall be made available to the public by posting on City of Great Falls website
 - d. Minutes need not be a verbatim record of the meeting

Agendas and minutes are posted on the City’s Website. Agendas and DRAFT minutes should be submitted prior to each meeting as well as the minutes after the Board/Commission approval to the appropriate liaison for posting on the City’s website.

If the minutes are recorded and designated as the official record, a log or time stamp for each main agenda item is required for the purpose of providing assistance to the public in accessing that portion of the meeting. If an audio recording of a meeting is made and designated as official, the recording constitutes the official record of the meeting. If an official recording is made, a written record of the meeting must also be made and must include the four (4) items set forth above in 3.b.

[Example: The City Commission does audio/video record its meetings, including a software program that time stamps main agenda items. However, that recording is not designated as the official record. The written, official minutes note: “Action Minutes of the Great Falls City Commission. Please refer to the audio/video recording of this meeting for additional detail.”]

Audio Recording of Meetings. Except as a memory aid for secretaries in preparing the draft minutes, no useful purpose is served by audio taping a routine meeting. If the meeting is audio recorded, it is subject to the Montana Secretary of State’s Records Retention Schedule and must be kept for a minimum of one (1) year after approval of the summary or action minutes, and the Board or Commission must have the capacity of producing copies of the recording upon request.

Public Records. All public records are and remain the property of the public agency possessing the records. The public records must be delivered by outgoing public officers and employees to their successors. If an outgoing public officer refuses or fails to deliver to the current public officer any public records that pertain to that public office, a complaint may be filed in district court pursuant to the Montana Rules of Civil Procedure to compel the outgoing public officer to deliver any public records still in that officer’s possession to the current public officer.

NEW: If a public agency denies an information/records request to release information or records the agency shall provide a written explanation for the denial. If a person who makes an information request receives a denial from a public agency and believes that the denial

violates their rights, the person may file a complaint pursuant to the Montana Rules of Civil Procedure in district court. A person alleging a deprivation of rights who prevails in an action brought in district court to enforce the person's rights may be awarded costs and reasonable attorney fees against the City.

No records of any Board or Commission should be destroyed without first consulting the City Clerk or City Attorney.

BOARD AND COMMISSION ATTENDANCE POLICY

The City Commission adopted Ordinance 2793, Providing for Attendance Requirements for Boards, Commissions and Councils on January 2, 2001. The City Commission adopted Ordinance 3149 pertaining to the removal of members of Boards, Commissions, and Councils on February 7, 2017.

Chapter 56 BOARDS/COMMISSIONS/COUNCILS ATTENDANCE

Sections:

2.56.010 Scope.

The provisions of this chapter shall apply to all boards, commissions, committees, and councils elected or appointed by the City Commission except where a conflicting provision appears in state statutes or in City ordinances relating to a particular board, commission, committee, or council, the specific statute or ordinance shall apply.

2.56.020 Removal of members of boards, commissions, committees, and councils.

A member of any board, commission, committee, or council, including Neighborhood Council, may be removed from office, by majority vote of the City Commission, if:

- A. The member misses more than one-third (1/3) of the regular meetings in a calendar year without a health or medical excuse;
- B. The member is unable to fulfill the duties of the office as a result of physical illness or mental disorder. A determination of whether the incumbent has a mental disorder shall be made pursuant to MCA Title 53, Chapter 21;
- C. The member neglects or refuses to discharge the member's duties;
- D. The member ceases to be a resident of the City, or in the case of a neighborhood council member, the member ceases to be a resident of the council member's district;

- E. The member is convicted of a felony, or of any offense involving moral turpitude, or a violation of official duties or the City Code of Ethics, Title 2, Chapter 21, while serving on a board, council, committee or commission; or
- F. Any other reason which City Commission deems to be in the best interests of the City, and in such case, only by a four-fifths vote.

If a member is to be removed from any board, commission, committee or council and be replaced by the City Commission, the member will be provided written notice of removal, stating the reasons for removal, by certified mail, postage prepaid, return receipt requested, or by hand delivery. Notice will be provided no less than ten (10) days prior to the City Commission hearing where said removal will be subject to the vote of the Commission.

APPOINTMENTS TO BOARDS AND COMMISSIONS POLICY

The City Commission adopted Resolution 10235 Establishing a Policy Concerning Appointments to Boards and Commissions on June 5, 2018. The full text of the Resolution is as follows:

A RESOLUTION ESTABLISHING A POLICY CONCERNING APPOINTMENTS TO BOARDS AND COMMISSIONS AND REPEALING RESOLUTION 10059.

WHEREAS, the City Commission has the responsibility, both solely and in conjunction with other units of government, for making appointments to several Boards and Commissions; and

WHEREAS, Resolution 10235 will apply to all Boards and Commissions unless federal or state law dictates otherwise; and

WHEREAS, the purpose of the City Boards and Commissions is to provide opportunity for citizen participation in government and provide assistance and recommendations to the City Commission; and

WHEREAS, the City Commission is committed to involving as many citizens as possible in the decision-making process;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that:

1. Except as provided below, or as otherwise specified by ordinance or other resolution adopted by the City Commission, the maximum uninterrupted length of service on any single board or commission shall be two consecutive terms, exclusive of the time served on any unexpired term, for each person appointed by the City Commission.

The following boards and commissions are excepted from this requirement, in the following particulars:

- a) Great Falls Housing Authority: In accordance with state law, tenant members may serve five (5) consecutive two-year terms, exclusive of the time served on any expired term [Mont. Code Ann. § 7-15-4432(2)].
 - b) Business Improvement Districts: district boards established to govern the affairs of a business improvement district may recommend to the City Commission appointments pursuant to any by-laws adopted by the recommending district. Subject to the provisions of Section 5 below, if a district board can demonstrate that its active efforts to recruit qualified and eligible new applicants to replace a board member who has served two consecutive terms have been unsuccessful, the City Commission will consider waiving the term limit for no more than one additional term.
2. Members whose terms expire shall serve until a successor is appointed and qualified.
 3. In the case of a member eligible for and interested in reappointment, if the member is in good standing and the applicable board or commission recommends that the member be reappointed, his or her application shall be brought before the City Commission for consideration for reappointment without advertising for other citizen interest. The City Commission reserves the right to accept or reject that member for reappointment.
 4. Boards and commissions are encouraged to make recommendations to the City Commission regarding appointments to vacant positions on any Board or Commission, but the City Commission reserves the right to accept or reject those recommendations.
 5. The City Commission acknowledges that some board and commissions may have adopted bylaws and/or policies to assist in the management of their affairs, and that some of these same by-laws and/or policies may contain provisions regarding appointments and tenure of board and commission members, and processes for recruitment. The City Commission is not bound by these bylaws and/or policies. Except as provided by federal or state law, the authority of the City Commission in the appointment process is paramount and supersedes any bylaw provisions and/or policies.

6. The City Commission reserves the right to interview applicants to any board or commission.
7. Citizens may not serve on two or more boards or commissions simultaneously, unless authorized to do so by the City Commission.
8. Unless otherwise provided by resolution or ordinance, all terms shall begin on the date of appointment.
9. The City Manager shall approve an internal advertising and appointment procedure for member recruitment.

LIST OF BOARD AND COMMISSIONS AND JOB DESCRIPTIONS

Adjustment/Appeals (Board of)

Creation

MCA §76-2-321 and OCCGF 17.12.5 Ordinance 2923, September 2005, Revised by Ordinance 3205, October 2019)

Purpose

Hears and decides appeals regarding administration of Title 17 or the housing or building regulations, and hears and decides requests for variances consistent with Title 17.

Membership

Five members, appointed by the City Commission.

Term

Three-year term and until a successor is appointed. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

Meeting Schedule

Meets on demand.

Residency Requirements

Members must City residents and qualified electors. (Ordinance 3169)

For Information on the Board Contact:

Planning and Community Development Department at 455-8438.

Airport Authority (Regional)

Creation

Joint Resolution 7451 (City) and 80-1 (County) created the Regional Airport Authority for the operation of the Great Falls International Airport pursuant to the provisions of MCA § 67-11-103. Further amended by Joint Resolution 9036 (City) and 99-831 (County) and Joint Resolution 9152.

Purpose

Governing body and policy setting board for the operation and management of the Great Falls International Airport. Responsible for employing the Airport Director, who hires staff and oversees the day-to-day operations of the Airport.

Membership

Seven members--four appointed by the City Commission and three appointed by the County Commission.

Term

Three-year term.

Meeting Schedule

Meets on the last Tuesday of each month at 1:00 p.m.

Residency Requirements

None

For Information on the Board Contact:

Great Falls International Airport at 727-3404.

Business Improvement District - Board of Trustees

Creation

Petitioned by property owners within the District. Originally created by Resolution 8279 and MCA §7-12-1121, authorizing the City Commission to appoint not less than five or more than seven owners of property (or their personal representative, agent, or guardian) within the established Business Improvement District. The District was recreated by Resolution 9833 in June 2009, and Resolution 10279 in 2019.

Purpose

Oversees the functions, operations, management and administration as necessary to carry out the purposes and objectives of the Business Improvement District.

Membership

Seven members appointed by the City Commission.

Term

Four-year term, except that a vacancy occurring during a term must be filled for the unexpired term. A member shall hold office until a successor has been appointed and qualified.

Meeting Schedule

Meets the second Thursday of each month at 9:00 a.m.

Residency Requirements

Members must be owners of property within the boundaries of the Business Improvement District or their assignee (MCA § 7-12-1121).

For Information on the Board Contact:

Business Improvement District at 727-5430.

Conservation District Board of Supervisors (Cascade County)

Creation

MCA, Title 76, Chapter 15, Part 3.

Purpose

Responsible for attending SB310 permit inspections, meetings, and various workshops. The Conservation District is governed under the Conservation District Laws, MCA, Title 76, Chapter 15. The Board is a separate political entity and is not advisory to the City.

Membership

Seven members—five elected at large at the general election and two appointed residents of municipalities within the District. (MCA § 76-15-301 and 305.)

Term

Four year term for elected supervisors, three-year term for appointed supervisors. City established term limits do not apply to this Board. (City Attorney legal opinion 11/30/2010.)

Meeting Schedule

Contact the Conservation District for meeting times.

Residency Requirements

Refer to Montana Code Annotated § 76-15-311

For Information on the Board Contact:

Cascade County Conservation District at 727-3603, ext. 125.

Design Review Board

Creation/Current

Ordinance 2722 in 1997. Revised by Ordinance 3205 in 2019 (OCCGF 17.12.3.010).

Purpose

Reviews specified types of development proposals to ensure that the design and aesthetics conform to the review criteria contained in OCCGF, Title 17. The Board may approve or deny, in whole or in part, or may modify and set conditions for approval, or provide advice and counsel.

Membership

Five voting members appointed by the City Commission. Members are appointed with an effort to achieve a diversity of expertise, background, and interest. Membership is preferred to include two architects and three individuals chosen for their interest and expertise in design or community aesthetics. No member of the City Commission or employee of the City shall be eligible for membership on the Board.

Term

Three-year terms.

Meeting Schedule

Meets on the 2nd and 4th Monday of each month at 3:00 p.m. if necessary,

Residency Requirements

Members must City residents and qualified electors.

For Information on the Board Contact:

Planning and Community Development Department at 455-8431.

Ethics Committee

Creation

Created by Ordinance 3169 on October 17, 2017, amended by Ordinance 3201 and 3203 in 2019.

Purpose

To insure that all City officers and employees are performing their duties in compliance with the provisions of Montana Code Annotated. Title 2, Chapter 2 and City Code of Ethics.

Membership

Committee should consist of three members and (1) alternate member appointed by the City Commission for not more than three consecutive, three year terms. Members may not be City employees and as reasonably possible, the members shall have experience and or training in Public administration, Governmental operation, Political practices or Legal practice.

Terms

Three-year terms.

Meeting Schedule

Meets as needed.

Residency Requirements

Members must City residents and qualified electors. (Ordinance 3169)

For Information on the Board Contact:

City Manager’s Office at 455-8450.

Golf Advisory Board

Creation

Created by Ordinance 2648 in February 1993 and amended by Ordinance 2652 in April 1993.

Purpose

Advises the City Commission, City Manager and Park and Recreation staff regarding the operation of municipal golf courses.

Membership

Five members appointed by the City Commission. Member representation is as follows: City Men’s Golf Association (1), City Women’s Golf Association (1), Malmstrom Golf Association (1), non-league golfers (2). The Chairman of the Park and Recreation Board or a designated representative from the Board will be an ex-officio member.

Term

Three-year term from and after March 1 of the year in which the member is appointed.

Meeting Schedule

Meets the fourth Monday of each month at 3:30 p.m.

Residency Requirements

The Board consists of members of the City; however, the City Attorney interpreted the residency requirement liberally allowing the Malmstrom League representative to reside on the Base as well as living within the City boundaries (per OCCGF).

For Information on the Board Contact:

Park and Recreation Director at 771-1265.

Health Board (City-County)

Creation

Provided for in MCA § 50-2-106 and approved by joint City/County Agreement dated March 4, 1975.

Purpose

Oversees operation and management of the City-County Health Department.

Membership

Seven members (as stipulated by March 4, 1975 Agreement), as follows:

1. one Cascade County Commissioner or his representative
2. the Mayor of the City of Great Falls or his representative
3. the Superintendent of School District #1 or a representative
4. one licensed doctor of medicine residing in Cascade County
5. one licensed doctor of dentistry residing in Cascade County
6. two or more interested citizens, equal representation by number from within the city limits of Great Falls and the area of Cascade County outside the City of Great Falls.

Term

Three-year terms for members appointed by the City Commission.

Meeting Schedule

Meets the first Wednesday of each month at 11:30.

Residency Requirements

Members must be qualified electors of the State of Montana and of Cascade County.

For Information on the Board Contact:

City County Health Department at 454-6950.

Historic Preservation Advisory Commission

Creation

Created by Ordinance 2522, passed on October 18, 1988, and amended by Ordinance 2563 on April 23, 1990, and amended again by Ordinance 2652, passed April 20, 1993, Revised by Ordinance 2923, September 2005 and Ordinance 3205 on October 1, 2019 (OCCGF 17.12.4.010).

Purpose

Advises Cascade County Commission, the City Commission, Great Falls Planning Advisory Board, and the Business Improvement District. The Historic Preservation Program promotes the preservation of historic and prehistoric sites, structures, buildings, and districts through the identification, evaluation and protection of historic resources within the jurisdiction of Cascade County and the City of Great Falls.

Membership

Nine members whose expertise/qualifications lie in the following areas: history, planning, archaeology, architecture, architectural history, historic archaeology or other history preservation-related disciplines such as cultural geography or cultural anthropology. Ownership of property nominated to the National Register of Historic Places may also qualify a person to serve on this commission. Four members are appointed by the City Commission, four members are appointed by the County Commission, and the ninth member with professional architectural expertise chosen by a majority of the other eight members.

Term

Three-year terms.

Meeting Schedule

Meets the second Wednesday of each month at noon.

Residency Requirements

Members appointed by the City must be City residents and qualified electors.
(Ordinance 3169)

For Information on the Board Contact:

Planning and Community Development at 455-8438.

Housing Authority Board (Great Falls)

Creation

MCA 7-15-4431-39 Resolution 3077 on May 9, 1938.

Purpose

An independent authority provides safe, decent, sanitary, and affordable housing for the community's low income residents. Sets policy for the operation and management of public housing properties, HUD, Section 8 program and other affordable housing programs.

The Housing Authority contracts for staff-management services from the City of Great Falls. The Housing Authority Board is an independent authority and performs all of its own operational duties and responsibilities.

Membership

Seven GFHA commissioners appointed by the City Commission. Two GFHA commissioners must be residents of the Housing Authority properties, living on the main site, Austin Hall, Sunrise Courts, Yeoman Tynes, Russell, or Holland Court Apartments. A GFHA commissioner may not be a city official (MCA § 7-15-4431). Expertise in the areas of law, architecture, real estate, engineering, finance, clergy or social work is desirable.

Term

Five-year term for non-resident members. Two-year term for resident members as per state law.

Meeting Schedule

Meets the third Thursday of each month at noon for approximately three hours.

Residency Requirements

Members must be City residents and qualified electors. (Ordinance 3169) As noted above for resident commissioners, they must be residents of the Housing Authority.

For Information on the Board Contact:

Great Falls Housing Authority at 453-4311.

International Relationships (Advisory Commission)

Creation

Created by Ordinance 2788 on November 8, 2000, and revised by Ordinance 2863 on October 21, 2003.

Purpose

Provides support, coordination, and exchange of information for international programs in the community.

Membership

Nine to eleven members appointed by the City Commission.

Term

Three-year terms.

Meeting Schedule

Meets on the fourth Tuesday of each month from 7:00 to 9:00 p.m.

Residency Requirements

Members must reside in the City of Great Falls and be qualified electors (OCCGF 2.7.030)

For Information on the Board Contact:

City Manager's Office at 455-8450

Library Board of Trustees**Creation**

Ordinance 341 in 1910 as city library. Ordinance 3140 was adopted on May 3, 2016 passed establishing the Great Falls Public Library. Revised through Ordinance 3169 in 2017. (OCCGF 2.18.050)

Purpose

Oversees the Library policies and operations including book policies and service to the City, County, and pathfinder Federation of Libraries.

The Library Board is considered independent and has contracted with the City to handle the administrative responsibilities such as payroll, employee benefits, the hiring process and purchasing.

Membership

Five members, appointed by the City Commission.

Term

Five-year terms, but no more than two full terms in succession (MCA § 22-1-308(4)).

Meeting Schedule

Meets the fourth Tuesday of each month at 4:30 p.m.

Residency Requirements

Library board members shall be residents of Cascade County with at least three members being qualified electors and residents of the City. (OCCGF 2.18.050)

For Information on the Board Contact:

Great Falls Public Library at 453-9706.

Mansfield Center for the Performing Arts Advisory Board**Creation**

Ordinance 2729 in 1997. Revised by Ordinance 2813 in December 2001. Revised by Ordinance 2928 on February 21, 2006. (OCCGF 2.8.010)

Purpose

Advises the City Commission and the City Manager on all matters related to the successful operation of the Mansfield Center for the Performing Arts, including use of the Theater, Convention Center, and meeting rooms as well as common areas and facility aesthetics.

Membership

Five to seven members appointed by the City Commission with an attempt to have representation from the areas of performing arts, conventions and meetings, and civic leaders.

Term

Three year terms.

Meeting Schedule

Meets the third Friday of each month at noon, September through June.

Residency Requirements

Members must be qualified electors and reside within the City. (OCCGF 2.8.030)

For Information on the Board Contact:

Mansfield Events Office at 455-8495.

Neighborhood Councils

Creation

Pursuant to the Charter of the City of Great Falls, the Neighborhood Council program was established by Ordinance 2727 in 1997. There are nine separate Council districts throughout Great Falls.

Purpose

Provides a means for the citizens of Great Falls to actively participate in local government through a formal organization working at the neighborhood level. The Neighborhood Councils provide advice and counsel to the City Commission on a variety of neighborhood issues.

Membership

Each Council is comprised of five resident members, elected at the City's general election. The filing period for neighborhood councils shall open the same date as the filing period for mayoral and commission candidates. The filing period for neighborhood council candidates shall close 45 days prior to the general election. Neighborhood council candidates are not subject to primary elections.

Term

Two-year elected terms, in conjunction with the City general election.

Meeting Schedule

Meeting schedules can be obtained from the Neighborhood Council Coordinator at 455-8496.

Residency Requirements

Members must be qualified electors and residents of their designated district. (OCCGF 2.19.040)

For More Information Contact

Neighborhood Council Coordinator at 455-8496.

Park and Recreation Board

Creation

Ordinance 2652, OCCGF 2.11.010.

Purpose

Advises the City Commission and the City Manager on all matters related to the Park and Recreation program in the City of Great Falls

Membership

Seven members, appointed by the City Commission.

Term

Three-year terms.

Meeting Schedule

Meets on the second Monday of each month at 3:00 p.m. for approximately two hours.

Residency Requirements

Members must be qualified electors and reside within the City.

For Information on the Board Contact:

Park and Recreation Department at 771-1265.

Parking Advisory Commission

Creation

Created by Resolution 6682 and amended by Ordinance 2652 and Ordinance 3169. (OCCGF2.17.010)

Purpose

Advises the City Commission, City Manager, and Planning and Community Development Staff on matters related to parking issues within the Parking Districts.

Membership

Five members, appointed by the City Commission. Experience or interest in the downtown area is helpful but not necessary. A sixth, ex-officio member, shall be appointed by the Business Improvement District.

Term

Three-year terms.

Meeting Schedule

Meets on the third Thursday of each month at 3:30 p.m.

Residency Requirements

Members must reside within the City and be qualified electors.

For Information on the Board Contact:

Planning and Community Development Department at 455-8414.

Planning Advisory Board/Zoning Commission

Creation

Created by Ordinance 2913, and Revised by Ordinance 3205 in 2019 (OCCGF 17.12.1.010).

Purpose

Advises the City Commission on many aspects of Great Falls area growth and development including amendments to the Growth Policy, zoning, land subdivision, annexation, transportation planning, planning roadway improvements, and related general planning issues.

Membership

Seven citizen members appointed by the City Commission and shall not include any City employees or elected officials.

Term

Three-year terms.

Meeting Schedule

Meets on the second and fourth Tuesdays of each month at 3:00 p.m. Work sessions may be held at 4:00 p.m. on the Monday preceding the Board meeting. Depending on the number and type of meeting agenda items, members can expect to spend two

to six hours per month reviewing agenda information and attending Board meetings.

Residency Requirements

Members must City residents and qualified electors.

For Information on the Board Contact:

Planning and Community Development at 455-8438.

Police Commission

Creation

Mandated by MCA § 7-32-4151. Created by Ordinance 99 on May 15, 1893.

Purpose

Reviews all Police Department applicants for police officer positions and hears disciplinary appeals for the Police Department.

Membership

Three members, appointed by the City Commission, who have the qualifications required by law to hold a municipal office. It is recommended that at least one member of the Commission be familiar with the judicial system and rules of evidence relating to court hearings.

Term

Three-year terms.

Meeting Schedule

Meets on demand.

Residency Requirements

Members must reside within City. (MCA § 7-32-4151(1)) and Members appointed by the City must be qualified electors. (Ordinance 3169)

For Information on the Board Contact:

Great Falls Police Chief at 455-8411.

Tourism Business Improvement District Board of Trustees

Creation

Created by Resolution 9806 on December 16, 2008, as authorized by MCA § 7-12-1121. Recreated by Resolution 10222 for 10 years on February 6, 2018.

Purpose

Governs the TBID and has the powers and duties set out in MCA § 7-12-1121 through 7-12-1133, and any other applicable laws, City ordinances or regulations.

Membership

Five to seven trustees appointed by the City Commission.

Term

Four-year terms.

Meeting Schedule

Meets on the third Thursday of each month at 9:00 a.m. and the 4th Thursday of each month at 10:00 a.m.

Residency Requirements

Trustees must be an owner of property within the District or their assignee. (MCA § 7-12-1121)

For Information on the Board Contact:

Rebecca Engum at 761-4434.

Transit District Board (Great Falls)

Creation

MCA § 7-14-212, the Transit District Board and by Joint Resolution, City of Great Falls Resolution 8677 and Cascade County Resolution 94-92.

Purpose

Governs the Great Falls Transit District. The Board is responsible for determining an appropriate mill levy, preparing and presenting a budget, and overseeing all aspects of the District, including operations, maintenance, and administration.

Membership

Five members—three elected, one appointed by the City Commission and one appointed by the Cascade County Commission.

Term

Four-year terms for appointed members.

Meeting Schedule

Meets the fourth Wednesday of each month at 7:00 p.m.

Residency Requirements

Members appointed by the City must City residents and qualified electors. (Ordinance 3169.) Elected members as per MCA § 7-14-214.

For Information on the Board Contact:

Great Falls Transit District at 727-0382.

REFERENCE MATERIALS

General City Organization

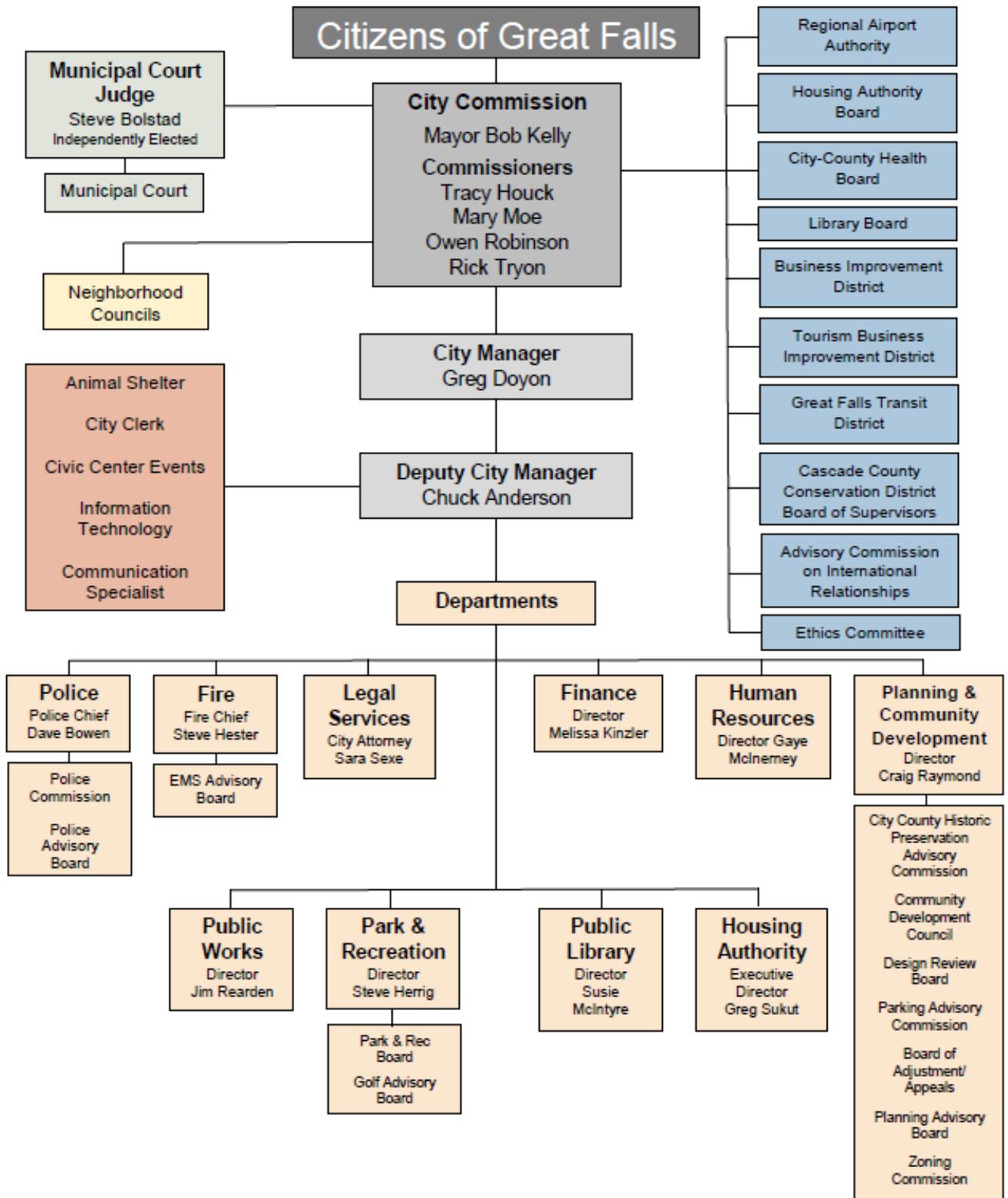
The City Commission is the only policy making body of the City of Great Falls. To help in this process, the Commission receives recommendations from the various boards and commissions, City staff and the City Manager. The City Manager is designated to direct the day-to-day operations of the City and to carry out the policies of the City Commission. The City Manager is helped in this task by the Deputy City Manager, staff and the directors of the departments.

The departments in the City of Great Falls include: Administration, Legal Services, Fiscal Services, Fire, Housing Authority, Library, Park & Recreation, Planning & Community Development, Police and Public Works. Each department is headed by a director whose job is to organize and direct the operations of the various divisions under his/her control.

Municipal Court is under the direction of the Municipal Judge who is independently elected and does not report to either the City Manager or the City Commission. However, the Municipal Court’s budget including receipts, expenditures and salaries must be annually approved by the City Commission.

The Mayor and City Commission develop policy, and the City Manager develops the best method of carrying out the policy with the directors of the departments. The directors of the departments, with staff, carry out the tasks by determining how to allocate funds, manpower, and materials within the budget approved by the City Commission.

Organizational Chart



Forms of Local Government

Municipal government in Montana is governed by Title 7 of the Montana Code Annotated (MCA). The City of Great Falls' form of government is "commission-manager" established by charter with self-governing powers. The City Charter was adopted June 3, 1986, and became effective July 1, 1986.

- Powers of government

City of Great Falls - Self-governing powers (§ 7-1-101). As provided by Article XI, Section 6, of the Montana Constitution, a local government unit with self-government powers may exercise any power not prohibited by the constitution, law, or charter. These powers include but are not limited to the powers granted to general power governments.

However, there are certain laws to which the City must adhere. Those mandatory provisions are set forth in § 7-1-114 and include **finance**, several areas of **taxation**, legislative procedures, **election laws**, **planning** and **zoning**, and some **labor** issues.

- Form of municipal government selected by voters

City of Great Falls – Commission-Manager form (§ 7-3-301). The commission-manager form consists of an elected commission and a manager appointed by the Commission who is the chief administrative officer of the local government. The manager is responsible to the Commission for the administration of all local government affairs placed in the manager's charge by law, ordinance, or resolution.

City of Great Falls – Charter required (§ 7-3-703). (1) Charter form of government shall be established by a charter which is a written document defining the powers, structures, privileges, rights, and duties of the unit of local government and limitations thereon.

(2) The enumeration of powers in a charter shall not be construed as a limitation or prohibition on the residual or self-governing powers granted by the constitution.

Charter of the City of Great Falls

Preamble

We, the people of Great Falls, Montana, grateful for our past, confident of our future, and having considered the form of government which will best serve our needs, do adopt this charter to establish our self-determination as a city.

Article I - General Provisions of Charter Government

Section 1 - Charter Government

The City of Great Falls, Montana, establishes this charter form of government in accordance with Article XI, Section 5, of the Constitution of Montana.

Section 2 - Powers of City Government

- (a) The City of Great Falls shall have all the powers of a self-governing charter city not prohibited by the Montana Constitution, this charter, or specific provisions of Montana law.
- (b) The powers of the City of Great Falls shall be liberally construed. Every reasonable doubt as to the existence of a power or authority of the City of Great Falls shall be resolved in favor of the existence of that power or authority.

Section 3 - Mill Levy Limit

The total mill levy shall not exceed that allowed to general powers cities of the first class by Montana law, except that the City Commission may levy not more than two (2) additional mills for the purpose of providing additional funds for the operation, maintenance and capital needs of the Great Falls Public Library.

Section 4 - Exercise of Powers

All powers of the City of Great Falls are vested in and derived from the people of Great Falls. These powers shall be exercised by the City Commission unless otherwise provided for by this charter or by Montana law. Enumeration of powers, rights, or duties in this charter shall not be considered exclusive or restrictive.

Article II - City Commission

Section 1 - Composition

The City Commission shall be composed of five voting members: four City Commissioners and the Mayor. The City Commission shall be the legislative and policy-making body of the City of Great Falls.

Section 2 - Duties and Responsibilities

The City Commission shall:

- a) Adopt policies and procedures and enact ordinances and resolutions as necessary for the proper execution of governmental functions and responsibilities.
- b) Appoint and supervise, and may remove, the City Manager.
- c) Adopt an annual budget, levy taxes and special assessments, and may borrow money and issue bonds subject to Montana law. Appropriations, exclusive of bond and loan indebtedness, shall not exceed anticipated revenue.
- d) Adopt procedures for contracting with private and public agencies.
- e) Appoint citizens to boards, councils, committees or any other body or group pursuant to law.
- f) Set the salary of the City Commissioners and the Mayor by ordinance.

Section 3 - Administrative Review

On a majority vote of the whole of the City Commission, the City Commission may review, inquire, and investigate any operation, management decision, administrative function or other affairs of the City. The City Commission may compel the attendance and testimony of witnesses and the production of books and records by issuance of a subpoena.

Except for the purpose of inquiry, or investigation, the City Commission shall be involved with administrative and management operations solely through the City Manager.

Article III - The Office of the Mayor

Section 1 - Election of the Mayor

- a) The City of Great Falls shall have a Mayor.
- b) The Mayor shall be elected for a term of two years.
- c) The Mayor shall meet all requirements and qualifications for election to the office of City Commissioner.

Section 2 - Powers and Duties of the Mayor

- a) The Mayor shall be recognized as the official head and representative of the City of Great Falls for the purpose of presiding at City Commission meetings and the performance of ceremonial functions. These functions of the Mayor shall not be construed as conferring upon the mayor executive, personnel, or administrative powers or functions.

- b) The Mayor shall serve as a member of the Commission with all the rights and privileges of City Commissioners. The Mayor shall possess no veto over actions taken by the City Commission.

Section 3 - Office of the Mayor Pro Tempore

The mayor pro tempore shall serve in the absence of the elected mayor. The City Commission shall elect from among its members a Mayor Pro-Tempore no later than one month after taking office. The Mayor Pro-Tempore shall serve a term of two years, or until the City Commission has held an election. Any vacancy in this office shall be filled by a special election among the remaining City Commissioners. Any person elected to fill such a vacancy shall serve the remaining portion of the term in which the vacancy occurred.

Article IV - Elections and Vacancies

Section 1 - Election of City Commissioners and the Mayor

- a) City Commissioners and the Mayor shall be residents and qualified electors of the City of Great Falls.
- b) Elections for City Commissioners and for the Mayor shall be non-partisan.
- c) City Commissioners shall be elected for a term of four years and the Mayor shall be elected for a term of two years. Except in the case of a previous vacancy, two City Commissioners and the Mayor shall be elected every two years. City Commissioners and the Mayor shall take office the first Tuesday after January 1st in the year following the election.
- d) City Commissioners and the Mayor shall be nominated and elected at large.

Section 2 - Vacancy in the Office of City Commission or Mayor

- a) The office of City Commissioner or Mayor shall become vacant upon death, resignation, recall or forfeiture of office. Grounds for forfeiture of office shall be:
 - (1) Loss of eligibility for election;
 - (2) Violation of any express provision of this charter;
 - (3) Conviction of a felony, or of any offense involving moral turpitude, or a violation of official duties or the City Code of Ethics, Title 2, Chapter 52, while serving on the Commission;
 - (4) Absence from more than one-third (1/3) of the regular meetings in a calendar year without a health or medical excuse;
 - (5) Inability to fulfill the duties of the office as a result of physical illness or mental disorder. A determination of whether the Commissioner or Mayor has a mental disorder shall be made pursuant to MCA Title 53, Chapter 21; or;

- (6) Neglecting or refusing to discharge the Commissioner or Mayor's duties;
- b) A majority of the City Commission shall be the judge of the election and qualifications of its members and the grounds for forfeiture of their office. A City Commissioner or Mayor charged with conduct constituting grounds for forfeiture of office shall be entitled to notice in writing of such charges and a public hearing on demand before a majority of the City Commission.
 - c) When a vacancy occurs, the City Commission, may, by majority vote of its remaining members, appoint a person, eligible to hold such office, to fill the vacancy of City Commissioner or Mayor until the next regular City election. The person elected at the next regular City election shall serve the unexpired term of the office in which the vacancy occurred.

Article V - Municipal Court

There shall be a municipal court and an elected municipal judge as provided by Montana law.

Article VI - City Government Administration

Section 1 - Position of the City Manager

The City Commission shall employ a City Manager on the basis of merit.

Section 2 - Appointment and Removal of the City Manager

The City Commission shall appoint or remove the City Manager by majority vote of the whole number of the Commission.

Section 3 - Salary of the City Manager

The salary of the City Manager shall be set by the City Commission.

Section 4 - Duties of the City Manager

The City Manager shall be the chief administrative and executive officer of the City and shall be responsible to the City Commission for the administration of all City affairs required by this charter, law, ordinance or resolution. The City Manager shall:

- a) Carry out policies established by the City Commission.
- b) Perform the duties required by this charter, law, ordinance, or resolution.
- c) Enforce laws, ordinances and resolutions.
- d) Administer the affairs of the City.

- e) Direct, organize, supervise, and administer all departments, divisions, agencies, bureaus, and the offices of the City.
- f) Make recommendations to the City Commission.
- g) Report to the City Commission on the fiscal affairs and the financial condition of the City.
- h) Prepare and present the budget to the City Commission.
- i) Execute bonds, notes, contracts, and written obligations of the City Commission and the City of Great Falls subject to the approval of the City Commission.
- j) Report to the City Commission on the affairs of the City as the City Commission may require.
- k) Attend City Commission meetings with the right to take part in the discussion but not to vote.
- l) Appoint and be administratively responsible for all City employees, including their suspension or removal; including adopting as necessary an administrative and personnel code and/or policies.
- m) Appoint with the approval of the City Commission a qualified acting City Manager to exercise the powers and perform the duties of the City Manager during temporary absences.
- n) Be responsible for the administration of an employee grievance appeals procedure as adopted by the City Commission.
- o) May, without notice, cause the affairs of any department, division, office, agency or other City administrative unit or employee to be examined.

Section 5 - Administrative Departments

Administrative departments, divisions, bureaus, agencies, offices, and other administrative entities shall be subject to the control and supervision of the City Manager and shall be established by ordinance.

Article VII - Citizen Involvement in Government

Section 1 - Initiative, Referendum, and Recall

The qualified electors of the City of Great Falls may exercise the powers of Initiative, Referendum, and Recall as provided by Montana law.

Section 2 - Open Government

All records of the City of Great Falls, including the City Commission and all boards, councils, and committees, shall be open to the public as provided by Montana law. All meetings of such bodies shall be publicly announced in advance and shall be open to the public as provided by Montana law.

Section 3 - Citizen Involvement

The City Commission may establish and appoint persons to boards, councils, committees, commissions, and other bodies of an advisory or substantive nature to assist the commission in the exercise of its duties. The City of Great Falls encourages citizens to participate in these bodies by serving as members, attending meetings, and other similar methods.

Section 4 - Neighborhood Councils

a) Purpose: There shall be neighborhood councils. The councils shall act in an advisory capacity to the City Commission, the City Manager and to other City advisory bodies, and may contribute information, opinions, advice, suggestions and recommendations to the City Commission, City Manager and other City advisory bodies on all governmental affairs and services having an effect on the area the neighborhood council represents, including, but not limited to, public finance, public works, public safety, planning and zoning, and public health and sanitation.

b) Provision of Neighborhood Districts; Composition of Councils; Election: The City Commission shall, by ordinance, divide the City of Great Falls into no less than nine (9) and no more than thirteen (13) neighborhood council districts. The residents of a district shall comprise the electorate for that district. Each district shall have a council comprised of five (5) members; elected to a two (2) year term at the election held in conjunction with the City general election. Nominees for election to a neighborhood council must be residents of their designated neighborhood district.

c) Organization: Each council shall select from its members a chairman, secretary, and an official delegate to attend City Commission meetings, and may appoint a Vice Chair or other officers as it deems necessary. The chairman must be one of the five elected council members. In the event of a vacancy on the council, the remaining members shall appoint a person eligible to hold the position to fill the vacancy until the next general election. In the event that the Council cannot agree upon the appointment of a replacement member, the City Commission shall fill the vacancy. On or before January 30, after each election, or within thirty (30) days after new council member(s) elected in a special election receive the oath(s) of, and are sworn into office, each neighborhood council shall meet to organize as provided in the section. Each council shall adopt by-laws prescribing additional duties of the council, meeting criteria and times, and such other provisions as the council may deem appropriate and which are not inconsistent with the provisions of this charter and the laws of Montana. The City Commission may provide model by-laws for use by the councils in drafting their own by-laws.

d) **Open Meetings and Right to Know:** All meetings of the neighborhood councils shall be open to the public. All records maintained by the council shall be available for public inspection.

e) **Organization of a Great Falls Citizen's Council:** A majority of the neighborhood councils may provide for the creation of a Great Falls Citizen's Council, consisting of one (1) member from each of the participating neighborhood councils. The Citizen's Council may determine its rules of organization and operation, except that no rules adopted shall be inconsistent with the provisions of this Charter or the laws of Montana. The City Commission may provide model by-laws for use by the Council in drafting its own by-laws. The purposes of the Citizen's Councils shall be set forth in paragraph (a) of this section.

f) **Obligations of the City Commission; City of Great Falls:** Nothing in this section shall obligate the City Commission to appropriate funds to any council for its operation, or to the Great Falls Citizen's Council authorized in paragraph (e). The City of Great Falls shall not be liable for any obligations incurred by the councils or the Citizen's Council during their existence except as provided for by the City Commission.

Article VIII - Amendment, Effective Date, and Severability

Section 1 - Amendment

This charter may be amended only as provided by Montana law. A majority of the qualified electors of the City of Great Falls voting on the question shall be required for passage of a charter amendment.

Section 2 - Effective Date

This charter shall become effective on July 1, 1986, and as amended and approved by the electors of the City of Great Falls November 7, 2000, and November 7, 2017.

Section 3 - Severability

If any provision of this charter is held invalid, the other provisions of this charter shall not be affected thereby. If the application of this charter, or any part of its provision, to any person or circumstances, is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

The Work of the City Commission

Conscientious Commissioners, as representatives of the community, can render better service if they know their duties, are aware of their responsibilities and are ever mindful of the best methods of carrying out their trust. Unlike some other systems of local government where the Commission exercises less than half of the municipal powers, the Mayor and Commission under our form of government, completely dominate the

governmental establishment, select and control the City Manager and enjoy all the importance and responsibility of a board of directors. The Mayor and Commission are responsible for making certain that a capable City Manager administers the affairs of the City. The City Manager makes recommendations to the Commission on municipal policies.

- **Determination of Policy**

The people elect the City Commission. The City Commission determines the policies of the City government and appoints, directs and, if necessary, removes the City Manager. In determining policy, Commissioners do their best to represent their constituents. All phases of the job involve, in one way or another, the determination of policy.

The City Manager can help the Commission a great deal in studying and determining municipal policies. For example, one of the most important issues facing a City government each year is the budget. The City Manager gathers the information and prepares the budget, which the Commission studies, revises as necessary, and then adopts. The City Manager puts the budget into effect and carries it out.

What is meant by the determination of policy? Basically, it is the process of deciding what is to be done. The Commission should not confuse this with how a program is to be administered, which is the job of the City Manager. In its simplest terms, "what to do" is policy making and "how to do it" is administration.

In determining policy, the Commission must come to a decision, authorize its implementation and bear full responsibility for the results. Thus, the Commission must hold the City Manager responsible for administering policy decisions properly.

In any legislative body, the determination of policy takes the form of passing a law. City Commission laws are ordinances and policies are resolutions. An ordinance has the force of law and usually includes what remedies will be made if the law is not followed. A resolution reflects the intent of the Commission.

How does the Commission arrive at these policy decisions? Briefly, there are four steps in the process:

1. Determining what is needed. Many sources of information are available – Commissioner's observations, requests of individual citizens or citizens' groups and the recommendations of the City Manager. Increasingly, city governments have established various means for obtaining citizen input including advisory boards and commissions, citizen surveys and other mechanisms. These provide valuable guidance for Commissioners.

2. Determining the will of the people. In some cases, proposed programs may have been major issues in a recent election. The view of interest groups, discussions with individuals and the Commissioner's reactions as a citizen must be evaluated.
3. Determining what can be done, financially and practically. The advice of technical experts -- the City Manager and the staff -- should be considered carefully.
4. Taking action -- passing, modifying or defeating an ordinance or resolution. The City Manager and the Commission must work as a team in a spirit of mutual confidence and cooperation.

Vision Statement and Goals

Our vision is that of a responsive local government strategically prepared for change and challenge. We will build partnerships throughout the community. We will be recognized for our efficient, effective and caring delivery of service and products. Nurtured and inspired by this vision, we will create a passion for excellence. Our core values of honesty, respect and openness will constantly guide our actions.

- Goal 1: Develop a visually appealing and culturally rich community.
- Goal 2: Manage growth to preserve our resources, environment, and sense of community.
- Goal 3: Provide excellent public services desired by the community within its financial means.
- Goal 4: Strengthen and diversify our economy to provide job opportunities.
- Goal 5: Anticipate future service needs, costs and resources, and plan ahead to address them.
- Goal 6: Form partnerships with other governments and organizations to make better use of public resources in providing services.
- Goal 7: Ensure open and accessible government.
- Goal 8: Build a stronger team of staff, elected officials, and citizens by transforming our organization to meet the changing needs of the community.
- Goal 9: Remain financially strong.
- Goal 10: Provide leisure and recreational opportunities which add to our quality of life.

Commission Agenda Procedure and City Commission Meetings

Commission meetings are held the first and third Tuesdays of each month at 7:00 p.m. in the Commission Chambers in the Civic Center, unless otherwise scheduled by the Mayor and City Commission. Each meeting operates with an agenda, which organizes the topics that require action into a usable format.

The agenda is divided into the following sections: Proclamations/Presentations, Agenda Finalization, Neighborhood Council reports, Boards & Commissions reports, Public

Hearings, Old Business, New Business, Ordinances/Resolutions, *Consent Agenda, Petitions and Communications, City Manager reports, and then reports or announcements of the City Commission. (*The Consent Agenda includes routine matters such as bid awards, setting of public hearing dates and standard contracts.) Any consent agenda item may be pulled for separate discussion and vote by any Commissioner.

The draft agenda is put together by the City Manager and staff and is approved by the City Commission at the beginning of the meeting.

Reflections on the Conduct of City Commission Meetings

The purpose of the City Commission meeting is to accomplish the Commission's work lawfully, in full view of the public and with reasonable opportunity for public participation. The same is true for other board and commission meetings.

It makes a lot of sense to practice these basic rules of procedure scrupulously at every meeting and on every board action. By doing so on the routine issues, the procedures will be well practiced and second nature when faced with a hot issue.

Conduct of Meetings and Robert's Rules of Order

By Resolution No. 6601, the City Commission adopted Robert's Rules of Order as the parliamentary procedure to be followed in conducting its meetings. By Resolution No. 10072, the City Commission also established time limits and protocols for conduct during public meetings. While the entire compilation of Robert's Rules of Order is quite extensive, the following summary consolidates the most often used procedures for your easy reference.

CALL TO ORDER

On the date and time set, the Mayor calls the meeting to order and the Clerk calls the roll to determine whether or not a quorum is present. Thereafter, business of the meeting shall be conducted according to the prepared agenda.

MOTIONS

Suggested motions, following Staff recommendations, are provided to the Commissioners on the Agenda Report. Commissioners, at their discretion, may use the prepared motion or use their own motion. The prepared motions, however, contain the language necessary for staff to proceed with some of the more complex and detailed orientated tasks. Motions are raised as follows:

Main

Motion: Commissioner obtains the floor by addressing the presiding officer: "Your honor, I move that..."

! Any Commissioner may make a motion.

! Only one motion may be considered at a time unless there is a substitute motion to the main motion.

Second: Any Commissioner may second the main motion or substitute motion.

! A second is necessary before a motion can be debated.

Debate: Debate should be limited to the pending question.

Substitute

Motion: A substitute motion is used to amend or modify the main motion.

! The substitution motion replaces consideration of the main motion until voted upon and then, resumption of consideration of the main motion continues.

Vote: When debate appears to have closed, the Mayor asks, "Are you ready for the question."

! Unless recently stated, the motion should be read again.

! Mayor should call for affirmative and negative votes.

Reconsider: A motion to reconsider previous action, can only be made on the same day or at the meeting immediately following the meeting when the action was taken.

! It must be made by one who voted on the prevailing side.

! Any Commissioner may second.

Rescind: A motion to rescind previous action taken at a prior date and time can be made by any Commissioner.

! Notice of the Motion to Rescind must be given in the agenda for the current meeting or without such prior notice, only on waiver of notice by majority vote of the Commissioners.

! No action can be rescinded after something has been done in reliance on the original action that cannot be rectified.

Public

Hearings: Some public hearings are required by statute for issues such as adoption of the budget, zoning changes, subdivision platting review and others. Not all Commission action requires a public hearing. However, the Commission is free to order a public hearing on any issue if it deems a public hearing necessary.

! The Mayor should introduce a public hearing and announce the same three times each for proponents and opponents.

Consent

Agenda: Issues placed on the consent agenda are thought to be non-controversial and are intended to be voted upon by one motion. However, any Commissioner can request that any item be taken off the consent agenda for individual consideration.

! To ensure proper notice, the Mayor must read each item on the consent agenda prior to further consideration by the Commission. Immediately following the reading of the consent agenda, Commissioners should move to remove any items from the consent agenda they wish to consider individually.

Additional Reference Attachments

- Sample Agenda Template
- Tips on Taking Minutes
- Effective Meeting Tips
- Parliamentary Procedure and Robert's Rules of Order
- Parliamentary Motions Guide
- Legal Opinion from City Attorney Sara Sexe regarding Board, Council, Commission Conflicts.

Sample Agenda Template

[Board Name]

Meeting Agenda

[Date]

[Time]

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES FROM LAST MEETING

OLD BUSINESS

1. [Description of open issue]
2. [Description of open issue]
3. [Description of open issue]

NEW BUSINESS

4. [Description of new business]
5. [Description of new business]
6. [Description of new business]

PETITIONS AND COMMUNICATIONS *(Public comment on any matter that is not on the agenda of the meeting and that is within the jurisdiction of the City Commission. Please keep your remarks to a maximum of 5 minutes. When at the podium, state your name and address for the record.)*

7.

ADJOURNMENT

Tips on Taking Minutes

- The minutes should start with a heading that includes the type of meeting, the place, and the date and time of the meeting.
- Minutes must list the members of the government who are present at the meeting, i.e., board members, mayor, council members, clerk, department heads or staff. A “sign in” sheet for those citizens attending is not required. A majority of the whole number of the members of the council constitutes a quorum and must be present to conduct business. If a quorum is not present, the meeting must be rescheduled.
- The minutes should follow the agenda of each meeting. A short description of the agenda items is helpful with only as much information as may be necessary for clarity. *A verbatim transcript of the discussions is not required.*
- All motions made by a member of the council require a second and a roll call vote. The mayor will call for the vote. The clerk records each council member’s vote as aye, nay, abstain or absent.
Example: Moved by council member Jones that . . . (body of the motion). Second by council member Smith. Motion passed, Record of the roll call votes.
- Prepare a sign-in sheet for those present at *public hearings*. The sign in sheet should include:
 1. Heading - reason for meeting, date and time
 2. Signature
 3. Printed Name
 4. Physical address
- Print the minutes on the minute paper. Pages must be sequentially numbered.
- Have someone proof read the draft minutes, for typos, understanding, clarity, etc.
- Minutes should be made available within a reasonable time after the meeting. Minutes circulated before approval by the council should be stamped or otherwise identified as DRAFT, as they can be changed by the council (prior to approval). The minutes of the meeting do not need to be read aloud prior to approval because they are in the council packet prior to the meeting.

Effective Meeting Tips

The following are some tips to help you make your next meeting successful, effective and maybe even fun.

Before the Meeting

1. Define the purpose of the meeting
2. Develop an agenda in cooperation with key participants. See a sample agenda.
3. Distribute the agenda and circulate background material, lengthy documents or articles prior to the meeting so members will be prepared and feel involved and up-to-date.
4. Choose an appropriate meeting time. Set a time limit and stick to it, if possible. Remember, members have other commitments. They will be more likely to attend meetings if you make them productive, predictable and as short as possible.
5. If possible, arrange the room so that members face each other, i.e., a circle or semi-circle. For large groups, try U-shaped rows.
6. Choose a location suitable to your group's size. Small rooms with too many people get stuffy and create tension. A larger room is more comfortable and encourages individual expression.
7. Use visual aids for interest (e.g., posters, diagrams, etc.). Post a large agenda up front to which members can refer.
8. Vary meeting places if possible to accommodate different members. Be sure everyone knows where and when the next meeting will be held.

During the Meeting

1. Greet members and make them feel welcome, even late members when appropriate.
2. If possible, serve light refreshments; they are good icebreakers and make your members feel special and comfortable.
3. Start on time. End on time.
4. Review the agenda and set priorities for the meeting.
5. Stick to the agenda.

6. Encourage group discussion to get all points of view and ideas. You will have better quality decisions as well as highly motivated members; they will feel that attending meetings is worth their while.
7. Encourage feedback. Ideas, activities and commitment to the organization improve when members see their impact on the decision making process.
8. Keep conversation focused on the topic. Feel free to ask for only constructive and non-repetitive comments. Tactfully end discussions when they are getting nowhere or becoming destructive or unproductive.
9. Keep minutes of the meeting for future reference in case a question or problem arises.
10. As a leader, be a role model by listening, showing interest, appreciation and confidence in members. Admit mistakes.
11. Summarize agreements reached and end the meeting on a unifying or positive note. For example, have members volunteer thoughts of things they feel have been good or successful or reiterate the organization's mission.
12. Set a date, time and place for the next meeting.

After The Meeting

1. Write up and distribute minutes within 3 or 4 days. Quick action reinforces importance of meeting and reduces errors of memory.
2. Discuss any problems during the meeting with other officers; come up with ways improvements can be made.
3. Follow-up on delegation decisions. See that all members understand and carry out their responsibilities.
4. Give recognition and appreciation to excellent and timely progress.
5. Put unfinished business on the agenda for the next meeting.
6. Conduct a periodic evaluation of the meetings. Note any areas that can be analyzed and improved for more productive meetings. See a sample meeting evaluation.

And remember, effective meetings will keep them coming back!

PARLIAMENTARY PROCEDURE

- All have equal rights, privileges and obligations
- A quorum must be present for group to act
- Robert's Rules is handbook of operation
- Use of Motions (A proposal for assembly to take a stand or take action)

FIVE TYPES OF MOTIONS

MAIN MOTION

Introduce subjects for consideration
Cannot be made when another motion is before assembly
Yield to privileged, subsidiary, incidental motions
"I move that we purchase a..."

SUBSIDIARY MOTION

Change / affect main motion for consideration
Voted on before the main motion
"I move to amend the motion by striking out..."

PRIVILEGED MOTION

Concern special matters not related to pending business
Considered before other motions
"Because of the time, I move that we adjourn..."

RENEWAL MOTION

Allow certain items to be reconsidered
Usually brought up when no business is pending
"I move to reconsider..."

INCIDENTAL MOTION

Questions of procedure
Considered before other motions
"I move to divide the motion so that the question of purchasing ... can be considered separately."

ROBERT'S RULES OF ORDER

Typically, organizations using Robert's Rules follow the prescribed order of business during meetings to provide a framework for conducting orderly meetings.

TYPICAL ORDER OF BUSINESS

- The Chair calls the meeting to **order**.
- A **roll is called** of all present members.
- The secretary reads the **minutes** of the last meeting.
- Each **officer** gives a **report**.
- Each **committee representative** gives a **report**.
- Special orders (by way of **motions**) are called for and consist of any **important business** that was previously set aside to discuss at the meeting.
- **Unfinished business** from a previous meeting is discussed.
- **New business** can be brought forth at this time.
- **Announcements** are made.
- The meeting is **adjourned**.

MEETING GROUND RULES

- Meetings will start and end on time
- Every member's opinion is valuable
- Avoid sidebar conversations
- Focus on the meeting
- Decisions will be criteria-based
- Address any concerns

WHEN DEBATING YOUR MOTIONS

- Listen to the other side
- Focus on issues, not personalities
- Avoid questioning motives
- Be courteous
- Keep cool
- Speak clearly and concisely

Meeting ground rules are an agreed upon list of behavior expectations for members while participating in a meeting. These are a few examples that should be established to ensure a successful meeting.

VOCABULARY

Robert's Rules of Order and other parliamentary procedures contain specific vocabulary to be used at meetings.

POINT OF PRIVILEGE	This term refers to the right of the person speaking to have the floor and not be interrupted by others.
PARLIAMENTARY INQUIRY	Method to raise a point of order or to ask how to proceed when unsure of the proper motion.
POINT OF INFORMATION	This term refers to the method used to ask the speaker a question.
ORDERS OF THE DAY (AGENDA)	If the meeting is not following the agenda a member may call orders of the day to remind the assembly to adhere to the agenda. If the members would like to deviate from the agenda, "suspending the rules" is necessary.
POINT OF ORDER	Point of order is raised if a rule has been broken or a member is not using the proper meeting protocol to speak. A point of order needs to be raised right after the error occurs.
DIVIDE THE QUESTION	This term is used when a motion is split into two or more new separate motions.
CONSIDER BY PARAGRAPH	When considering adoption of a document, adoption of the full document can be postponed until each and every paragraph has been debated and if necessary amended.
WITHDRAW / MODIFY MOTION	After the question is stated; the person who made the motion may accept an amendment to the motion.
COMMIT / REFER / RECOMMIT TO COMMITTEE	Sometimes a committee is needed to research a motion. In this case, an already established committee is assigned the question or a new committee is appointed. If a new committee is necessary, the chairperson may indicate how many members are needed and how selection of committee members should occur.

EXTEND DEBATE

Calling to extend debate can be used for the question currently under debate and usually has a time limit.

LIMIT DEBATE

This term is used to refer to the time limit placed upon debate and when debate should be considered closed.

POSTPONE

If a motion or agenda item needs to be postponed, it is necessary to determine and state when it will be resumed.

OBJECT TO CONSIDERATION

Objection must be stated before discussion or another motion is stated.

LAY ON THE TABLE

This tool is used after a motion is closed to debate or is pending closure and can temporarily stop further consideration or action on the open motion.

TAKE FROM THE TABLE

If a motion has been previously "laid on the table," it can be opened and considered again by stating the motion to "take from the table."

RECONSIDER

If a member on the prevailing side of a debate changes their view, they can state they have reconsidered.

POSTPONE INDEFINITELY

Postponing a motion indefinitely stops the motion from proceeding forward just in that particular session, unless a motion to reconsider is made.

INFORMAL CONSIDERATION

This term refers to changing the debate to an informal format similar to that of a committee. To move to an informal consideration format a member moves that the assembly go into "Committee of the Whole." Voting is still done formally and is still valid while the meeting is in an informal mode.

APPEAL DECISION OF THE CHAIR

The membership may appeal a decision made by the chair if the appeal does not relate to the violation of order of business or parliamentary rules. Appeals must also take place prior to other unrelated business.

SUSPEND THE RULES

This allows specific, stated rules with the exception of the assembly's constitution to be suspended.

PARLIAMENTARY MOTIONS GUIDE

Based on Robert's Rules of Order Newly Revised (11th Edition) and www.jimslaughter.com

The motions below are listed in order of precedence. Any motion can be introduced if it is higher on the chart than the pending motion.

PRIVILEGED MOTIONS

YOU WANT TO:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?	RECONSIDER?
Adjourn	I move to adjourn	No	Yes	No	No	Majority	Yes
Take a break	I move to recess for	No	Yes	No	Yes	Majority	No
Register complaint	I rise to a question of privilege	Yes	No	No	No	None	No
Orders of the day	I call for the orders of the day	Yes	No	No	No	None	No

SUBSIDIARY MOTIONS

YOU WANT TO:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?	RECONSIDER?
Lay aside temporarily	I move to lay the question on the table	Yes	Yes	No	No	Majority	Negative vote only
Close debate	I move the previous question	No	Yes	No	No	2/3	Yes
Limit / extend debate	I move that debate be limited to...	No	Yes	No	Yes	2/3	Yes
Postpone to a certain time	I move to postpone the motion to...	No	Yes	Yes	Yes	Majority	Yes
Refer to a committee	I move to refer the motion to...	No	Yes	Yes	Yes	Majority	Yes
Amend a motion	I move to amend the motion by...	No	Yes	Yes	Yes	Majority	Yes
Kill main motion	I move that the motion be postponed indefinitely	No	Yes	Yes	No	Majority	Affirmative vote only

MAIN MOTIONS

YOU WANT TO:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?	RECONSIDER?
Bring business to motion	I move that (or “to”) ...	No	Yes	Yes	Yes	Majority	Yes

No order of precedence. Arise incidentally and decided immediately.

INCIDENTAL MOTIONS

YOU WANT TO:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?	RECONSIDER?
Enforce rules	Point of order	Yes	No	No	No	None	No
Submit matter to assembly	I appeal from the decision of the chair	Yes	Yes	Varies	No	Majority	Yes
Suspend rules	I move to suspend the rules which...	No	Yes	No	No	2/3	No
Avoid main motion altogether	I object to the consideration of the question	Yes	No	No	No	2/3	Negative vote only
Divide motion / question	I move to divide the question	No	Yes	No	Yes	Majority	No
Demand rising vote	I call for a division	Yes	No	No	No	None	No
Pliamentary law question	Parliamentary inquiry	Yes (if urgent)	No	No	No	None	No
Request information	A point of information , please.	Yes (if urgent)	No	No	No	None	No

No order of precedence. Introduce only when nothing else pending.

RENEWAL MOTIONS

YOU WANT TO:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?	RECONSIDER?
Take matter from table	I move to take from the table...	No	Yes	No	No	Majority	No
Cancel or change previous action	I move to rescind / amend the motion...	No	Yes	Yes	Yes	2/3 or majority w/notice	Negative vote only
Reconsider motion	I move to reconsider the vote on...	No	Yes	Varies	No	Majority	No



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Sara R. Sexe,
City Attorney
Joseph Cik,
Assistant City Attorney
Neil A. Anthon,
Chief Prosecutor
Cassidy R. Blomgren,
Deputy Prosecutor
Mark Dunn,
Staff Attorney

To: Gregory T. Doyon, City Manager
From: Sara R. Sexe, City Attorney
Date: May 3, 2019
Re: *Board, Council, Commission Conflicts*

QUESTION PRESENTED

You requested a legal opinion as to whether, during their periods of appointment, board, council, committee, or commission members (board members), would be precluded from applying for, or receiving benefits or other privileges from the board upon which that member sits.

OPINION

The City Code does not absolutely prohibit board members from applying for City benefits. However, board members must publicly disclose potential or actual conflicts between their public duty and private interests, and those of related parties, and abstain from all discussion and vote on an award of financial benefits or funds, including any discussion or vote on any other applications for the same subject funds or benefits.

Under Montana and Federal law, there are opportunities for disclosure and voting in certain circumstances, but the Official Code of the City of Great Falls (OCCGF) does not mirror those provisions. I advise that the OCCGF be updated to similarly allow such for clarification.

BASES FOR OPINION

Montana Law

The Montana Constitution mandates that codes of ethics be implemented to prevent conflicts between a public officer's duty and that officer's private interests. Mont. Const., Art. XIII § 4.

Mont. Code Ann. § 2-2-101 states:

The purpose of this part is to set forth a code of ethics prohibiting conflict between public duty and private interest as required by the constitution of Montana. This code recognizes distinctions between legislators, other officers and employees of state government, and officers and employees of local government and prescribes some standards of conduct common to all categories and some standards of conduct adapted to each category. The provisions of this part recognize that some actions are conflicts per se between public duty and private interest while other actions may or may not pose such conflicts depending upon the surrounding circumstances.

Mont. Code Ann. §2-2-121, provides in part:

(2) A public officer or a public employee may not:

...

(b) engage in a substantial financial transaction for the officer's or employee's private business purposes with a person whom the officer or employee inspects or supervises in the course of official duties;

...

(e) perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which the officer or employee either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent;

However, it also provides:

(10) Subsections (2)(b) and (2)(e) do not prevent a member of the governing body of a local government from performing an official act when the member's participation is necessary to obtain a quorum or to otherwise enable the body to act. The member shall disclose the interest creating the appearance of impropriety prior to performing the official act.

Id.

Additionally, the Montana Supreme Court has held, using a reasonable person's standard, that a public officer using his or her official position for personal gain is a violation of the Montana Code of Ethics. *Molnar v. Fox*, 2013 MT 132, ¶30, 370 Mont. 238, 248, 301 P.3d 824, 832.

Mont. Code Ann. §2-2-105 allows for public officials to fulfill their public duties and act on items where an appearance of a conflict exists because of their private interests, but that appearance does not rise to an actual conflict. This statute states in part:

(1) The requirements in this section are intended as rules of conduct, and violations constitute a breach of the public trust and public duty of office or employment in state or local government.

...

(4) When a public employee who is a member of a quasi-judicial board or commission or of a board, commission, or committee with rulemaking authority is required to take official action on a matter as to which the public employee has a conflict created by a personal or private interest that would **directly give rise to an appearance of impropriety** as to the public employee's influence, benefit, or detriment in regard to the matter, the public employee shall disclose the interest creating the conflict prior to participating in the official action.

Id. (emphasis supplied.)

When there is an actual financial conflict, rather than simply an appearance of one, this statute does not allow the public official to act:

(2) Except as provided in subsection (4), a public officer or public employee may not acquire an interest in any business or undertaking that the officer or employee has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by the officer's or employee's agency.

...

(5) A public officer or public employee may not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when the officer or employee has a substantial personal interest in a competing firm or undertaking.

Mont. Code Ann. §2-2-105, *see also* §2-2-121.

Notwithstanding these prohibitions, public officials are permitted to participate in decisions when conflicted if they make disclosures to the Montana Commissioner of Political Practices prior to acting on a conflicted matter:

A public officer or public employee shall, prior to acting in a manner that may impinge on public duty, including the award of a permit, contract, or license, disclose the nature of the private interest that creates the conflict. The public officer or public employee shall make the disclosure in writing to the commissioner of political practices, listing the amount of private interest, if any, the purpose and duration of the person's services rendered, if any, and the compensation received for the services or other information that is necessary to describe the interest. **If the public officer or public employee then performs the official act involved, the officer or employee shall state for the record the fact and summary nature of the interest disclosed at the time of performing the act.**

Mont. Code Ann. §2-2-131 (emphasis added.)

Federal Law

Analysis must be made as well when there are Federal funds being awarded or recommended for award by City boards, councils, committees, etc. For example, pursuant to Federal conflict of interest regulations with respect to a CDBG-assisted activity, no person who exercises any function or responsibility, or who is in a position to participate in a decision-making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG assisted activity. 24 C.F.R. 570.611(b). The conflict of interest prohibition is broad in nature and extends to any employee, agent, consultant, officer, or elected or appointed official of the recipient, or of any designated public agencies or of sub recipients that receive CDBG funds. Board member's business or immediate family ties are similarly prohibited from obtaining a financial interest or benefit.

Exceptions to these conflict of interest prohibitions in these situations may be granted by the Department of Housing and Urban Development (HUD). The process for requesting an exception can be found at 24 C.F.R. 570.611(d). In order to request an exception, the recipient must first meet certain requirements. The conflict must be publicly disclosed, and the recipient must obtain a legal opinion explaining that the conflict would not violate state or local law. Assuming these threshold requirements are met, HUD will consider the factors listed at 24 C.F.R. 570.611(d)(2) and may issue an exception if it concludes that the exception will serve to further the purposes of the Housing and Community Development Act and the effective and efficient administration of the recipient's program or project.

Also, application of 2 CFR 200.318(c)(1) (general procurement) maintains that, no employee, officer, elected official or agent of the City of Great Falls may participate in the selection, award, or administration of a contract supported by a Federal award, if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, elected official, agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. Such real or apparent conflicts of interest include employment at the organization, service on the Board of Directors, or other similar roles. Notwithstanding this prohibition, providing volunteer service and/or financial contributions to an organization would not be considered conflicts of interest.

City Code

The OCCGF does not allow for a “disclosure and vote” on actions where conflict is present as allowed in Mont. Code Ann. §2-2-105(4), or an opportunity to request an exception such as under 24 C.F.R. 570.611(d). The prohibitions of the OCCGF are broader than those in the Montana Code, as the requirement of “substantial personal interest” or “substantially affected” are not present in all subsections of the OCCGF. Like Federal law, the prohibitions also have broader application to “others” rather than only related business organizations.

OCCGF §2.21.050 provides:

Officers and employees of the City of Great Falls shall comply with the following provisions:

- A. No officer or employee of the City of Great Falls shall have an interest in a business organization or engage in any business, transaction, or professional activity which is in substantial conflict with the proper discharge of his or her governmental duties;
- B. **No officer or employee shall use, or attempt to use, his or her official position to secure unwarranted privileges or advantages for himself, herself or others;**
- C. No officer or employee shall act in his or her official capacity in any matter where he or she, a member of his or her immediate family, or any business organization **in which he or she has an interest, has a direct or indirect financial or personal involvement** that might reasonably be expected to:
 - 1. impair his or her objectivity or independence or judgment, or
 - 2. substantially conflict with the proper discharge of officer or employee's governmental duties;
- D. No officer or employee shall undertake any private employment or service which might prejudice his or her independent judgment in the exercise of his or her official duties;
- ...
- F. No officer or employee shall use, or allow to be used, his or her public office or employment or any information, not generally available to the members of the public, which he or she receives or acquires in the course of employment, **for the purpose of securing financial gain for himself or herself, any member of his or her immediate family, or any business organization with which he or she is associated;**

...

(Emphasis supplied.)

However, there is an exclusion for non-monetary conflicts:

- H. No officer shall be in conflict with these provisions if, by reason of his or her participation in the enactment of any ordinance, resolution or other matter required to be voted upon, no particular material or monetary

gain accrues to him or her, or his or her immediate family. . . .

Pursuant to the reasoning in *Molnar v. Fox, supra*, a reasonable person could perceive that a public board member would use his or her public position for personal gain by discussing or voting on applications for funds or benefits for which the member or the member's organization is also an applicant. A simple disclosure of the potential conflict may not sufficiently divest the board member of the conflict or appearance of conflict. The member must disclose the issue publicly, and refrain from any discussion or vote on the entire issue. The member should also recognize the potential for the perception that the member could be using his or her board membership to receive a personal or business benefit. This is because the board member's participation in discussing and voting on other applications for the subject funds may have the effect that the member is diverting funds or benefits from other worthy organizations for the member's benefit.

A very conservative reading of the OCCGF could result in a recommendation that, to avoid conflict, during their term of office, public officials, whether appointed or elected, should not apply for any funds, benefits or privileges for him or herself, family members, associated business organizations, or others from the body to which that official is appointed or elected. However, such a reading could result in worthy candidates or current members to refrain from boards. It also is not required for non-monetary conflicts under OCCGF §2.21.050.

In light of the current OCCGF language, I recommend that the language be amended to more consistently resemble state law, and require for disclosure to the Commissioner of Political Practices, as required under Mont. Code Ann. §2-2-131, or to the Ethics Committee, for ordinance related disclosures.

After the City board service or appointment is completed, board members must meet the provisions of Mont. Code Ann. §2-2-105 (similar to Federal law):

(3) A public officer or public employee may not, within 12 months following the voluntary termination of office or employment, obtain employment in which the officer or employee will take direct advantage, unavailable to others, of matters with which the officer or employee was directly involved during a term of office or during employment. These matters are rules, other than rules of general application, that the officer or employee actively helped to formulate and applications, claims, or contested cases in the consideration of which the officer or employee was an active participant.

Please let me know if you require further analysis on this issue.