



Item: Resolution No. 10072, a Resolution by the City Commission of the City of Great Falls, Montana, Establishing Time Limits and Protocol for Conduct During Public Meetings

From: Sara R. Sexe, City Attorney

Initiated By: City Commission

Presented By: Sara R. Sexe, City Attorney

Action Requested: Remove Resolution 10072 from table and consider adoption of Resolution 10072.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (remove/not remove) Resolution 10072 from the table, and (adopt/not adopt) Resolution 10072.”

2. Mayor calls for a second, discussion, public comment, and calls the vote.

Staff Recommendation: Staff recommends that the City Commission remove Resolution 10072 from the table, and consider adoption of the revised Resolution No. 10072.

Background: The City Commission adopted Resolutions 9634 and 9679 establishing time limits for persons addressing the City Commission and other protocol for conduct during public meetings, on January 16 and August 7, 2007, respectively. The Commission also adopted Resolution 9997 establishing protocol for video recording equipment placement and use during Commission meetings on November 7, 2012. At its March 12, 2014, agenda setting meeting, the Commission reviewed a list of other Montana municipality’s time limits on agenda and non-agenda items. In the interests of keeping subject matters to those which the Commission has jurisdiction over and to maintain proper decorum during meetings, the Commission has directed staff to draft a resolution setting forth 3-minute time limits for agenda and non-agenda items and protocol for conduct during meetings for Commission discussion and consideration. After conducting a public hearing on April 15, 2014, the Commission tabled Resolution 10072.

Resolution 10072 has been slightly modified since April 15, 2014, balancing the interests and rights of people to speak and participate in their government with the right of public bodies to entertain reasonable restrictions with regard to time and manner.

The City of Great Falls operates under the Commission-Manager form of government established by charter with self-governing powers. As with most municipalities and as allowed by law, the Commission desires to supplement its parliamentary procedure and specify rules and order of business in making decisions on matters that impact the City. Establishing time limits and protocol for conduct during Commission meetings will contribute to the success of that basic government structure and facilitate positive and effective working relationships between the Commission, City Manager, City staff and the public, in accomplishing the governing body's work lawfully, in full view of the public and with reasonable opportunity for public participation.

Alternatives: The City Commission could choose to not remove Resolution 10072 from the table and/or could choose to amend or deny adoption of Resolution 10072.

Attachments:

Resolution No. 10072

Comparative Resolution No. 10072 showing changes made subsequent to April 15, 2014

Commissioner Bronson – paragraph 4 proposed language

RESOLUTION NO. 10072

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, ESTABLISHING TIME LIMITS AND PROTOCOLS FOR CONDUCT DURING PUBLIC MEETINGS

WHEREAS, the Great Falls City Commission holds public meetings in rooms located in the Civic Center, including but not limited to, the Commission Chambers Room 206 and the Gibson Room 212; and

WHEREAS, Montana's constitution and laws require that the local government decision making process be conducted openly and with reasonable opportunity for citizens to participate; and

WHEREAS, the public has a right to participate and comment at City Commission meetings, so long as the participation and comments do not disrupt the public meeting; and

WHEREAS, proper decorum for City Commission meetings requires management of the time, place and manner of public participation to facilitate the work of the governing body on matters that impact the City; and

WHEREAS, the Great Falls City Commission adopted Resolution 6601 on March 12, 1973, regarding Order of Business setting forth that: "In all matters of parliamentary law, proceedings and practices as are not otherwise provided for by state statute, City ordinances, these rules, or with any standing rule or order of the Commission, "Roberts Rules of Order, Revised 75th Anniversary Edition, shall govern;" and

WHEREAS, the Great Falls City Commission adopted Resolutions 9634, 9679 and 9997, regarding time limits, speech, and protocol for video recording equipment for public meetings; and

WHEREAS, the City Commission is committed to maintain a productive work environment, and to that end desires to update and supplement those procedures and protocols for general participation in meetings to facilitate the conduct of public meetings in an open and orderly manner in an environment safe for all persons in attendance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that the following protocols, procedures, and rules of decorum are established for purposes of conducting public meetings and guiding public participation at public meetings held by the City Commission, are as follows:

1. Persons addressing the Commission shall come to the podium or to another appropriate place as directed by the presiding officer, and provide for the record

that person's name and address, and, if applicable, the person, firm or organization the person represents.

2. Speakers shall address their comments to the presiding officer and the Commission as a body and not to any individual member of the Commission or City staff.
3. Public hearings and public comment periods on agenda items, unless otherwise provided by law, are in the nature of advisory hearings before the Commission. They are held for the purpose of noticing legislative facts, and receiving expressions of public opinion on a question, including the views of interested parties.
4. During public hearings and public comment periods, speakers providing input on agenda items shall limit their address to the Commission to five (5) minutes, unless further time is granted by the presiding officer with the concurrence of the Commission. (This five minute limitation does not apply to staff and presenters of agenda items.)

During the petitions and communications portion of any meeting, speakers shall limit their address to the Commission to three (3) minutes, unless further time is granted by the presiding officer with the concurrence of the Commission.

5. Speakers shall keep their comments germane to the subject item on the agenda or, during petitions and communications, matters of significant public interest which are within the jurisdiction of the Commission. Public comment generally is not intended for a two-way dialogue between speaker(s), Commission member(s), and/or the City Manager or City staff; however, the presiding officer, with the concurrence of the Commission, may allow questions to be asked of or by speakers. The time involved in such questions and replies shall not count against any time limit imposed by these protocols or by the presiding officer.
6. Speakers shall refrain from irrelevant or unduly repetitious communications or other behaviors which disrupt, disturb or impede the orderly conduct of the meeting or incite violence.
7. Speakers are prohibited from using vulgar, discriminatory, profane or impertinent speech, or personal attacks and personal accusations.
8. Speakers and persons in the audience shall not delay or interrupt the proceedings or refuse to obey the orders of the presiding officer.
9. Audio/Visual (AV) equipment is reserved for City Commission deliberations for clarity and understanding of issues to make decisions on matters that impact the

City. Citizens may submit data, views, or arguments, orally or in written form, to the Commission or City Clerk, prior to or during the meeting. Citizens wishing to submit written information while at podium shall place it on the table next to the podium, unless directed otherwise by the presiding officer.

10. Any person, including one with special needs, who may want to offer public comment on any matter, may provide a written statement for the record to the City Clerk for distribution to the Commission in lieu of offering oral comment. The time limits set forth above shall apply to any oral presentation or reading of any such written statement of testimony.
11. Objects that are deemed a threat or perceived to be a threat to persons at the meeting or the facility infrastructure are not allowed and the object, or the person possessing the object, may be subject to search for weapons and other dangerous materials. The Chief of Police or his designee(s) are authorized to remove items and/or individuals from the meeting rooms if a threat exists or is perceived to exist.
12. Speakers and persons in the audience shall refrain from creating, provoking or participating in any type of disturbance, including but not limited to, unwelcome physical contact, or verbal, physical or emotional abuse or intimidation.
13. Cell phones, pagers, smart phones or other electronic communication devices shall be put in silence mode during meetings. Persons who need to place or receive a telephone call are requested to leave the chambers for that purpose.
14. Anything other than a prepared statement by the speaker and/or related supporting documents or items are prohibited at the podium.
15. Failure to comply with the rules of decorum which disturbs, disrupts or impedes the orderly conduct of the meeting shall, at the discretion of the presiding officer, be ruled out of order, and may result in the speaker's removal from the podium, removal from the meeting and/or possible arrest.
16. In all matters of parliamentary law, proceedings and practices as are not otherwise provided for by state statute, City ordinances, these rules, or with any standing rule or order of the Commission, the current edition of "Robert's Rules of Order" shall govern.

BE IT FURTHER RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that Resolution 9997 establishing protocol for video recording equipment placement and use during meetings remains in effect; and, Resolution Nos. 6601, 9634 and 9679 are hereby repealed.

PASSED AND ADOPTED by the City Commission of the City of Great Falls,
Montana, May 6, 2014.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

RESOLUTION NO. 10072

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, ESTABLISHING TIME LIMITS AND ~~PROTOCOL~~PROTOCOLS FOR CONDUCT DURING PUBLIC MEETINGS

WHEREAS, the Great Falls City Commission holds public meetings in rooms located in the Civic Center, including but not limited to, the Commission Chambers Room 206 and the Gibson Room 212; and

WHEREAS, ~~Montana is one of a number of states whose~~Montana's constitution and laws require that the local government decision making process be conducted ~~open~~openly and with reasonable opportunity for citizens to participate; and

WHEREAS, the public has a right to participate and comment at City Commission meetings, so long as the participation and comments do not ~~consist of a disruption of~~disrupt the public meeting; and

WHEREAS, proper decorum for City Commission meetings requires management of the time, place and manner of public participation to facilitate the work of the governing body on matters that impact the City; and

WHEREAS, the Great Falls City Commission adopted Resolution 6601 on March 12, 1973, regarding Order of Business setting forth that: "In all matters of parliamentary law, proceedings and practices as are not otherwise provided for by state statute, City ordinances, these rules, or with any standing rule or order of the Commission, "Roberts Rules of Order, Revised 75th Anniversary Edition, shall govern;" and

WHEREAS, the Great Falls City Commission adopted Resolutions ~~6601~~, 9634, 9679 and 9997, regarding ~~parliamentary procedure~~, time limits, speech, and protocol for video recording equipment for public meetings; and

WHEREAS, the City Commission is committed to maintain a productive work environment, and to that end desires to update and supplement those procedures and protocols for general participation in meetings to facilitate the conduct of public meetings in an open and orderly manner in an environment safe for all persons in attendance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that the following protocols, procedures, and rules of decorum are established for ~~assisting purposes of conducting public meetings and guiding~~ public participation, ~~and establishing protocol and rules of decorum~~ at public meetings held by the City Commission, are as follows:

1. Persons addressing the Commission shall stepcome to the podium or to another appropriate place as directed by the presiding officer, and provide for the record that person's name and address, and, if applicable, the person, firm or organization the person represents.
2. Speakers shall address their comments to the presiding officer and the Commission as a body and not to any individual member of the Commission or City staff.
3. ~~Speakers shall limit their address to the Commission to three (3) minutes, including during public~~ Public hearings and public comment periods on agenda items, unless otherwise provided by law, are in the nature of advisory hearings before the Commission. They are held for the purpose of noticing legislative facts, and during the petitions and communications portion of any meetings, receiving expressions of public opinion on a question, including the views of interested parties.
4. During public hearings and public comment periods, speakers providing input on agenda items shall limit their address to the Commission to five (5) minutes, unless further time is granted by the presiding officer with the concurrence of the Commission. (This five minute limitation does not apply to staff and presenters of agenda items.)
- ~~4. Public comment is not intended to be utilized for a two-way dialogue between speaker(s), Commission member(s), and/or the City Manager or City staff.~~
During the petitions and communications portion of any meeting, speakers shall limit their address to the Commission to three (3) minutes, unless further time is granted by the presiding officer with the concurrence of the Commission.
5. Speakers shall keep their comments germane to the subject item on the agenda or, during petitions and communications, matters of significant public interest which are within the jurisdiction of the Commission. Public comment generally is not intended for a two-way dialogue between speaker(s), Commission member(s), and/or the City Manager or City staff; however, the presiding officer, with the concurrence of the Commission, may allow questions to be asked of or by speakers. The time involved in such questions and replies shall not count against any time limit imposed by these protocols or by the presiding officer.
6. Speakers shall refrain from irrelevant or unduly repetitious communications or other behaviors which disrupt, disturb or impede the orderly conduct of the meeting or incite violence.

7. Speakers are prohibited from using vulgar, discriminatory, profane or impertinent speech, or personal attacks and personal accusations.
8. Speakers and persons in the audience shall not delay or interrupt the proceedings or refuse to obey the orders of the presiding officer.
9. Audio/Visual (AV) equipment is reserved for City Commission deliberations for clarity and understanding of issues to make decisions on matters that impact the City. Citizens ~~shall~~may submit data, views, or arguments, orally or in written form, to the Commission or City Clerk, prior to or during the meeting. Citizens wishing to submit written information while at podium shall place it on the table next to the podium, unless directed otherwise by the presiding officer.
10. ~~Speakers or persons in the audience who want to comment or those~~Any person, including one with special needs, who may want to offer public comment on any matter, may provide a written statement ~~of testimony~~ for the record to the City Clerk for distribution to the Commission. ~~Prepared statements that are read, however, in lieu of offering oral comment. The time limits set forth above shall be deemed unduly repetitious. apply to any oral presentation or reading of any such written statement of testimony.~~
11. Objects that are deemed a threat or perceived to be a threat to persons at the meeting or the facility infrastructure are not allowed and the object, or the person possessing the object, may be subject to search for weapons and other dangerous materials. The Chief of Police or his designee(s) are authorized to remove items and/or individuals from the meeting rooms if a threat exists or is perceived to exist.
12. Speakers and persons in the audience shall refrain from creating, provoking or participating in any type of disturbance, including but not limited to, unwelcome physical contact, or verbal, physical or emotional abuse or intimidation.
13. Cell phones, pagers, smart phones or other electronic communication devices shall be put in silence mode during meetings. Persons who need to place or receive a telephone call are requested to leave the chambers for that purpose.
14. Anything other than a prepared statement by the speaker and/or related supporting ~~document~~documents or ~~item~~items are prohibited at the podium.
15. Failure to comply with the rules of decorum which ~~disturb, disrupt~~disturbs, disrupts or ~~impede~~impedes the orderly conduct of the meeting shall, at the discretion of the presiding officer, be ruled out of order, and may result in the

speaker's removal from the podium, removal from the meeting and/or possible arrest.

16. In all matters of parliamentary law, proceedings and practices as are not otherwise provided for by state statute, City ordinances, these rules, or with any standing rule or order of the Commission, the current edition of "Robert's Rules of Order" shall govern.

BE IT FURTHER RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA, that Resolution ~~6601 regarding parliamentary procedure, and Resolution~~ 9997 establishing protocol for video recording equipment placement and use during meetings ~~remain~~remains in effect; and, Resolution Nos. 6601, 9634 and 9679 are hereby repealed.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana, ~~April 15~~May 6, 2014.

Michael J. Winters, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

4. During public hearings and public comments on agenda items, there is no set time limit on speakers addressing the Commission, but the presiding officer, with the concurrence of the Commission, may limit debate on any agenda item, including but not limited to setting a uniform time limit on each speaker, or on groups supporting or opposing a particular agenda item. Such limits may be imposed in the interests of managing meeting time, minimizing repetitious comments, and affording all sides to a debate the opportunity to participate.

During the petitions and communications portion of any meeting, speakers shall limit their address to the Commission to three (3) minutes, unless the presiding officer, with the concurrence of the Commission, grants further time.