



Item: Ordinance 3149, “**AN ORDINANCE AMENDING TITLE 2, CHAPTER 56, SECTION 020 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF) PERTAINING TO THE REMOVAL OF MEMBERS OF BOARDS, COMMISSIONS AND COUNCILS**”

From: Sara Sexe, City Attorney

Initiated By: Sara Sexe, City Attorney

Presented By: Sara Sexe, City Attorney

Action Requested: Accept Ordinance 3149 on first reading and set public hearing for February 7, 2017.

Suggested Motion:

1. Commissioner moves:

“I move that the City Commission (accept/not accept) Ordinance 3149 on first reading and set the public hearing for February 7, 2017.”

2. Mayor calls for a second to the motion, Commission discussion, inquiries from the public, and calls for the vote.

Background/Recommendation:

Recently a member of the Great Falls Transit District Board was removed based on continued absence from regularly scheduled board meetings. No explanation was given for the absence. During that removal process, City staff discussed the need for additional criteria by which members of boards, commissions, and councils may be removed by the City Commission, as the only current stated reason for removal of members is for attendance.

The Official Code of the City of Great Falls §2.56.020 currently states:

A member of any board or commission or council, who misses more than one-third (1/3) of the regular meetings in a calendar year without a health or medical excuse, shall lose his/her status as a member of such board, commission or council and shall be replaced by the City Commission. Such removal must be preceded by delivery of a copy of a notice of removal stating the reasons therein to such member at least ten (10) days prior to a

hearing thereon before the City Commission, should such member request a hearing on the removal.

The current code does not take allow for the Commission to consider other valid reasons that a board, commission or council member should be removed, such as neglect of duties, physical or mental inability to continue to serve, unethical acts, or criminal behavior. By adopting Ordinance 3149, the City Commission will be able to review and consider other reasons for removal in addition to attendance and codify restrictions on such behavior.

Fiscal Impact: None.

Staff Recommendation: Staff recommends that the City Commission accept Ordinance 3149 on first reading and set the public hearing for February 7, 2017.

Attachments/Exhibits:

Ordinance 3149 & Exhibit A

ORDINANCE 3149

AN ORDINANCE AMENDING TITLE 2, CHAPTER 56, SECTION 020 OF THE OFFICIAL CODE OF THE CITY OF GREAT FALLS (OCCGF), PERTAINING TO THE REMOVAL OF MEMBERS OF BOARDS, COMMISSIONS AND COUNCILS

WHEREAS, the City Commission recognizes the need for members of City boards, commissions and councils to perform their duties in an ethical, responsible and professional manner; and

WHEREAS, in 2001, the City Commission adopted Ordinance 2793 which established OCCGF §2.56.020 providing criteria by which a member of a board, commission, or council may be removed of his or her membership; and

WHEREAS, the City Commission believes additional criteria for removal of members of boards, commissions, and councils is necessary.

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

Section 1. Title 2, Chapter 56, Section 020, of the OCCGF pertaining to the removal of members of boards, commissions, and councils be amended as depicted in Exhibit "A" attached hereto, which removes any language indicated by a ~~strike out~~ and adds any language which is **bolded**; and,

Section 2: This ordinance shall be in full force and effect thirty (30) days after second reading and final adoption by the City Commission.

APPROVED by the City Commission on first reading January 17, 2017.

ADOPTED by the City Commission of the City of Great Falls, Montana on second reading February 7, 2017.

Bob Kelly, Mayor

ATTEST:

Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

Sara R. Sexe, City Attorney

State of Montana)
County of Cascade : ss
City of Great Falls)

I, Lisa Kunz, City Clerk of the City of Great Falls, Montana, do certify that I did post as required by law and as prescribed and directed by the Commission, Ordinance 3149 in three conspicuous places within the limits of said City to-wit:

On the Bulletin Board, first floor, Civic Center Building;
On the Bulletin Board, first floor, Cascade County Courthouse;
On the Bulletin Board, Great Falls Public Library

(CITY SEAL)

Lisa Kunz, City Clerk

Title 2 - ADMINISTRATION AND PERSONNEL

Chapter 56 BOARDS/COMMISSIONS/COUNCILS ATTENDANCE

Chapter 56 BOARDS/COMMISSIONS/COUNCILS ATTENDANCE

Sections:

2.56.020 Removal of members of boards, commissions and councils.

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~~A member of any board or commission or council, who misses more than one-third (1/3) of the regular meetings in a calendar year without a health or medical excuse, shall lose his/her status as a member of such board, commission or council and shall be replaced by the City Commission. Such removal must be preceded by delivery of a copy of a notice of removal stating the reasons therein to such member at least ten (10) days prior to a hearing thereon before the City Commission, should such member request a hearing on the removal.~~

A member of any board, commission, 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 52, while serving on a board, council, 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, 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,

Exhibit "A"

Title 2 - ADMINISTRATION AND PERSONNEL

Chapter 56 BOARDS/COMMISSIONS/COUNCILS ATTENDANCE

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.

(Ord. 3149, 2017; Ord. 2793, 2001).