

Rules and Procedures for Governing Ethics Committee

PART I. General Provisions

Section 1.01 Purpose. The purpose of this policy is to establish the rules of procedure for the conduct of meetings and the transaction of business by the Great Falls Ethics Committee (Committee). These rules of procedure are intended to ensure that the Committee can accomplish its work efficiently, openly and with reasonable opportunity for the public to participate in the deliberations and decisions of the City's governmental agencies.

Section 1.02 Authority. These rules of procedure are promulgated pursuant to and supplement Title 2, Chapter 21, of the Official Code of the City of Great Falls, as well as Mont. Code Ann. Title 1, Chapter 1, Part 41; Title 7, Chapter 5, Part 41; Title 2, Chapters 2 and 3.

PART II. Public Participation

Section 2.01 Policy. It is the policy of the Committee that the public shall be afforded reasonable opportunity to participate in its operation prior to the final Committee decision concerning any matter of significant interest to the public.

Section 2.02 Open Meetings. A meeting of the Committee is convened whenever a quorum of Committee members will hear, discuss or act upon any matter over which it has jurisdiction. All meetings of the Committee shall be open to the public. However, the presiding officer of the Committee may close any 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.

Section 2.03 Notice. The Committee shall give timely notice of any public hearing or any meeting to discuss or act upon any matter of significant interest to the public, as prescribed by law. Additionally, the agenda of all scheduled meetings of the Committee shall be publicly posted no later than 48 hours prior to the meeting.

Section 2.03 Public Posting Board. The Committee designates the Great Falls Civic Center posting board and City of Great Falls' website as its official posting places.

PART III. Procedures

Section 3.01 Quorum. A quorum of the Committee shall consist of two Committee members. No meeting of the Committee shall be convened without a quorum and no decision of the Committee on any matter shall be made except by the affirmative vote of two members.

Section 3.02 Appointment of Officers. As soon as practicable after its creation, the Committee shall meet and organize by electing from its members a Chairperson and a Vice Chairperson. Thereafter, at its first meeting in each year, the Committee shall elect from its members a Chairperson and Vice Chairperson. The Chairperson shall act as the presiding officer. The Vice Chairperson shall have authority to act as Chairperson of the Committee during the absence or disability of the Chairperson.

Section 3.03 Staff Liaison. City staff from the City Manager’s Office will assist the Committee with preparing, posting and advertising Committee meeting agendas; City Clerk’s Office will assist with taking minutes, recording or televising meetings, and retention of records; and, the Legal Department/legal counsel, will assist the Committee with the development of its recommendations.

Section 3.04 Complaint and Response statements.

1. All ethics complaints shall specifically identify the complainant, the subject of complaint (person being complained about), and provide detailed bases for the complaint, specifically identifying all laws, regulations or codes which are alleged to be violated and providing a detailed description of the alleged violation. Complainants shall also attach all supporting documentation and/or other information supporting the complaint.
2. Upon receipt of a complaint subject to Committee evaluation, the person who is the subject of that complaint (Subject) shall be provided a copy of the complaint in a timely manner and may respond if they wish. All response statements shall:
 - a. provide a detailed description and response to each alleged violation,
 - b. include all supporting documentation and/or other information supporting the response, and
 - c. be delivered to the City Manager’s office within 10 business days of the mailing or electronic delivery of the complaint to the Subject.
3. All complaints and responses shall identify whether a privacy right is implicated that would require a closed meeting as discussed in Section 3.05 below. If such a privacy right is asserted, the presiding officer may close the meeting and seal the documents under Sections 2.02 and 3.05.
4. All complaints and responsive statements from the subject of a complaint shall substantially comply with the attached forms, as applicable, and be submitted to the City Manager’s office.

Section 3.05 Agenda Preparation. All supporting statements and/or material which a Complainant or Subject intends to provide to the Committee shall be provided to the City Manager’s Office staff liaison no later than seven business days prior to the meeting when the complaint will be heard. Staff agenda reports, recommendations, and all other matters requiring discussion, or decision by the Committee shall be submitted to staff by 12:00 p.m. (noon) no less than four days immediately preceding the next scheduled meeting of the Committee. The liaison shall arrange the matters requiring discussion or action into an agenda according to the order of business specified herein. Copies of the agenda packet (which will include all Complaint and Response Statements) shall be provided to each member of the Committee no later than 48 hours prior to the scheduled meeting. Copies of the agenda and all supporting documentation, except as may be subject to individual privacy claims which outweigh the public’s right to know, shall be readily available to the press and to the public at large. One copy of the Agenda shall be posted on the designated public posting board, and a copy of the agenda packet shall be posted on the City’s website, no later than 48 hours prior to the scheduled meeting.

Section 3.06 Order of Business. The staff shall prepare the agenda in substantially the following form which may be altered by consent of the Committee:

1. Roll Call of the Committee Members
2. Approval of Minutes of the Previous Meeting.
3. Public Comment on anything not on the agenda but within the jurisdiction of the Committee.
4. Scheduled Matters, including New Business, Old Business and other items.
5. Unscheduled Matters: An item that is not scheduled on the agenda for the current meeting may be discussed during the session at the discretion of the Committee. However, the purpose of such discussion shall be to decide whether or not to schedule the item for discussion and/or vote on a subsequent agenda. As a general rule, no matter of significant interest to the public should be decided upon without prior notice to the public as a scheduled Committee agenda item.
6. Adjournment.

PART IV. Rules of Committee Participation

Section 4.01 Policy. To provide for the effective participation by all members of the Committee and to protect the right of participation by members of the public appearing before the Committee, all meetings of the Committee shall be conducted in general conformance with the provisions of the current edition of Robert's Rules of Order, except when inconsistent with law.

Section 4.02 Rules. Committee debate shall proceed in accordance with the following rules:

1. A Committee Member desiring to speak shall address the presiding officer, and upon recognition, shall confine him or herself to the question under debate, avoiding abusive and indecorous language.
2. A Committee Member once recognized, shall not be interrupted when speaking unless it is to call him or her to order, or as herein otherwise provided. If a Committee Member while speaking is called to order, he or she shall cease speaking until the question or order is determined, and, if in order, he or she shall be permitted to proceed.
3. Order of rotation in matters of debate or discussion shall be at the discretion of the presiding officer.
4. A motion may be made by any member of the Committee but must be seconded prior to discussion and vote. If the motion is not seconded, it shall be declared failed for lack of a second by the presiding officer.
5. A motion to reconsider any action taken by the Committee may be made only on the day such action was taken. It may be made either immediately during the same session, or at a recessed and reconvened session thereof. Such a motion may only be made by a Committee Member of the prevailing side, but may be seconded by any Committee Member and it shall be debatable.

Section 4.03 Suspension of the Rules of Debate. The rules of debate may be suspended temporarily by the unanimous vote of the entire Committee.

Section 4.04 Majority of Whole Committee Required. The affirmative vote of two Committee Members is required to adopt any measure.

Section 4.05 Duty to Vote. It shall be the duty of each Committee Member to vote in the affirmative or negative on each motion duly placed before the Committee by the presiding officer, except when conflicts of interest preclude such a vote. A Committee Member may make a brief explanation of the reason why he or she voted in a particular way.

Section 4.06 Proxy Voting. A Committee Member who is not present for the meeting at the time a motion is put to a vote cannot vote. Committee Members shall not be permitted to vote by a proxy vote or by written vote.

Section 4.07 Conflict of Interest. Any member of the Committee who has a private interest, as defined by law or as so advised by the City Attorney/legal counsel, in any matter pending before the Committee shall not participate in the debate, nor vote in that matter, nor seek to influence the vote of members of the Committee, except as otherwise provided by 2-2-201, MCA. If the presiding officer has a private interest in a matter pending before the Committee, he or she shall yield the chair to the Vice Chairperson during the course of debate and decision concerning the matter in which he or she has a private interest, in compliance with the City's Code of Ethics.

Section 4.08 Vacancies. A member of the Committee may be removed pursuant to the Official Code of the City of Great Falls (OCCGF) 2.23.020.

PART V. Presentation of Complaint to the Committee

Section 5.01 Procedures for Hearing of Complaint. The general procedure by which items are handled by the Committee Members shall be as follows:

1. The presiding officer or staff member presents the item to the Committee along with a brief summary of the matter for discussion, with or without recommendation.
2. Comments from the Complainant or representative, will then be heard by the Committee.
3. Comments from the Subject of the Complaint, or representative, will then be heard by the Committee.
4. For the purpose of clarification and after recognition by the presiding officer, Committee Members may direct questions about the item to the presiding officer.
5. After recognition from the presiding officer, the Committee may direct questions to the staff member, Complainant and/or the Subject, or representatives.
6. The presiding officer will then invite members of the public to present or submit testimony beginning with those in support of the complaint, followed by those who oppose the complaint and concluding with those who neither favor nor oppose the complaint.
7. All testimony shall be directed to the presiding officer.
8. The presiding officer will allow staff the opportunity to respond to the public comment.
9. The presiding officer will allow the Subject, or representative, the opportunity to respond to the public comment.
10. The presiding officer will allow the Complainant, or representative, the opportunity to respond to the public comment.
11. Following the presentation of all testimony and evidence, the Committee may by motion: (1) Continue the hearing to a date certain to allow additional information to be submitted to the Committee; (2) Close the hearing and proceed to Committee debate and vote on the matter; or (3) Continue the Committee debate and vote to a date certain.

PART VI Guide for Public Participation

Section 6.01 Guidelines for Public Participation. The following guidelines shall serve to ensure reasonable and fair public participation in the decisions of the Ethics Committee.

1. The public shall be invited to speak on any item under consideration by the Committee after and only after recognition by the presiding officer.
2. Public comments shall be related to matters at hand, or to those within the Committee's jurisdiction, and shall not be irrelevant or unduly repetitious communications or other disruptive behaviors which disrupt, disturb or impede the orderly conduct of the meeting.
3. The speaker should step to the front of the room, and for the record, give his or her name and either his or her address or whether he or she is a city resident and, if applicable, the person, or organization he or she represents.
4. Prepared statements are welcomed and should be given to the presiding officer and noted in the minutes of the meeting. All prepared statements shall become a part of the permanent record.
5. While the Committee is in session, members of public must preserve order and decorum. No person shall delay or interrupt the proceedings or the peace of the Committee nor disturb any member of the public or of the Committee while speaking or refuse to obey the orders of the presiding officer of the Committee.
6. Any person who while testifying shall use indecorous or abusive language or who shall become boisterous or disruptive shall be barred from further presentation to the Committee by the presiding officer, unless permission to continue be granted by a majority vote of the Committee.

Section 6.02 Minutes and Records. The City Clerk or designee shall attend all official meetings of the Committee and document all proceedings in legally appropriate minutes as set forth in Mont. Code Ann. § 2-3-212.

All City boards, commissions, councils and committees are subject to the State of Montana records retention policy. The City Clerk or designee will handle retention of agendas, agenda packet material, minutes, and other meeting material. Correspondence, including email, and other records or documentation in written or electronic format pertaining to Committee business, shall be kept and maintained pursuant to the applicable retention laws and regulations.