

**RESOLUTION NO. 10322**

**A RESOLUTION ADOPTING CITY OF GREAT FALLS COMMISSION  
RULES OF CONDUCT AND PROCEDURE OF COMMISSION MEETINGS**

**WHEREAS**, rules of procedure and public debate are to facilitate the transaction of public business in an orderly way; 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**, proper decorum for City Commission meetings requires management of time, place, and manner of public participation to facilitate the work of the governing body on all matters that impact the City; and

**WHEREAS**, Mont. Code Ann. § 7-3-4323 authorizes the Commission to determine its own rules and order of business; and

**WHEREAS**, throughout the years Commission rules and procedures have been adopted in various forms, in addition to those provided for in state statute or the Charter of the City of Great Falls; and

**WHEREAS**, the City Commission wishes to update and consolidate its rules and procedures pertaining to meetings into one reference document.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA**, that the City of Great Falls Commission Rules of Conduct and Procedure of Commission Meetings is adopted as set forth in Exhibit "A" attached hereto.

**BE IT FURTHER RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA**, that Resolution Nos. 7057, 7058, 7621, 8065, 9997 and 10072 are hereby repealed.

PASSED AND ADOPTED by the City Commission of the City of Great Falls, Montana,  
\_\_\_\_\_, 2019.

\_\_\_\_\_  
Bob Kelly, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Kunz, City Clerk

(CITY SEAL)

APPROVED FOR LEGAL CONTENT:

\_\_\_\_\_  
Sara Sexe, City Attorney

## ***City of Great Falls Commission Rules of Conduct and Procedure of Commission Meetings***

**Introduction:** Rules of procedure and public debate are to facilitate the transaction of public business in an orderly way. These rules of procedure are intended to ensure that the Commission can accomplish its work efficiently, in full view of the public, and with reasonable opportunity for the public to participate in the deliberations and decisions of City government. Mont. Code Ann. § 7-3-4323 authorizes the Commission to determine its own rules and order of business.

The City Commission thus adopts these Rules of Conduct and Procedure of Commission Meetings this 19<sup>th</sup> day of November, 2019:

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## ***Rule 1. Meetings of the City Commission***

### ***1.1 Regular Meetings***

The established regular meetings of the City Commission are held in the Commission Chambers Room 206, Civic Center, 2 Park Drive South, on the first and third Tuesdays of each month beginning at 7:00 o'clock p.m., except legal holidays and federal election days.

When the day affixed for any regular meeting of the Commission falls upon a day designated by law as a legal or national holiday, such meeting may be scheduled at the same hour on the next succeeding day which is not a holiday, rescheduled to the following week day and time if there are five weeks in the month, or the meeting may be canceled by the Commission.

Commission meetings that conflict with Election Day for the general election of federal public officials shall be held on Wednesday immediately following the date of the election.

### ***1.2 Special Meetings***

Special meetings of the City Commission may be called from time to time at the discretion of the City Manager in consultation with the City Commission, when business cannot be postponed, or other matters exist which require a special meeting. The notice shall specify the subject of the special meeting and the meeting shall be limited to that subject.

### ***1.3 Emergency Meetings***

In the event of an emergency situation, such as a storm, fire, explosion, community disaster, insurrection, act of God, or other potential destruction or impairment of City property or business that affects the health and safety of the residents, employees or the functions of the City, the City Manager may call a meeting to be convened by a majority of the Commission without providing two days' notice. The City Manager shall use reasonable efforts to inform the public of the emergency meeting and to provide an agenda.

### ***1.4 Executive Session/Closed Meetings***

An individual may request that the presiding officer of any meeting may close the meeting during the time the discussion relates to a matter of the individual's privacy. If and only if the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure, the meeting will be closed. Alternatively,

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.

A meeting may be closed to discuss litigation strategy when an open meeting would have a detrimental effect on the litigating position of the City. The meeting may not be closed to discuss strategy to be followed in litigation in which the only parties are public bodies or associations.

By majority vote in a public meeting, the Commission may hold executive sessions as set forth above, upon the advice of the City Attorney or retained legal counsel. The motion and vote to go into executive session must be made in public, and the reason must be stated.

No vote or formal action shall be taken in executive session, except to return to public session.

After returning to public session and calling the meeting back to order, the presiding officer or designee shall generally report what was discussed in executive session. The presiding officer shall then, if appropriate, ask the will of the Commission, and call for the vote.

Minutes of closed meetings or executive sessions shall be maintained and sealed by the City Clerk.

### **1.5 Work Sessions**

Work Sessions shall generally be held in the Gibson Room 212 of the Civic Center on the first and third Tuesdays of each month beginning at 5:30 p.m., except on legal holidays, federal election days, or when there exists no subject matter for a work session. Work Sessions are informal meetings, generally for the purpose of conducting in-depth presentations for upcoming regular meeting items, progress reports on current programs or projects, or exploration of subjects in more detail. All discussions and conclusions thereon shall be informational and no final action may be taken, but the Commission may give direction to staff regarding items to be scheduled for a future action. An opportunity will be provided for public comment on agenda items and matters not on the agenda but within the jurisdiction of the City Commission. The City Commission is not bound by Robert's Rules of Order during informal Work Sessions.

### **Rule 2. Notice**

The schedule of regular meetings and work sessions of the Commission has been established and followed since 1981 as the first and third Tuesdays of every month at 5:30 and 7:00 o'clock p.m.

The agenda for the meeting is a legal document that, when posted, provides additional notice to the public that the Commission is planning to meet and to conduct the public's business at a certain time and place. To perform this legally required "notice" the agenda for all official meetings of the Commission (as set forth in *Rule 1, with the exception of Emergency Meetings*) should be posted on the City's website and Great Falls Civic Center posting board on the first floor of the Civic Center, 2 Park Drive South, at least two days prior to the meeting (usually in the afternoon on the Thursday preceding the regular work session and meeting), and must set forth the date, time, place and all items to be considered.

To receive notification at the time agendas are posted on the City's website, media representatives, as well as citizens who choose to do so, may subscribe to an email subscription under "Meeting Notifications" on the City's website, and can then access the agenda reports and supporting documents through the City's website.

Pursuant to Mont. Code Ann. § 7-1-4135, the City Commission designates as its official posting place the Great Falls Civic Center posting board and the City's website.

### ***Rule 3. Requirements of an Open Meeting***

All meetings of the Commission shall be open to the public, except for those portions of meetings in limited situations as set forth in Rule 1.4. The four essential elements in the Montana "open meeting" laws are:

- If a *quorum* of the Commission is convened by either the physical presence of the members or by means of electronic equipment; and
- The Commission will *hear, discuss or act* upon a matter over which it has supervision, control, jurisdiction or advisory power; then
- The meeting *must be open to the public*; and
- Minutes of the meeting must be kept and made available for public inspection.

#### ***3.1 Violation of the Open Meeting Laws***

Any decision made in violation of the open meeting laws may be declared void by a district court having jurisdiction. A suit to void a decision must be commenced within 30 days of the date on which the plaintiff or petitioner learned, or reasonably should have learned, of the Commission's decision.

### ***Rule 4. Parliamentary Authority***

Meeting conduct, decorum, and procedures, not provided for in these rules, state statute or City ordinances, shall be guided by the latest edition of *Robert's Rules of Order*.

**Rule 5. Attendance**

Members of the Commission shall let the presiding officer and the City Manager’s office know when he/she will be absent from meetings. Absence from more than one-third (1/3) of the regular meetings in a calendar year without a health or medical excuse shall cause that member’s position on the City Commission to become vacant.

**Rule 6. Presiding Officer**

**6.1 Mayor**

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 ceremonial functions. These functions of the Mayor shall not be construed as conferring executive, personnel, or administrative powers or functions upon the mayor.

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 power over actions taken by the Commission.

The presiding officer has the authority to preserve order at all meetings of the Commission, to enforce time limits on agenda items, and to enforce the rules of the Commission.

The presiding officer may request the assistance of the Police Chief or police officer to restore order at any meeting, or cause removal of any person from any meeting for disorderly conduct.

**6.2 Mayor Pro Tempore**

The Mayor Pro Tempore shall serve in the absence of the elected mayor. The Commission shall elect from amongst 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 Commission has held an election.

**Rule 7. Agenda Preparation**

The purpose of an agenda is to provide a framework within which a meeting can be conducted. The agenda for a meeting provides opportunity for public participation before a final decision is taken by the Commission that is of signification interest to the public, and includes Petitions and Communications allowing the public to comment on any public matter that is not on the agenda of the meeting and that is within the jurisdiction of the Commission. However, the Commission may not take action on any matter discussed unless specific notice of that matter is included on an agenda and public comment has been allowed on that matter.

The City Manager's Office prepares agendas for each Commission meeting specifying the date, time and place of the meeting and a brief general description of each item to be considered by the Commission. The City Manager has adopted formats for agenda report cover sheets that includes the Department, staff person, action requested, suggested motion, findings of fact/bases for decision, summary and/or background information. City staff will assist the Commission at meetings in revising language of motions or findings, if necessary.

### ***Rule 8. Agenda - Order of Business***

The agenda shall be in substantially the following form:

Call to Order

Pledge of Allegiance

Roll Call/Staff Introductions

Agenda Approval

Conflict Disclosure/Ex Parte Communications

Proclamations/Presentations/Oaths of Office

Petitions and Communications

Miscellaneous Reports and Announcements:

- Neighborhood Councils
- Boards and Commissions
- City Manager

Consent Agenda

Public Hearings

Old Business

New Business

Ordinances/Resolutions

City Commission Miscellaneous Reports and Announcements, and Initiatives

Adjournment

The order of business may be adjusted by consent of the Commission, but items will not be added that require action without the required public notice.

#### ***8.1 Roll Call, Quorum and Voting***

The City Clerk shall take roll call to establish that a quorum exists for the Commission to take legal actions as are necessary before it. Three members of the Commission shall constitute a quorum, and the affirmative vote of three members of the Commission, unless a greater number is required by law, shall be necessary to adopt or reject any motion, resolution, ordinance, or pass or fail any measure. Upon every vote, the ayes and nays shall be called and recorded in the minutes.

A Commission member who is not physically present at a meeting at the time a motion or action item is put to a vote cannot vote, unless that member is participating by

electronic means where both audio and visual public observation of that member can be accomplished. The Commission's preference is that members attend in person and electronic participation be infrequent. Members shall not be permitted to vote by a proxy vote or by written vote.

Members of the City Commission have a duty to vote in the affirmative or negative on each motion or action item duly placed before the Commission, unless a conflict of interest precludes the vote. A member may make a brief explanation of the reason why he or she voted in a particular way.

If a quorum is not present, the presiding officer may call a short recess to take measures to obtain a quorum, or adjourn the meeting.

## **8.2 *City Manager and Staff Attendance***

The City Manager or Deputy City Manager shall attend all Commission meetings unless excused. The City Manager, Deputy City Manager, or designee, attends Commission meetings to supplement needed facts and to advise on policy, problems and projects which may not have been established by an agenda report prepared in advance of the meeting.

The City Attorney, or attorney designee, shall attend all Commission meetings unless excused, and will, upon request, give a written or oral legal opinion during the meeting or at some time thereafter. The attorney shall decide all questions of interpretations of these rules and parliamentary questions that may arise at Commission meetings.

The City Clerk, or designee, is statutorily required to attend all meetings of the Commission, and is the keeper of official records that come before the Commission for consideration. If they are not previously provided to City staff for inclusion in agenda packets, handouts shall be provided to the City Clerk during the meeting.

Department Directors, or designees, shall attend meetings when that department has an agenda item to provide information and respond to questions, unless excused by the City Manager or Deputy City Manager.

## **8.3 *Conflict of Interest/Disclosure***

Elected officials of the City of Great Falls are public officers as defined by Mont. Code Ann. § Title 2, Chapter 2, and OCCGF 2.21.040 and, as such, shall comply with the codes of ethics as set forth therein.

Members of the Commission may rely upon the advice of the City Attorney as to whether the member has a conflict of interest pursuant to the law or OCCGF. Some questions regarding Commission member's conduct or participation may be referred to the Great Falls Ethics Committee. If the member is advised a conflict of interest



exists precluding participation on a matter, that member shall recuse himself/herself, and refrain from discussion and vote on the matter.

Prior to the presiding officer's calling the first action item on an agenda, members of the Commission shall disclose the nature of any private interest that creates a conflict relating to matters pending on the meeting's agenda.

#### **8.4 *Ex Parte Communications***

"Ex Parte" communication means written or verbal communication regarding an issue of adjudicative nature, whether voluntary or occurring inadvertently, and defined as a private communication between a decision-maker (Commission member) and a party/person, and which is before the Commission for consideration.

Prior to the presiding officer's calling the first action item on an agenda, members of the Commission shall disclose ex parte communications which relate to matters pending on the meeting's agenda.

#### **8.5 *Proclamations/Presentations***

Proclamations highlight important issues, events, civic-minded groups or individuals, or honor a group, situation or memorable occasion. Proclamations are part of the Mayor's ceremonial functions as set forth in the Charter of the City of Great Falls. The Mayor may share the ceremonial function of proclamations with the rest of the Commission by designating a willing Commissioner to read the proclamation during the ceremony, rotating this function among Commission members.

#### **8.6 *Petitions and Communications***

The Petitions and Communications section of the agenda allows for public comment on any public matter that is not on the agenda of the meeting and that is within the jurisdiction of the Commission. However, the Commission may not take action on any matter raised during this portion of the agenda.

#### **8.7 *Miscellaneous Reports and Announcements of Neighborhood Councils, Boards and Commissions, and the City Manager***

These portions of the agenda provide an opportunity for representatives of Neighborhood Councils or other Boards and Commissions to make miscellaneous reports and announcements. The City Manager also provides the Commission a brief update on City operations, events, or issues of interest to the community.

#### **8.8 *Consent Agenda and Contracts List Items***

Consent Agenda items are those upon which typically no discussion should be necessary. The Consent Agenda, inclusive of Contracts, Grants and Lien Release Lists,

are used as part of the Commission meeting procedure to consolidate and dispose of routine items by one motion and vote. The Contracts List items include contracts or agreements less than the statutory threshold that require Commission pre-approval. Items may be pulled from the Consent Agenda for separate discussion and/or vote by any member of the Commission.

### **8.9 *Legislative vs. Quasi-Judicial Hearings***

The Commission typically operates as a policy-making or legislative body. In that capacity, the Commission gathers information at meetings, public hearings, from informal conversations with citizens and others, from memoranda prepared by City staff, and from other sources. These conversations or memoranda do not consist of ex parte communications; however, Commission members should urge citizens to make the communication where it will be part of the public record. The Commission then deliberates and implements a policy by enacting a law, ordinance, rule or regulation. This is a legislative process by which the Commission creates citywide policy that operates prospectively from the effective date of the item adopted.

The quasi-judicial public hearing is in sharp contrast to a legislative public hearing. It is a formal hearing, restricted by clear legal restraints. Quasi-judicial is akin to a court proceeding wherein the Commission is not setting new policy but applying policies expressed by an existing ordinance, law or regulation to past or present facts presented at a hearing. Ex parte communications with other than city staff in quasi-judicial hearings must be avoided, if possible. If such ex parte communications occur, the member shall disclose the content of the communication during the public hearing to insure that everyone at the meeting is aware of the content of the communication.

The initial adoption of a municipal zoning code is a reasonably good example of a purely legislative act by the governing body. However, when the governing body makes a policy decision that provides for the administration of an existing law or policy or applies an existing policy or law to a particular person or circumstance, it is performing a quasi-judicial function.

Whenever the Commission conducts a quasi-judicial hearing, the decision must be based only on information and evidence gathered at the hearing. The decision must be based upon substantial evidence. When the application or proposal is before the Commission, the final decision must be in writing and contain the reasons for the decision, such as the findings of fact that were relied upon for reaching this final decision.

### **8.10 *Public Hearings***

With the exception of those notices mandated by a time schedule established by federal or state law, or the OCCGF, the general notice of public hearing must be published twice, with at least six (6) days separating each publication, and must contain: the date, time, and place of the hearing or other action; a brief statement of the action to be

taken; the address and telephone number of the person who may be contacted for further information on the action to be taken; and any other information required by the specific section requiring notice by publication.

**8.10.1 The general procedure in conducting a public hearing shall be as follows:**

- A. The presiding officer shall announce the purpose and subject of, and open, the public hearing;
- B. The presiding officer shall ask the staff to present a staff report on the matter at issue;
- C. The presiding officer shall allow the applicant (either directly or through a representative) to provide a presentation. The applicant's presentation at the hearing is limited to ten minutes, subject to extension at the discretion of the presiding officer with the concurrence of the body;
- D. The body conducting the public hearing may adopt optional processes to allow for public questions for the purposes of understanding and clarification. If such processes are adopted, before requesting comments from proponents or opponents, the presiding officer will call for questions from the public, which will be accepted and answered in the following manner:
  - 1. All questions from the public shall be directed to the presiding officer; and
  - 2. After all questions have been presented to the presiding officer, the officer shall close the question period and request that the staff and/or the applicant provide responses to the questions;
- E. Members of the body conducting the public hearing may then direct questions to staff and/or to the applicant for the purposes of understanding and clarification of issues regarding the application;
- F. No member of the body or public shall express, or engage in, substantive opinions or discussion during the question periods;
- G. The presiding officer shall ask for comments, not questions, from the public who are in favor of the application;
- H. The presiding officer shall ask for comments, not questions, from the public who oppose the application;
- I. The presiding officer shall ask the applicant if the applicant wishes to submit additional information and/or respond to any comment made during the question or public comment periods. The applicant's submission or response is limited to five minutes, subject to extension at the discretion of the presiding officer with the concurrence of the body;
- J. The presiding officer shall close the public hearing;
- K. The presiding officer shall call for a motion regarding the application, and after the motion is seconded, the presiding officer shall call for discussion from the members of the body; and
- L. After the discussion by the members of the body, the presiding officer shall call for a vote.

### **8.10.2 Additional Public Hearing in Subdivision Applications**

In subdivision applications, before a motion to approve, deny, amend, or otherwise act regarding an application, the body shall determine, under the provisions of Mont. Code Ann. §76-3-615(2)(b), whether the public comments or documents presented during the public hearing constitute new information which has not been previously submitted for public examination and comment.

- A. If the body determines that new information at the hearing meets the terms of Mont. Code Ann. §76-3-615(2)(b), the body may:
  - 1. Approve, conditionally approve, or deny the proposed subdivision without basing its decision on the new information if the governing body determines that the new information is either irrelevant or not credible; or
  - 2. Schedule, or direct City staff to schedule, a subsequent public hearing for consideration of only the new information that may impact the findings and conclusions that the body will rely upon in making its decision.
- B. An additional public hearing set according to this process suspends the time requirements for final decision during the time between the original and the subsequent public hearings.

### **8.10.3 Continuances, Additional Comment and Public Comment**

- A. The applicant or applicant's representative may request a continuance during the proceedings and the body conducting the public hearing may grant the continuance upon a showing of good cause.
- B. A public hearing which has been formally closed may not be reopened. If after a public hearing has been closed, a seconded motion substantially deviates from the publicly noticed suggested motion, the presiding officer may offer an opportunity for additional public comment on the motion before final action;
- C. The body, upon motion and vote, may call for an additional public hearing, if the body determines that new, relevant and credible information has been presented during the public hearing which the public and/or the body has not had a reasonable opportunity to comment upon and/or to consider.
- D. A granted continuance or an additional public hearing suspends any time requirements for final decision during the time between the original and the subsequent public hearings.

## **8.11 Ordinances and Resolutions – Authority and Requirements**

The City of Great Falls is a self-governing municipality. In accordance with the Montana Constitution, a local government with self-governing powers may exercise

any power not prohibited by the state constitution, law, or City Charter. These powers include, but are not limited to, the following powers granted to general power governments:

- Preserve peace and order and secure freedom from dangerous or noxious activities;
- Secure and promote the general public health and welfare;
- Provide any service or perform any function authorized or required by state law;
- Exercise any power granted by state law;
- Levy any tax authorized by state law for public or governmental purposes subject to Mont. Code Ann. § 15-10-420;
- Appropriate public funds;
- Impose a special assessment reasonably related to the cost of any special service or special benefit provided by the municipality or impose a fee for the provision of a service;
- Grant franchises; and
- Provide for their own organization and the management of their affairs.

Additionally, the City may provide any services or perform any functions not expressly prohibited by the Montana constitution, state law, or the City Charter. These services and functions include, but are not limited to, those services and functions which general power government units are authorized to provide and perform. If the City elects to provide a service or perform a function that may also be provided or performed by a general power government unit, it is not subject to any limitation in the provision of that service or performance of that function except such limitations as are contained in the City Charter, or in state law specifically applicable to self-government units.

All state statutes shall be applicable to the City of Great Falls until superseded by ordinance or resolution in the manner provided in state law, and subject to the limitations provided in state law.

The powers and authority of the City of Great Falls shall be liberally construed. Every reasonable doubt as to the existence of a local government power or authority shall be resolved in favor of the existence of that power or authority.

### **8.11.1 Ordinances**

An ordinance is an act adopted by the City Commission having effect only within the jurisdiction of the municipal government.

An ordinance is a municipal law that often imposes a sanction for violation. The Commission may impose fines and penalties for the violation of any City ordinance, but a fine or penalty may not exceed \$500 and imprisonment may not exceed six (6) months.

Each proposed ordinance shall be introduced in written or printed form and shall not contain more than one comprehensive subject which shall be clearly stated in the title except for codification and revision of ordinances. The enacting clause of all ordinances passed by the Commission shall be "BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA."

No ordinance or section thereof shall be revised or amended unless the new ordinance contains the entire ordinance or section revised or amended.

An ordinance shall be read and adopted at two meetings of the City Commission not less than twelve (12) days apart. Except for an emergency ordinance, no ordinance shall be effective until thirty (30) days after the final passage thereof or upon the contingency provided for therein.

After the first reading, the ordinance must be posted and copies must be made available to the public. Ordinances are posted on the Great Falls Civic Center posting board and the Great Falls City website.

Ordinarily, an ordinance does not require a public hearing prior to final adoption. Ordinances that do require a public hearing include, for example, ordinances pertaining to zoning, some subjects within the Land Development Code, or some subjects of a political nature or of particular concern to the community that justify calling for a public hearing. In those instances, after first reading and acceptance, the Commission will set the ordinance for a public hearing at a subsequent Commission meeting. Unless otherwise specified in state or federal law, or other provisions of the OCCGF, notice of the public hearing must be published as set forth in these Rules.

All ordinances adopted by the Commission shall be signed by the Mayor or Mayor Pro-Tempore, and attested to and filed by the City Clerk.

### **8.11.2 Emergency Ordinances**

In the event of an emergency, the City Commission may waive the second reading. An ordinance passed in response to an emergency shall recite the facts giving rise to the emergency and requires a four-fifths vote of the City Commission for passage. An emergency ordinance shall be effective on adoption and shall remain effective for no more than 90 days.

### **8.11.3 Resolutions**

A resolution is a statement of policy by the City Commission or an order by the City Commission that a specific action be taken.

Each resolution shall be introduced in written or printed form and shall not contain more than one subject which shall be clearly stated in the title. The enacting clause of

all resolutions passed by the Commission shall be “BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA.”

No resolution or section thereof shall be revised or amended unless the new resolution contains the entire resolution or section revised or amended.

Resolutions shall be in effect from the date of passage by the Commission unless a delayed effective date is specified.

Resolutions may be submitted and adopted at a single meeting of the City Commission. Ordinarily, a resolution does not require a public hearing prior to adoption. Resolutions that do require a public hearing include, for example, resolutions establishing or changing fees, rates, charges or classifications imposed for services to its inhabitants and other persons served by the local government, annexations and other land use issues. The resolution is first typically added to the consent agenda to set the resolution for a public hearing at a subsequent Commission meeting. Unless otherwise specified in state or federal law, notice of the public hearing must be published as set forth in these Rules.

### ***8.12 City Commission Miscellaneous Reports, Announcements and Initiatives***

This portion of the agenda is for miscellaneous reports and announcements from the City Commission, as well as Commission initiatives and legislative initiatives when the State Legislature is in session, with the affirmative consent of three Commission members.

## ***Rule 9 Minutes***

### ***9.1 Regular Meeting Minutes***

Appropriate minutes of all meetings which are required by Mont. Code Ann. § 2-3-203 to be open must be kept and must be available for inspection by the public.

Pursuant to Mont. Code Ann. § 2-3-212, minutes must include without limitation: the date, time and place of the meeting; a list of the individual members of the Commission who were in attendance; the substance of all matters proposed, discussed, or decided; and, a record of votes taken.

Pursuant to Robert’s Rules of Order, minutes are a concise and official record of the proceedings of a meeting, not a verbatim transcript. The duty of the clerk is mainly to record what was “done” by the legislative body in the meeting, but not what was said by its individual members.

## **9.2 Executive/Closed Session Minutes**

Pursuant to Mont. Code Ann. § 2-3-212(4): Any time a presiding officer closes a public meeting pursuant to Mont. Code Ann. § 2-3-203, the presiding officer shall ensure that minutes of the closed portion of the meeting are taken and kept in compliance with the requirements set forth in Section 9.1. The minutes from the closed portion of the meeting may not be made available for public inspection except pursuant to a court order.

### **Rule 10. Public Participation**

Procedures for encouraging and assisting public participation, and established protocol and rules of decorum at public meetings held by the City Commission, are as follows:

1. Persons addressing the Commission shall come to the podium 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 shall limit their address to the Commission on agenda items to five (5) minutes, unless further time is granted by the presiding officer with the concurrence of the Commission. 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.



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, which disrupt, disturb or impede the orderly conduct of the meeting, or incite violence.
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, which disrupts, disturbs or impedes the orderly conduct of City business or which incites violence, including but is 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 is 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.

***Rule 11. Public Recording***

Members of the public may not be prohibited from recording open meetings so long as that activity does not interfere with the conduct of the meeting. To provide for the orderly, safe and optimal use of video devices with minimal disturbance of the conduct of the meeting, the established protocol is as follows:

1. A video device may not be set upon a tripod or other portable mechanical stand in a location whereby the video device and the person operating, attending or manipulating the video device, does not allow for unobstructed passage by a person using any aisle with no less than three (3) feet in width, including aisles established by movable seating.
2. Video devices mounted on a tripod or other mechanical supports or needing the running of wires to be connected or used in conjunction with the video device should, if possible, be set up prior to the opening of the meeting to avoid interfering with the conduct of the meeting and impeding public members' ability to attend, observe, hear and participate in the meeting.
3. The operation of, attendance to, or manipulation of, a video device must be done as unobtrusively as possible and avoid producing unnecessary noise, commotion or distraction to other persons in attendance.