Approved City Rules of Procedure~~.txt~~

Red Lodge, Montana, City Council Rules of Procedure
Adopted on ~~March 14, 2006~~

Part I. General Provisions

Section 1.

These rules are supplementary to the provisions of Title 7, Chapter 1, Part 41, MCA, Title 7, Chapter 5, Parts 41 and 42, MCA and Title 2, Chapters 2 and 3, MCA, as they relate to procedures for conducting meetings and public hearings before the City Council of the City of Red Lodge, Montana.

Section 2.

To assure effective participation by all members of the Council and to protect the right of participation by all individuals appearing before the Council, all Council meetings and hearings shall be conducted in conformance with "Roberts Rules of Order Newly Revised, 10th Edition" (2000), except as otherwise provided by law or by these Rules.

Section 3.

The Council shall choose a clerk and such other officers and employees of its own body as is necessary. The clerk, who may be the City Clerk, shall be known as the Clerk of the Council and shall keep records and perform such other duties as may be required by the Council or law.

Part II. Duties of the Presiding Officer

Section 1.

The presiding officer of the Council shall be the Mayor who shall arrange the meeting agenda, coordinate the affairs of the Council and preside at all meetings of the Council.

Section 2.

In the absence or disability of the Mayor, the President of the Council shall serve as its presiding officer and may vote as other members of the council. In the absence of the Mayor and of the President of the Council, the council shall select one of its number to serve as its temporary presiding officer.

The Clerk of the Council shall record and maintain the minutes of the Council's proceedings, showing the vote of each member upon every question, or if failing to vote, indicating that fact; shall keep records of its examinations and other official actions; shall summarize briefly and accurately the substance of all matters proposed, discussed or decided; shall record the names and addresses of all persons appearing before the Council; shall, subject to the direction of the Council and presiding officer, conduct the correspondence of the Council; shall file said minutes and records in the office of the Council, which

DRAFT

minutes and records shall be a public record; and shall be the custodian of the files and records of the Council.

Part III. Meetings

Section 1.

Regular meetings of the Council shall be held on the second and fourth Tuesday of each month at 7 o'clock p.m. in the Council Chambers of City Hall, or at such other time and place as designated by the Council. Should the regular meeting day be a recognized holiday the Council may, with proper notice, cancel the meeting or set an alternate day for the meeting.

Section 2.

Special meetings of the Council may be called in accordance to Sections 7-5-4102(1)(c) and 7-5-4122, MCA.

Section 3.

To ensure public participation all meetings of the Council shall be open to the public except as provided in Section 2-3-203, MCA.

Section 4.

A quorum of the Council shall consist of four (4) Council Members. The affirmative vote of four of the members present at a lawful meeting of the Council shall be necessary to adopt any motion, resolution, or ordinance or pass any measure unless a greater number is required by law.

Part IV. Agenda

Section 1.

All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the Council for consideration, discussion, or action at the next regular meeting shall be submitted to the Clerk by 12 o'clock noon the Thursday immediately preceding that meeting with the exception that the Mayor may approve late submission when deemed to be in the City's best interest by delivering the same to the Clerk of the Council, whereupon the Mayor shall immediately arrange a list of such matters according to the order of business specified herein, and provide each member of the Council with a copy of the same not later than one working day immediately preceding the Council meeting.

Section 2.

Copies of the agenda shall be available to the public from the Clerk of the Council and one copy shall be posted at the designated posting board in the City Hall for public viewing. Pursuant to 7-1-4135 MCA, the City Council has designated by resolution its official posting places to be the posting board in the lobby of City Hall located at 1 South Platt Ave., Red Lodge, Montana, and in the lobby of the Red Lodge Post Office, 202 West 12th St., Red Lodge, Montana. Additionally, the agenda will be available for public

viewing on the City of Red Lodge's official website, www.cityofredlodge.net and official social media Facebook page, City of Red Lodge Montana.

Part V. Order of Business

Section 1.

The presiding officer shall prepare the Council agenda, which shall be in substantially the following form:

1. Pledge of Allegiance.
2. Roll Call of the Council.
3. Approval of Minutes of the Previous Meeting.
4. Consent Agenda.
5. Claims against the City.
6. Officer Reports.
7. Comments from the Public Regarding Matters within City Jurisdiction that are not on the Agenda.
8. Special Committees.
9. Standing Committees.
10. Citizen Reports.
11. Old Business.
12. New Business.
13. Correspondence.
14. Miscellaneous.
15. Adjournment.

Consent agenda items are those upon which the presiding officer considers no discussion should be necessary. However, at the beginning of each meeting any Council member may request one or more items to be removed from the consent agenda for the purpose of discussion prior to a separate vote on the item(s). The presiding officer should schedule such discussion and vote immediately following adoption of the consent agenda.

Any item that is not listed on the agenda for the current meeting may be scheduled for a future Council meeting be an affirmative vote of four Council members present at the meeting. No matter shall be decided by the Council without prior notice to the public as a scheduled Council agenda item.

Section 2.

The order of business may be adjusted by consent of the Council.

Part VI. Rules of Council Debate

Section 1.

Council debate shall proceed in accordance with the following rules:

DRAFT

1. Every member desiring to speak shall address the presiding officer and, upon recognition, shall confine himself/herself to the question under debate, avoiding abusive and indecorous language.

2. A member, once recognized, shall not be interrupted when speaking unless it be to call him/her to order, or as herein otherwise provided. If a member, while speaking is called to order, she/he shall cease speaking until the question of order be determined, and, if in order, he/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 to reconsider any action taken by Council, may be made only on the day such action was taken or at the next meeting of the Council. Such a motion shall be made by a member of the prevailing side, but may be seconded by any member; it shall be debatable and requires a simple majority for adoption.

5. Any member of Council who has an interest as defined by the laws of the State of Montana (Title 2, Chapter 2, MCA) or as advised by the City Attorney shall not participate in the debate nor vote in the matter nor seek to influence the vote of members of the Council. Any Council member attempting to so participate may be censored by a majority vote of the remaining members of the City Council. (Censored is defined as a formal resolution of the legislative body reprimanding a member for specified conduct. It is an official reprimand or condemnation.)

6. If the presiding officer of the Council has an interest in a matter pending before the Council, as defined by the laws of the State of Montana or as advised by the City Attorney, he/she shall yield the chair to a member of the Council during the course of debate and decision concerning the matter in which he/she has an interest.

7. After a motion is duly made and seconded by the Council, no person shall address the Council without first securing the permission of the presiding officer.

Part VII. Presentation to the Council (Other Than a Public Hearing)

Section 1.

The general manner in which items other than public hearings are handled by the Council shall be as follows:

1. The presiding officer or staff member presents the item to the Council along with a brief summary of the matter for discussion, with or without recommendation.

2. For purpose of clarification, Council Members, after recognition by the presiding officer, may direct questions to the presiding officer or staff member.

3. Upon recognition by the presiding officer, comments from the applicant will be heard by the Council.

4. After recognition by the presiding officer, Council members may direct questions to the applicant.

5. Members of the audience will be invited to present testimony beginning with those in favor of the measure, followed by those who oppose the measure and, finally, those who wish to speak but who neither favor nor oppose the measure.

6. All testimony shall be directed to the presiding officer.

7. The Council may, upon a proper motion and second, vote on the matter at hand or table the matter until a date certain.

Part VIII. Public Hearing

Section 1.

The Council may conduct a public hearing or may appoint a committee or hearing officer for that purpose as provided in Section 7-1-4131, MCA.

When heard by the Council the items will be presented to the Council in the same format as described in Part VII, above.

In addition, when a public hearing is being conducted and it is anticipated that a large number of citizens may wish to present testimony, the presiding officer, with the consent of the Council, may, prior to opening the hearing, establish reasonable guidelines for the conduct of the hearing (such as placing time limits on speakers' statements). The presiding officer shall explain these guidelines to the audience prior to taking testimony.

Section 2.

Witnesses may be required to testify under oath and all testimony shall be directed to the presiding officer.

Section 3.

The Council shall not be bound by the strict rules of evidence, but may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or evidence.

The presiding officer shall, with advice from the City Attorney, rule on all questions relating to the admissibility of testimony or evidence. The ruling of the presiding officer may be overruled by a majority vote of the Council members present.

Section 4.

DRAFT

Any proponent or opponent, or his or her agent or attorney, may submit petitions and letters during or prior to the closing of the hearing and the same shall be entered by reference into the minutes and considered as other testimony received at the hearing.

Section 5.

When all statements have been given, the presiding officer shall determine if anyone who gave a statement wishes to speak once in rebuttal to other statements or clarify his or her statement. Questions from Council members may follow each rebuttal or clarification. A speaker may speak only in answer to a question directed specifically to him/her by a Council member or the presiding officer.

Section 6.

Following the presentation of all comments, testimony and evidence, the Council may: (1) Continue the hearing to a date, time and place certain to allow additional information to be submitted to the Council as a body on any unresolved issues; (2) Close the public hearing and proceed to Council debate of the matter; or (3) Close the hearing and continue the Council debate and vote to a date certain.

A public hearing, which has been formally closed, may not be reopened. If the Council determines that additional information is required before a decision can be made, the Council, upon motion duly made, seconded and passed, may call for an additional public hearing shall be duly noticed, specifying date, time, place and subject matter of the hearing.

Part IX. Addressing the Council

Section 1.

The public is invited to speak on any item under discussion by the Council after being recognition by the presiding officer.

The speaker shall, if requested by the presiding officer, step to the lectern or front of the room and shall in all cases, for the record, give his/her name and address and, if applicable, the person, firm, or organization he/she represents. All statements at all times shall be directed to the presiding officer or Council. The presiding officer shall rule anyone out of order who directs any remark or question to anyone other than the presiding officer or Council.

Prepared statements are welcomed and should be given to the Clerk of the Council. Prepared statements that are also read, however, shall be deemed unduly repetitious. All prepared statements shall become a part of the hearing record.

Section 2.

While the Council is in session, the members must preserve order and decorum. A member shall not delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its presiding officer.

DRAFT

Any person making personal, impertinent or slanderous remarks or who shall become boisterous or disruptive during the Council meeting shall be forthwith barred from further presentation to the Council by the presiding officer, unless permission to continue be granted by a majority vote of the Council.

Part X. Ordinances and Resolutions

Section 1.

Any ordinance or numbered resolution shall be prepared for presentation to the Council upon being ordered by the affirmative vote for four members of the Council present at a meeting or upon being requested by the Mayor.

Section 2.

All proposed ordinances and numbered resolutions shall, before presentation to the Council, be approved as to form and legal sufficiency by the City Attorney and shall have been examined by the Mayor, who may refer it for comment to the head of the department under whose jurisdiction the subject matter of the ordinance or resolution is to be administered.

Section 3.

A proposed ordinance or resolution must be introduced by a member of the Council or the Mayor. A draft of the proposed ordinance or resolution shall be presented to the Council for review and comment prior to a motion to approve the proposed resolution or ordinance.

If the draft ordinance is approved by the Council, it shall then be placed on the agenda for first reading and provisional adoption, with second reading and final adoption occurring at least twelve (12) calendar days after the first reading and provisional adoption. After being adopted provisionally, the ordinance shall be posted on the City's posting board and copies thereof shall be made available to the public by the Clerk of the Council. The reading of the ordinance's title and number shall be sufficient to constitute a reading and an actual oral pronouncement of each word contained therein of the proposed ordinance is not required and shall be waived unless required by a majority vote of the Council.

Section 4.

All ordinances, except emergency ordinances, shall become effective thirty (30) calendar days after the second reading and final adoption. All resolutions and emergency ordinances shall become effective at the time indicated therein.

DRAFT