RULES AND ORDER

OF BUSINESS

OF THE

COUNCIL OF COMMISSIONERS

OF

BUTTE-SILVER BOW

STATE OF MONTANA

REVISED DECEMBER 3, 2014

COUNCIL RULES

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RULES AND ORDER OF BUSINESS
FOR CONDUCT OF MEETINGS
OF THE
COUNCIL OF COMMISSIONERS
OF THE CITY AND COUNTY OF BUTTE-SILVER BOW,
STATE OF MONTANA

REVISED DECEMBER 3, 2014

The following Rules and Order of Business of the Council of Commissioners of the City and County of Butte-Silver Bow, State of Montana were determined and adopted in accordance with Section 3.05(b) Article III, Legislative Powers of the Charter of the City and County of Butte-Silver Bow, State of Montana.

RULES

-I-

These rules may be amended or repealed by a majority of all members of the Council of Commissioners, or they may be suspended by a two-thirds vote, except as provided in Rules XXXII and XXXIV, and "Mason's Manual of Legislative Procedures" shall govern in all cases not herein provided for; provided that no rule based upon Statutory or Ordinance provision can be suspended.

-II-

The regular meetings of the Council of Commissioners shall be held at 7:30 p.m. on the first and third Wednesdays of each month. The Council may adjourn a regular meeting to any specified time and such adjourned meeting for all purposes shall be considered a continuation of such regular meeting. The Committee of the Whole Meeting shall be held at 7:30 p.m., on the Wednesdays following the first and third Wednesday of each month. When five Wednesdays fall within a calendar month there shall be no meeting on the fifth Wednesday unless the Council has agreed at a previous noticed meeting to substitute a more convenient Wednesday to have no meeting.

-III-

It shall be the duty of every Presiding Officer to attend all meetings of the Council at the hour appointed. Each attending member is required to remain until the close of the session, unless excused by the Presiding Officer.

-IV-

The Sheriff, or a law enforcement officer assigned by the Sheriff, upon request of the Chair, shall be present at all meetings of the Council and shall have charge of the Council Chambers.

-V-

A proper and correct journal of the proceedings shall be kept in a book or books provided for that purpose. All reports of Standing or Select Committees shall be transcribed when so requested. A summary of the proceedings of all Council meetings shall be prepared and provided to all Commissioners prior to the following regular meeting.

-VI-

The Order of Business for Regular Meetings shall be as follows:

ORDER OF BUSINESS

1. Call to Order
2. Roll Call of Members
3. Prayer
4. Public Comment on items on the Agenda
5. Approval of Minutes
6. Suspension of Rules for Emergency Items– This section is limited to emergency items only and requires a Finding of existing emergency as defined in Section 5.
7. Chief Executive's Report
8. Public Hearings, Informational Reports and/or Bid Openings
9. Consent Agenda
10. Communications to be read and acted upon
11. Ordinances and Resolutions – Referred to Judiciary Committee
12. Ordinances – Second Reading
13. Ordinances and Resolutions – Final Passage
14. Ordinances and Resolutions – Suspension of Rules – Final Passage
15. Public Comment on items not on the Agenda
16. Notice and scheduling of other meetings and events
17. Adjourn

-VII-

AGENDA – The Agenda is a list of items of business to be considered at the Council meeting. The order of items on the Agenda should follow the Order of Business of the meeting. The Chair may, at its discretion, modify the Order of Business. Responsibility for preparing the agenda is that of the Council Secretary or the assigned Deputy who will confer about its contents with the Chief Executive, Department Heads, Council Chairman and others having business to be placed before the Council.

CONSENT AGENDA: The Consent Agenda portion of the Agenda shall consist of:

A. All Committee Reports
B. All Communications which have been given recommended dispositions

All items included under the heading "Consent Agenda" may be approved by a single motion but Council members may segregate any item on the Consent Agenda for separate consideration.

The COMMUNICATIONS TO BE READ AND ACTED UPON portion of the Agenda shall include all communications which require Council discussion and debate at the current meeting without reference to a Standing Committee.

Preparation of the Agenda shall follow a definite schedule so citizens may know when to submit requests or communications to the Council Secretary for inclusion on the Agenda for a particular meeting. No communications, petitions or documents will be accepted for inclusion on the regular meeting Agenda after 2:00 p.m. on Friday preceding a regular Council meeting or 3:00 p.m. on the Thursday preceding the Council meeting when a legal holiday occurs on the Monday preceding a regular Council meeting, except as provided in Rule VI, Section 5. After a Finding of emergency has been made, the emergency item may be added to the Council Agenda for consideration at either the current meeting or a later meeting.

-VIII-

All reports, petitions, contracts and communications shall be reduced to writing before being submitted to the Council and all reports, contracts and petitions must be prepared in final form before being submitted to the Council for a vote.

-IX-

Every report, petition and communication presented by a member for consideration shall bear the signature of the member.

-X-

All reports of subcommittees of the Council shall be in writing and include attendance of the members of the subcommittee. The Chairperson will record in writing items commented on and include the name and address of the citizen making the comment. All amendments or deletions and any committee action shall be clearly reported in detail by the Committee Chair. All reports shall be addressed to "The Chief Executive and Council of Commissioners, City and County of Butte-Silver Bow, Montana", and wherever possible shall contain a statement of fact.

-XI-

The Chief Executive shall preside at all regular meetings of the Council of Commissioners. The Chairman of the Council of Commissioners shall preside in the absence of the Chief Executive, and in the event of the Chairman's absence, the Vice-Chairman shall preside. In the event of the Vice-Chairman's absence, the Chair of the Judiciary Committee shall preside, and in the event of the absence of the Judiciary Chair, the Chair of the Finance and Budget Committee shall preside. In the event of the absence of the Chair of the Finance and Budget Committee, the Chair of the Public Works Committee shall preside. The presiding officer shall preserve order and decorum, and shall decide all questions of order, subject to an appeal to the Council. In the case of neglect or refusal of the presiding officer to either state or put a motion, question, resolution or ordinance properly made or introduced to a vote, or to neglect, or refuse in any other manner to perform the duties of the presiding officer of the Council, then upon request of any member, the Chair, or the Vice-Chair in the absence or refusal to act by the Chair, shall state or put the same to a vote or perform the act or do that which the presiding officer neglects or refuses to do or perform.

All Council petitions and communications must first be introduced on the Council floor at a regular or special meeting and then referred to proper committee and not in the reverse order.

This rule is intended to provide notice both to members of the Council and the general public of those items of business which will be discussed as well as to expedite such discussion by having necessary facts available when items of business are being discussed.

-XII-

A majority of all the members of the Council shall constitute a quorum for the transaction of business, but a less number may meet and adjourn to any time stated and may compel the attendance of absent members under rules and penalties the Council itself may provide.

-XIII-

At any time deemed necessary, the Chief Executive shall communicate to the Council the state of affairs of the local government, with such recommendations as the Chief Executive may deem necessary. The Chief Executive shall attend meetings of the Council of Commissioners and may take part in discussion.

-XIV-

The presiding officer for all regular and special meetings of the Council of Commissioners shall decide all tie votes of the Council of Commissioners but shall have no other vote. [Charter Section 3.05 (d).

-XV-

No personalities or reflections, calculated to disturb the harmony or decorum of the Council shall be allowed. Anyone offending in this respect shall, at once, be called to order by the presiding officer, and shall not proceed unless permitted to do so.

All appeals from the decision of the Chair shall be decided without debate.

-XVI-

While a member is speaking, no other member shall interrupt or divert attention.

-XVII-

Every member desiring to speak shall address the presiding officer as "Mr." or "Madame" Chief Executive" or "Mr." or "Madame" Chair", but shall not proceed with his or her remarks until recognized by the Chair. A person in the audience who wishes to speak shall address himself or herself to the Chair and await recognition before proceeding.

-XVIII-

When more than one person wishes to speak at the same time, the presiding officer shall decide who is to speak.

-XIV-

A main motion is a motion that is made to begin consideration of some matter. Such a motion may be debated, may be amended and may have another motion applied to it. Motions

are made by saying, "Mr." or "Madame" Chief Executive" or "Mr." or "Madame" Chair, I move that ...", and seconded by saying, "Mr." or "Madame" Chief Executive" or "Mr." or "Madame" Chair, I second the motion".

-XX-

No motion shall be debated or put unless seconded. It shall then be stated by the presiding officer.

-XXI-

Motions must be reduced to writing at the request of the presiding officer.

-XXII-

In all cases the name of the member making a motion or offering a resolution or ordinance shall be entered with it on the journal.

-XXIII-

When a motion has been stated it shall be deemed to be in possession of the Council, but may be withdrawn by the mover with the consent of second, at any time prior to amendment or decision.

-XXIV-

A motion duly made and seconded may have a substitute motion made to the original, and finally, a substitute motion to end all motions. The final substitution is to be acted upon first.

-XXV-

When a motion embraces more than one distinct proposition any member may ask for a division of the question, whereupon the Chair shall segregate the question as requested.

-XXVI-

No member shall speak more than once on the same question until every other member desiring to speak shall have spoken upon the question under consideration.

-XXVII-

When a question is under debate no motion shall be entertained except:

1. To fix the time at which to adjourn
2. To adjourn
3. To commit to a standing committee
4. To commit to a select committee
5. To amend
6. To postpone to a day certain
7. For the previous question
8. To lay on the table
9. To postpone indefinitely
10. To divide the question

and these several motions have precedence in the order named, and the motions to adjourn, to lay on the table, and for the previous question, shall be undebatable.

-XXVIII-

At any time during the proceedings, a Council member may request a recess. In its discretion, the Chair shall fix the length and grant the recess. If there is no objection, a recess shall be granted. If the Chair refuses to grant a recess, or if a member objects to the recess, the question shall be put to a vote of the Council. A majority vote will decide the question. The request to recess, if granted or passed by a majority vote, shall take precedence over any other action or proceeding.

-XXIX-

The previous question, when demanded, shall require a second by another member of the Council, and when seconded and carried, the previous question must be put to the Council without debate.

-XXX-

No motion or proposition on a subject different from that under consideration shall be submitted under color of amendment.

-XXXI-

Each member shall vote on every question submitted to the Council unless excused by a majority vote of the members of the Council present or unless directly interested in the matter submitted; and the vote of a member so excused or directly interested shall not be counted either in the affirmative or in the negative.

-XXXII-

The yeas and nays shall be called and recorded upon the final passage of ordinances and resolutions; in the levying and assessment of any tax; in the election or appointment of any officer and a majority of the whole number of the entire Council must vote by signed ballot to appoint or elect an officer; and in no case, may this rule be suspended.

-XXXIII-

Any member may call for a division or for the yeas and nays, upon any question, and in all cases where the yeas and nays are ordered, they shall be recorded in the journal.

-XXXIV-

A motion for reconsideration shall be made only by a member who voted on the prevailing side of the question. The motion for reconsideration must specify a time and date for reconsideration which must be no later than the next regular meeting of the Council of Commissioners and be submitted for inclusion on the agenda. If the motion for reconsideration is accepted by Council, the item under reconsideration shall remain in abeyance until the time set for a reconsideration thereof shall have elapsed, or until the motion to reconsider shall have been disposed of by the Council.

-XXXV-

A motion to adjourn may be made at any time, except when a member is addressing the Chair or a vote is being taken.

-XXXVI-

1. All ordinances and resolutions shall indicate clearly their nature and purpose by their title, and on their presentation to the Council, shall state by whom introduced.

2. All bills for ordinances shall be designated as Council Bill No. ____ and all bills for ordinances shall be numbered consecutively in the order in which they are introduced, and all references upon the minutes of the Council to any bill for an

ordinance under consideration shall be by its bill number and ordinance title. Provided, that nothing in this rule shall be construed as changing the requirement that ordinances be consecutively numbered after their passage.

3. All resolutions shall also be numbered consecutively in the order of their introduction, and all references to them upon the journal of the Council shall be by number and title. Every resolution shall, upon its introduction, be read by its title. All resolutions shall be referred to the Judiciary Committee, which shall report them back at the next meeting. Such resolutions shall then be passed to the second reading which shall be by title, and unless otherwise disposed of, placed upon final passage.

4. Every ordinance shall, upon its introduction, be read by its title. All ordinances shall be referred to the Judiciary Committee, which shall report them back at the next meeting. All ordinances shall be voted on by the Council at second reading and then referred back to the Judiciary Committee. The Judiciary Committee shall again report them back at the next meeting. Such ordinances shall then be passed to the third reading which shall be by title, and unless otherwise disposed of, placed upon final passage.

5. Every resolution providing for public or special improvements shall upon its introduction be read by its title and a certain date set for hearing or protests against the proposed work or against the extent or creation of the district to be assessed or both; it shall then be read a third time by title and passed or rejected.

6. All amendments to ordinances and resolutions shall be correctly engrossed in their proper place by the Clerk or the assigned deputy, all amendments or proposed amendments shall be presented in writing under the direction of the Judiciary Committee, before final passage, and no ordinance or resolution shall be passed with interlineations or erasures.

7. No ordinance or resolution shall be passed at the same meeting at which it is introduced unless two-thirds of the whole number constituting the Council shall vote for it.

8. The Clerk shall note on the back of each ordinance and resolution a brief history of every action taken.

-XXXVII-

Bidding procedures shall be those as established by ordinance and all bids for contracts shall be in writing, securely sealed, with such deposit as may be required, including a cover sheet listing bid bond amount, base bid amounts and alternate bid amounts separately inside a plain envelope marked "Bid for _____" and may be filed with the Clerk and Recorder or the assigned deputy or other responsible official until the designated time for opening; and under no circumstances shall any bids be received later than the time above specified. All bids so presented shall remain sealed and opened by the Clerk or deputy or other responsible official at the designated time.

-XXXVIII-

All bonds and contracts when first read shall be referred to and approved as to form by the County Attorney.

-XXXIX-

Except in cases where there has been a finding of an emergency or where unanticipated funds are received from the State or Federal Government, no appropriation of money shall be made until the matter shall have been referred to a Standing Committee.

-XL-

When an agency of this government has to set a Public Hearing, it will notify the Council of Commissioners of the date and reason by letter and proceed with the advertisement and /or hosting for the Public Hearing.

-XLI-

A Committee on Committees shall appoint all Standing Committees. The Committee on Committees shall be composed of the Council Chairman, Vice-Chairman and one Commission member drawn by lot as provided in Section 2.12.032 B-SB MC.

-XLII-

The Chair of the Committee of the Whole as well as the Chair of any Standing Committee shall be entitled to vote on any matter before the respective Committee.

-XLIII-

The Chairman of the Council or the Acting Chairman in the absence of the Chairman or any member appointed by the Chairman may serve as a voting member of any Standing Committee for purposes of constituting a quorum only.

-XLIV-

Subject to the provisions of Rule XI which prohibits new business being introduced at Committee, Standing Committees of Council members may permit consideration of matters either prior to or supplementary to Council consideration. Standing Committees shall have substantial authority to investigate, ascertain facts and make recommendations to the Council. The Standing Committees of the Council of Commissioners shall be as follows:

STANDING COMMITTEES

COMMITTEE OF THE WHOLE: Chairman of the Council to serve as presiding officer; Vice-Chairman to serve in the absence of the Chairman. In the event of the Vice-Chairman's absence, the order of succession to serve as Acting Chair shall be as set out in Rule X. Committee consists of all members of the Council and reviews and makes recommendations on matters of considerable or special interest to the local Government.

FINANCE AND BUDGET: Consisting of six Commissioners. Reviews all normal claims and expenses before payment. The Committee also reviews and makes recommendations on the annual budget as submitted by the Chief Executive. The Finance and Budget Committee meets at 6:00 p.m. on the Wednesdays that the Committee of the Whole meets (Committee of the Whole night). The Finance and Budget Committee meets at 7:00 p.m. on the same Wednesdays that regular meetings are held (Regular Meeting night).

JUDICIARY: Consisting of six Commissioners. Approves extraordinary claims against the Government and reviews and approves all resolutions and ordinances. The Judiciary Committee meets 7:00 p.m. on the same Wednesdays that the Committee of the Whole meets (Committee of the Whole night).

RULES: Consisting of three Commissioners. Reviews and makes decisions on matters pertaining to rules and procedures of the Council of Commissioners. The Rules Committee meets at the call of the Chair.

PUBLIC WORKS: Consisting of six Commissioners. Reviews matters relating to the physical development of the Community, including public works, public improvements, Community Development and public safety. The Public Works Committee meets at 6:30 p.m. on the same that the Committee of the Whole meets (Committee of the Whole night).

PERSONNEL COMMITTEE: Consisting of three Commissioners. Reviews all major appointments of the Chief Executive, and makes recommendations and decisions relating to the wages, benefits and working conditions of non-Union Butte-Silver Bow employees and Personnel Policies. The Personnel Committee meets at the call of the Chair.

ECONOMIC DEVELOPMENT: Consisting of six Commissioners. The committee reviews all issues and contracts relating to economic development that come before the Council of Commissioners. Additionally, the committee maintains contact and communicates with the various economic development agencies within the community. Finally, the committee reviews and makes funding recommendations on the Economic Development Mill Levy that is awarded annually by the Council. The Economic Development Committee meets at 6 PM on the first Wednesday Regular Meeting night of each month and at the call of the Chair.

-XLV-

The order of Business for meetings of the Committee of the Whole shall be as follows:

ORDER OF BUSINESS

1. Call to Order
2. Roll Call of Members
3. Pledge of Allegiance
4. Report of Chair
5. Public Hearings, Informational Reports and/or Bid Openings
6. Public Comment on Items on the Agenda
7. Discussion of items assigned to Committee of the Whole
8. Public Comment of Items not on the Agenda
9. Adjourn

-XLVI-

The Order of Business for Special meetings shall be as follows:

ORDER OF BUSINESS

Special Meetings of the Council of Commissioners will be held at the time and on the date specified in the Notice of the Special Meeting. At least twenty-four hours notice shall be

given to the members and to the public of a Special Meeting unless an emergency condition exists which requires that a meeting be held on shorter notice.

1. Call to Order
2. Roll Call of Members
3. Prayer
4. Discussion and action on items included on the Agenda of the Special Meeting
5. Ordinances and Resolutions – Suspensions of Rules - Final Passage
6. Adjourn

-XLVII-

These rules shall be in full force and effect from and after July 10, 2013, and all rules or parts of rules in conflict herewith are hereby repealed.

-XLVIII-

CITY AND COUNTY OF
BUTTE-SILVER BOW, MONTANA
COUNCIL OF COMMISSIONERS

RULES OF PROCEDURE

A Public Hearing is an opportunity for the public to offer comments regarding the Council Bill or Resolution or Other Matter which is the subject of the public hearing. Proponents and opponents will try to state new points of testimony only. If they wish to agree with points already made, they should simply so state. Witnesses presenting testimony before the Council should remain in the room to answer any questions from Council members until the hearing is closed. All witnesses shall sign the witness sheet before presenting testimony.

In the event that a member of the public requests answers to specific questions, his or her request will be submitted to the appropriate department head, who will respond to the individual at a time subsequent to the Public Hearing.

A. Public Hearings

1. The Chair will read the section and verify proof of publication
2. The Chair will open the presentation for the Council Bill or Resolution or Other Matter which is the subject of the public hearing.
3. Department staff will explain the Council Bill or Resolution or Other Matter which is the subject of the public hearing.

4. All questions will be directed through the Chair in the order in which Council members have raised their hands to question. Everyone, Council members and the public, will be treated courteously.
5. Proponents will present testimony. The Chair will call for Proponents three times.
6. Opponents will present testimony. The Chair will call for Opponents three times.
7. The Chair will ask Council if there are questions for any witnesses.
8. The chair will close the presentation for the Council Bill or Resolution or Other Matter which is subject of the public hearing.
9. Written copies of the testimony may also be submitted.
10. Suggested amendments to the Council Bill or Resolution or Other Matter which is the subject of the public hearing should be presented to the Council in writing through Council members.

B. Agenda Items
   1. Action on any Communication on the agenda may be taken the same day or later at the discretion of the Chair.
   2. All discussion of agenda items will be directed through the Chair, in the order of Council members who have raised their hand to be recognized.
   3. Discussion of agenda items is open to the public. No comments may be made by anyone but Council members except during Public Comment or when called upon by a member of Council.
   4. All Ordinances and Resolutions shall be referred to the Judiciary Committee on the day of introduction without discussion or debate unless the Council rules are suspended.

C. Citizens Comments
   1. These portions of the Council meeting provides an opportunity for the public to comment on matters addressed on the agenda and items not addressed on the agenda.

D. Items Not Addressed On Agenda
   1. If a Council member wishes to add an item to the agenda at a Council meeting, the Council can only consider discussing the non-agenda item under extraordinary circumstances.
   2. This section is limited to discussing emergency items only and requires a Finding by the Council that an emergency currently exists.
   3. An emergency is defined as an unforeseen combination of circumstances that requires immediate action.

Adopted 12/3/2014