

CITY OF LIBBY COUNCIL RULES OF PROCEDURE

PART I. General Provisions

Section 1

These rules are supplementary to the provisions of Title 7, Chapter 1, Part 41, MCA, and 7-5-4103, MCA as they relate to procedure for conducting meetings and public hearings before the City Council of the City of Libby.

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 general conformance with "Robert's Rules of Order and Revised", except as otherwise provided by law.

Section 3

Any member of the city council who has an interest in a matter before the council shall not vote thereon nor seek to influence the vote of other council members. (See also Part VII, section 1(6)).

Section 4

The City Clerk shall be known as the Clerk of the Council. The Clerk of the Council shall:

Record and maintain the minutes of the council's proceeding, showing the vote of each member upon every question, or if failing to vote, indicating that fact;

Keep records of its examinations and other official actions;

Summarize briefly and accurately the substance of all matters proposed, discussed or decided in the minutes;

Record the names and addresses of all persons appearing before the council;

Conduct the correspondence of the council;

File the minutes and records in the office of the council, which shall be a public record;

Act as the custodian of the files and records of the council; and

Perform such other duties as may be required by the council and presiding officer or by law.

PART II. Duties of the Presiding Officer

Section 1

The presiding officer of the council shall be the Mayor who shall:

Preside at all city council meetings;

Arrange the meeting agenda;

Appoint, with the consent of the city council, all members of advisory boards, commissions, and the City Attorney;

Execute all ordinances, resolutions and contracts on behalf of the city after council approval;

Perform ceremonial functions as Mayor of the City of Libby; and

Perform any other duties specifically designated by MCA or ordinance.

Section 2

1. Pursuant to MCA 7-4-4403 the council may elect a Chairperson (President) who in the absence of the Mayor shall act as Mayor pro tempore and may vote as other members of the council. In the absence of both the Mayor and Chairperson, the council may appoint a member to act as Chairperson pro tempore.

2. The Chairperson's term shall run until the first council meeting in January of even numbered years at which time the council may elect a Chairperson.
3. If the office of Chairperson is vacated the city council shall elect a new Chairperson at the first regular council meeting after the vacancy occurs.

PART III. Council Vacancy

Section 1

In the event of a vacancy on the council or office of Mayor as per 7-4-4111 MCA the council shall fill the vacancy in accordance with 7-4-4112 MCA.

Section 2

1. Upon notification that a council position will become vacant, the Mayor shall direct the City Clerk or administrator to publicly announce the vacancy through the local news media and invite members of the public who qualify as per 7-44401 MCA. The public announcement issued by the City shall identify the statutory eligibility qualifications.
2. To be considered for appointment, an applicant must submit a letter of interest and completed city application prior to the closing date and time advertised. An application with missing or incomplete answers will not be eligible for consideration for the vacancy.
3. The letter of interest must contain a statement by the applicant that the applicant meets the requirements of state and local law for appointment, including the residency requirement as defined by MCA 7-4-4401.
4. Each applicant shall express his or her acceptance of the following Commitment of Appointees:

To work to serve the public interest;

To participate in all council meetings and public hearings except in cases of unavoidable personal or professional conflict, and in those cases to notify the staff of the conflict, and in the case of frequent conflicts, to work with staff to identify and enact solutions;

To act in the best interest of the City of Libby's citizens;

To maintain confidentiality where applicable;

To respect the public's right to participate in city government; and

To bring concerns of the citizens to the council and /or Mayor for appropriate resolution.

Section 3

1. The City Clerk shall review the written application forms and letters of interest to determine if each applicant is eligible pursuant to state law for the vacant office applied for. A list of all applicants, the status of their statutory eligibility, and a copy of each applicant's application shall be submitted to the City Council prior to next regular or special City Council meeting after the deadline for applying for the vacant elected office.
2. At the City Council meeting at which the selection of an individual to fill a vacancy in an elected City office is scheduled as an item of business, any City Council member may place the name of any applicant who is a qualified person and who was interviewed for the position by the City Council into nomination for the vacancy.¹
3. Once all nominations have been received, nominations shall be closed, and City Council voting shall be via voice vote.² In accordance with 7-4-4112 MCA a majority vote of the members is required.
4. Should there be no nomination, nominations will be closed, and the position will remain vacant. The vacancy will be re-advertised, and the selection process will commence a second time per section 2 of council policy and procedures.

¹ C. Alan Jennings, PRP; Robert's Rules for dummies. Nominations don't have to be seconded, but it's not out of order for members to second a nomination to signal their endorsements. If a member does make more nominations before others have had their chance, his additional nominations aren't out of order unless someone objects to his actions. Additionally, it is not in order under any circumstances for a member to nominate more persons than there are seats available.

² C. Alan Jennings, PRP; Robert's Rules for dummies. The procedure for a voice-vote is fairly simple. After nominations are closed, the vote is taken on each nominee in the order in which they were nominated. Election is decided by majority vote and you stop voting when you have a winner. The only real problem with the voice vote method is that if the members don't understand exactly how it works, the ones whose preferred candidate doesn't get elected are likely to think something is amiss.

5. Whenever the City Council has sufficient notice of a future vacancy in an elected City office, the City Council shall attempt to fill the future vacancy in advance of the actual vacancy in order to ensure that the elected City office incurs no time period of actual vacancy. A vacating Council member may vote for their replacement.

6. In order to preserve the existing staggering in expiration of Council seats, the term of the appointment lasts only until the next regular election, and the length of the term to be filled at the next regular election may be two (2) years rather than four (4) years, should the shorter term be necessary to ensure that no more than three (3) four year Council terms are decided at any one regular election.

PART IV. Meetings

Section 1

Regular meetings of the City Council shall be held on the first and third Mondays of the month, at 7 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 shall, with proper notice, set an alternate day for the meeting.

Section 2

Special meetings of the council may be called in accordance with sections 7-5-4102(1) (c). No business shall be transacted at a special meeting unless the same is stated in the notice per 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 or other relevant law.

Section 4

A quorum shall consist of four council members, not including the Mayor. When a quorum is present and in conformance with public meeting laws, the affirmative vote of a majority of council members present shall be necessary to adopt any motion, resolution, ordinance or other measure, unless a greater number is required by statute or unless there is a tie vote. In the event of a tie vote, the Mayor or Mayor pro tem shall break the tie with their vote.

PART V. Agenda

Section 1

All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the council, shall be submitted by 4 pm on the Wednesday immediately preceding the next regular scheduled Council meeting with the exception that the Mayor may approve late submittals 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 council with a copy of same, not later than one working day immediately preceding the meeting. Copies of the agenda shall be available to the public from the Clerk of the Council and for public viewing; pursuant to 7-1-4135 MCA, the City Council designates as its official posting place the posting board in the lobby of City Hall located at 952 East Spruce Street.

PART VI. Order of Business

Section 1

The Presiding Officer and/or Clerk of the Council shall prepare the council agenda which shall be substantially in the following form:

1. Pledge of Allegiance;
2. Roll call of Council;
3. Welcome and Announcements;
4. Prayer offering;
5. Approval of minutes of the previous meetings;
6. Public Comment on non-agenda items; (limited to (3) three minutes)
7. Scheduled matters such as:
 - a. Committee Reports;
 - b. Special Presentations;
 - c. Opening of Bids;
 - d. Confirmations of Appointments;
 - e. Appeals;
 - f. General Business/Miscellaneous;
 - g. Approval of Claims (paying the bills);
 - h. Applications for Special Licenses;
 - i. Renewal of Business Licenses;
 - j. Approval of New Business Licenses;
 - k. Other scheduled matters;
8. New Business: Items that will be discussed for the first time;
9. Unfinished Business: Items that were previously discussed;
10. General Comments from Council;
11. Adjournment.

Section 2

Manner for Addressing the Council:

1. Each person not a council member shall address the council at the time designated in the agenda or as directed by the council, by stepping to the podium or microphone, giving that person's name and address in an audible tone of voice for the record, and unless further time is granted by the council, shall limit the address to the council to (3) three minutes.
2. All remarks shall be addressed to the council as a body and not to any member of the council or staff.
3. No person, other than the council and the person having the floor shall be permitted to enter into any discussion either directly or through a member of the council, without the permission of the presiding officer.

4. No questions shall be asked of individuals except through the presiding officer.
5. 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 is granted by a majority vote of the council.

PART VII. Rules of Council Debate

Section 1

Council debate shall proceed in accordance with the following rules:

1. Every member desiring to speak, shall address the presiding officer, and upon recognition, shall confine themselves to the question under debate, avoiding abusive or indecorous language.
2. A member, once recognized, shall not be interrupted when speaking unless it is to call them to order, or as herein otherwise provided.
3. If a member, while speaking is called to order, they shall cease speaking until the question of order is determined, and, if in order, they shall be permitted to proceed.
4. The order of rotation in matters of debate or discussion shall be at the discretion of the presiding officer.
5. A motion to reconsider any action taken by the 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 vote for adoption.
6. Any member of the council who has an interest as defined by 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 censured by majority vote of the remaining members of the city council. ("Censured" is defined as a formal resolution of the legislative body reprimanding a member of specified conduct. It is an official reprimand or condemnation.)
7. If the presiding officer of the council has an interest as defined by Title 2, Chapter 2, and MCA or as advised by the City Attorney, they shall additionally yield the chair to a member of the council during debate and decision concerning the issue in which they have an interest.

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

PART VIII. Presentation to the Council (other than public hearing)

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

1. The presiding officer will present 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 presenter will be heard by the council.
4. After recognition by the presiding officer, council members may direct questions to the presenter.
5. The public will be invited to present comment beginning with those in favor of the proposal; (limited to (3) three minutes)
6. All comments 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 later date.

PART IX. Public Hearing

Section 1

The council may conduct public hearings in accordance with 7-1-4131 MCA, and in the same format as described in PART VIII.

The presiding officer may establish reasonable guidelines for the hearing, such as time limits and order of presentation.

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 strict rules of evidence, but may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony or evidence.

The presiding officer shall, with the 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.

Section 4

The proponents or opponents, their agents 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

Following the presentation of all comments, testimony and evidence, the council may:

Continue the hearing to a later date to allow additional information to be submitted to the council as a body on any unresolved issues;

Close the public hearing and proceed to council debate of the matter; or

Continue the council debate and vote at a later date.

A public hearing which has been formally closed may not be reopened. If 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 which shall be duly noticed, specifying date, time, place and subject matter of the hearing.

PART X. Ordinances and Resolutions

Section 1

No ordinance or resolution shall be prepared for presentation to the council unless ordered by a majority vote of the council or requested by the Mayor.

An ordinance or resolution shall, before presentation to the council, be approved as to form and legality 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 2

Ordinances and resolutions must be presented by the Mayor and may be further defined by the appropriate committee chairperson. The proposed ordinance or resolution shall be presented to the council for review and comment with the public being notified of the proposed action and invited to make comment.

Section 3

Ordinances shall be adopted in accordance with 7-5-103 MCA. 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 or resolution is not required and shall be waived unless required by a majority vote of the city council.

Emergency Ordinance requirements shall be adopted in accordance with 7-5-104 MCA.

All resolutions and emergency ordinances shall become effective at the time indicated therein.

PART XI. Appointments to Various Boards, Agencies and Commissions.

To assure the greatest citizen involvement and participation in boards, agencies and commissions and in order to achieve competent and qualified appointments to those committees, it is deemed necessary to establish a procedure for making appointments to the various boards, agencies and commissions.

1. Upon notification that a board, agency or commission position will become vacant, the Mayor shall direct the City Clerk or Administrator to publicly announce the vacancy through the local news media and invite members of the public to apply. The public announcement issued by the City shall identify all the established qualifications as determined by individual board requirements. All applications must be submitted to the City Clerk. The Clerk shall in turn notify the board chair and council of the application.

2. To be considered for appointment, an applicant must submit a letter of interest and completed city application prior to the closing date and time advertised. An application with missing or incomplete answers shall not be eligible for consideration for the vacancy.
3. The City clerk shall review the written application forms and letters of interest to determine if each applicant is eligible for the vacant position. A list of all applicants, as well as the status of their eligibility, along with a copy of each applicant's application shall be submitted to the Mayor and City Council prior to next regular or special City Council meeting after the deadline for applying for the vacant position.
4. Prior to appointment, the mayor and/or council may request that each board, agency, or commission interview the list of candidates and provide a recommendation. The recommendation is not binding on the mayor or council.
5. Unless otherwise directed by the mayor, at the City Council meeting at which the selection of an individual to fill a vacancy in a board, agency, or commission is scheduled as an item of business, any City Council member may place the name of any applicant who is a qualified person and who was interviewed for the position by the City Council into nomination for the vacancy.
6. Once all nominations have been received, nominations shall be closed, and City Council voting shall be via voice vote. A majority vote of the council is required.
7. Should there be no nomination, nominations will be closed, and the position will remain vacant. The vacancy will be re-opened, and the selection process will commence a second time per Part XI council policy and procedures.
8. The position shall remain open until filled. Notification of the vacancy shall continue until a qualified applicant is appointed.

(Revised and adopted 02/19)