



CITY OF LIBBY

952 E. SPRUCE | POST OFFICE BOX 1428 | LIBBY MT 59923

PHONE 406-293-2731 | FAX 406-293-4090 | www.cityoflibby.com

RULES & ORDERS

OF THE

LIBBY POLICE COMMISSION

Adopted 1/16/2023

Rule 1. Regular meetings	Page 3
Rule 2. Special meetings	Page 3
Rule 3. Work sessions	Page 4
Rule 4. Commission meeting agenda.....	Page 4
Rule 5. Minutes	Page 4
Rule 6. Call to order	Page 4
Rule 7. Absence of any member.....	Page 4
Rule 8. Remote attendance of members.....	Page 4
Rule 9. Order of business.....	Page 5
Rule 10. Consideration of motions.....	Page 5
Rule 11. Written motions / roll call	Page 5
Rule 12. Division of question	Page 5
Rule 13. Reading	Page 5
Rule 14. Adjournment	Page 5
Rule 15. Disposition of motions	Page 5
Rule 16. Motions during debate	Page 5
Rule 17. Order of questions	Page 6
Rule 18. Motion for reconsideration	Page 6
Rule 19. Tabling	Page 6
Rule 20. Speaking priority	Page 6
Rule 21. Speaking	Page 6
Rule 22. Interruption of speaking member	Page 6
Rule 23. Conflicts of interest	Page 6
Rule 24. Voting required	Page 6
Rule 25. Seating arrangement during council meetings.....	Page 6
Rule 26. Procedure for questions to the city attorney	Page 7
Rule 27. The hour police commission meetings to conclude	Page 7
Rule 28. Suspension of rules	Page 7
Rule 29. Parliamentary authority	Page 7
Rule 30. Address by public	Page 7
Rule 31. Public's right to know guaranteed	Page 7
Rule 32. Public comment session.....	Page 7
Rule 33. Contracts	Page 8
Rule 34. Reporting.....	Page 8
Rule 35. Unilateral activity prohibited	Page 8
Rule 36. Department employees	Page 8
Rule 37. Employee confrontation or discipline	Page 8
Rule 38. Media/social media policy	Page 9

RULE 1. REGULAR MEETINGS

A regular meeting of the commission shall be held on the second Tuesday of each month starting no earlier than 5 p.m. and at a time set by the Commission. The chief of police, or designee, shall post the agenda of the meeting a minimum of 2 working days prior to the meeting on the City Hall public notice board, outside window, and in a conspicuous place at the Police Department, and shall publicize the meeting, with supporting documents, by way of local news media and public email list held by the city clerk/treasurer.

A regular meeting may be cancelled only by unanimous written, personal service, or email agreement of the commission and with the approval of mayor and chief of police. Any cancelled meeting shall still be publicized in the same manner as a regular meeting stating that the meeting has been cancelled. A regular commission meeting must be held at least once during any 120-day period.

If during a regular meeting information is received from the city attorney, chief of police, mayor, or any commissioner, that the discussion is violating individual privacy, the commission may make a motion and vote to go to non-public session. The chairperson shall state that agreeable to Article II, Section 9, of the Constitution of Montana, "the demand of individual privacy clearly exceeds the merits of public disclosure" and recess the regular meeting. The commission will then retreat to a private location to discuss only the issue covered by privacy rights. Upon completion of the non-public session, the commission will return to the chamber and resume the regular meeting. The chairperson shall inform the public of the issue discussed and allow public comment on the issue.

RULE 2. SPECIAL MEETINGS

Special meetings may be held following a written request to the chief of police, or designee, via personal delivery or electronic mail by any commissioner, mayor, or the chief of police. It shall be the duty of the chief of police, or designee, to immediately upon receipt of written request for a special meeting, to make every diligent effort to notify each member of the commission either in person, by telephone, or electronic mail. The chief of police, or designee, shall also post the agenda of the special meeting on the City Hall public notice board, outside window, and in a conspicuous place at the Police Department, and shall publicize the meeting, with supporting documents, by way of local news media and public email list held by the Clerk/Treasurer. Only matters set forth on the agenda shall be discussed and/or acted upon during the meeting.

Special meetings may be held when dealing with individual privacy when, agreeable to Article II Section 9 of the Constitution of Montana, "the demand of individual privacy clearly exceeds the merits of public disclosure." When a request for a special meeting covering individual privacy is received by the chief of police or designee, the same notification process will be followed as for a special meeting. The agenda will state that the meeting will go into a non-public session. The special meeting shall be properly opened and the chairperson shall state that agreeable to Article II, Section 9, of the Constitution of Montana, "the demand of individual privacy clearly exceeds the merits of public disclosure" and recess the special meeting. The commission will then retreat to a private location to discuss only the issue covered on the agenda. Upon completion of the non-public session, the commission will return to the chamber and resume the special meeting. The chairperson shall inform the public of the issue discussed and allow public comment on the issue then adjourn the meeting.

RULE 3. WORK SESSIONS

Upon request of any commissioner, the Commission may meet in additional "work sessions." Each work session shall be devoted exclusively to subjects for which the preliminary receipt, and discussion of information, was deemed appropriate. Work sessions shall be open to the public and notice procedures for special meetings shall be followed. Additional work sessions may commence at any time of the day or day of week with at least 2 working days public notice. No motions or votes shall be taken during work sessions.

RULE 4. COMMISSION MEETING AGENDA

All topics, reports, communications, resolutions, or other matters to be considered during the commission's next meeting shall be delivered to the chief of police, or designee, by 12:00 P.M. on the first Wednesday of the month. The chief or designee shall then arrange a list of such matters accordingly on an agenda to be approved by the commission chair. The chief of police, or designee, shall furnish each member of the commission with a copy of the agenda no later than 2 working days prior to the commission meeting, and shall make copies of the agenda and all supporting documents available to the public in the office of city clerk/treasurer.

All members shall have equal right to submit items for the agenda. The Chair shall not have a unilateral right to reject items submitted by other members of the Commission. No member, including the chair, shall submit agenda items on behalf of other commissioners without giving them prior notice and subject to their approval. Any violation of this rule by any member of the commission shall result in public censure.

All agendas, supporting documents, and sign in sheets will be maintained by the chief of police in the office of the clerk/treasurer.

RULE 5. MINUTES

Accurate minutes will be created and adopted following each commission meeting by a commission member designated by the Commission Chair. The minutes will be maintained in the office of the city clerk/treasurer.

RULE 6. CALL TO ORDER

The Commission Chair shall take the chair at the hour appointed, and not before, for the meeting and shall call the members to order.

RULE 7. ABSENCE OF ANY MEMBER

No meeting shall be held unless all three members of the commission are present in person, by computer, mobile device or telephonically.

RULE 8. REMOTE ATTENDANCE OF MEMBERS

The Libby Police Commission permits board members to participate in meetings remotely. Members may only participate remotely if physical attendance is not reasonably practical and the reason must be stated in the minutes. Public must be able to discern remote participation at the meeting site, and members must be able to hear and speak with each other simultaneously (e.g., using a speakerphone, Skype, Zoom). In the event of remote participation of the Commission Chair, the Chair will open the meeting remotely and a motion by a physically present member shall be made to designate another member as temporary Chair for the meeting.

RULE 9. ORDER OF BUSINESS

The business of all regular meetings of the commission shall be transacted in the following order unless the commission, by vote of at least two-thirds of the members present, suspend the rules and change the order:

Call to Order

- (a) Pledge of Allegiance
- (b) Roll Call
- (c) Welcome

Acceptance of the Minutes of Previous Meeting(s)

Public Comment on non-agenda items

Unfinished Business

New Business

- (a) Police Commission item
- (b) Police Commission item

General Comments from the Commission

Adjournment

RULE 10. CONSIDERATION OF MOTIONS

When a motion is made and seconded, it shall be considered by the commission, and not otherwise.

RULE 11. WRITTEN MOTIONS / ROLL CALL

Every motion shall be reduced to writing if the chair so directs, or if any member of the commission requests it. Upon request of any member, a roll call shall be taken on any motion before the commission.

RULE 12. DIVISION OF QUESTION

The division of a question may be requested by any commissioner when a motion contains two or more independent parts and shall be decided by the Chair.

RULE 13. READING

When the reading of a motion is called for and the same is objected to by any commissioner, it shall be determined by majority vote of the commission.

RULE 14. ADJOURNMENT

The Chair shall consider a motion to adjourn always in order pursuant to Rule 8 above, with the time of the next meeting having been agreed on, unless a commissioner has possession of the floor or if any motion has been put and not decided. Such motion shall be decided without debate.

RULE 15. DISPOSITION OF MOTIONS

After a motion is seconded, it shall be considered, and after stated by the Chair, it shall be disposed of by vote of the Commission unless the mover withdraws it before a decision or amendment. Members may vote in the affirmative, in opposition, or abstain due to a conflict of interest. A motion passes when at least two of the three members vote in the affirmative.

RULE 16. MOTIONS DURING DEBATE

When an issue is under debate, only the following motions shall be received: adjourn; take a recess; raise a question of privilege; call for orders of the day; lay on the table the previous question; postpone definitely or to a certain time; commit or refer or recommit; amend; questions of order and appeal; suspend the rules; object to consideration of questions; division of a question; or, division of the assembly.

RULE 17. ORDER OF QUESTIONS

The Chair shall put all motions in the order in which they are moved, unless a subsequent motion was previously tabled.

RULE 18. MOTION FOR RECONSIDERATION

A motion for the reconsideration of a vote shall be open to debate, but such motion shall not be considered unless made by a member of the voting majority and must be made at the meeting at which such vote is passed; or, in the alternative, notice of such motion is given at said meeting, in which case the motion shall be made at the next meeting, and only one motion for the reconsideration of any vote shall be permitted.

RULE 19. TABLING

No motion that has been tabled at a current or prior commission meeting may be acted upon after being removed from the table at a current meeting; rather such action must be withheld until the next regular commission meeting which the agenda will show as an item of unfinished business.

RULE 20. SPEAKING PRIORITY

When more than one member wishes to speak, the chair shall name the member who is entitled to the floor.

RULE 21. SPEAKING

When any member is about to speak in debate or to deliver any matter to the commission, the member's comments are to be limited to the question under debate and avoid ad hominem and other personal attacks.

RULE 22. INTERRUPTION OF SPEAKING MEMBER

No commissioner shall be interrupted by another, except by rising for a call to order to correct a mistake, for explanation, or clarification. If any commissioner, while speaking, transgresses the rules of the commission, any commissioner may call the offending commissioner to order. The transgressing commissioner shall be permitted to explain. If disagreement remains, the commission chair shall decide on the case and without debate.

RULE 23. CONFLICTS OF INTEREST

No member shall discuss or vote on any motion in which the member has a direct, personal and/or pecuniary interest.

RULE 24. VOTING REQUIRED

Every commissioner present when a motion is put, if not excluded by interest, shall vote. If a quorum has been established at the beginning of a meeting and a commissioner later in the meeting leaves with or without permission, the remaining two commissioners may continue with the agenda, and make and vote on motions.

RULE 25. SEATING ARRANGEMENT DURING COUNCIL MEETINGS

Commission seats shall be assigned by the chair. Commissioners who wish to exchange seats may do so upon request to the chair. Seating arrangement may be changed at any time the chair wishes.

RULE 26. PROCEDURE FOR QUESTIONS TO THE CITY ATTORNEY

Whenever a commissioner during a meeting has a question for the city attorney regarding commission rules, the Libby City Charter, or parliamentary procedure, the commissioner shall, through the chair, be given the immediate right to state the question.

RULE 27. THE HOUR POLICE COMMISSION MEETINGS TO CONCLUDE

Police Commission meetings shall conclude no later than 9:00 p.m. or at such time as any agenda item being discussed at 9:00 p.m. is acted upon. If, because of this rule, any agenda items remain to be taken up, the commission shall recess the meeting to a time at which the remainder of the agenda shall be acted upon, unless a majority of the commission wishes to suspend the rules in order to continue.

RULE 28. SUSPENSION OF RULES

No standing rule or order of the commission shall be suspended unless a majority of the members of the commission shall consent thereto, for a specific purpose. No rule or order may be repealed or amended without said rule or order appearing on the agenda for a regular meeting in compliance with these rules, subject to public comment and then voted on during the following regular meeting by a majority of the Commission.

RULE 29. PARLIAMENTARY AUTHORITY

Except where specifically controlled by Charter, Statute, Ordinance or these Rules, proceedings of the Police Commission shall be conducted pursuant to the parliamentary authority of the most recent revision of Roberts Rules of Order.

RULE 30. ADDRESS BY PUBLIC

Members of the public-at-large may address the commission on any agenda item being discussed by the commission, but only after and a motion has been made by any commissioner and commission discussion has been completed, provided that no person shall speak for more than three minutes unless a time extension is granted by a majority vote of the commission.

RULE 31. PUBLIC'S RIGHT TO KNOW GUARANTEED

All letters, memos, reports and other information provided or circulated to the police commission by staff members or received as communications to the commission from any person shall be included with the agenda packet of a commission meeting and made publicly available by 8:00 A.M. on Monday prior to each commission meeting or, if sent separately to commission members, shall be made publicly available in the office of city clerk/treasurer prior to the meeting. Exemptions under this rule are documents that would not be deemed public records under the Montana Right of the Public to Know and Participate or personal communications.

RULE 32. PUBLIC COMMENT SESSION

A public comment session shall appear on the agenda of all regular police commission meetings. This session shall not exceed 45 minutes during which any member of the public may have a total of three minutes to address any topic relevant to the commission or police department's work. All speakers must register in person using the sign-in sheet and can do so right up until the start of the commission meeting. Any person abusing the provisions of this rule may be prohibited from speaking at future public comment sessions by a majority vote of the Commission. Any provision of this rule may be modified on a per case basis by majority vote of the Commission.

Rule 33. CONTRACTS

The Police Commission shall not enter into contractual agreements as this power is granted to the mayor with consent of the city council. Should the commission want to enter into a contractual agreement, all three members are required to view the contract. Each contract request shall require the full signatures of all three members of the commission unless one commissioner votes against entering into a contract, he or she shall initial the document rather than use full signature. This will indicate the contract was viewed but not accepted by that commissioner. The contract will then be forwarded to the mayor for approval.

Rule 34. REPORTING

The commission chair, or designated commissioner, shall report on second city council meeting of the month following a commission meeting to the City Council on the state of the Police Department and its operation. Such reports shall include a summary of the Department's budget, workforce, equipment, policies, and other related matters. The commission, in its discretion, may allow the chief of police to submit a letter to the city council as part of any such report.

Rule 35. UNILATERAL ACTIVITY PROHIBITED

No commissioner shall act unilaterally on any matter of consequence or take any action of consequence without a majority vote of the commission. Any statement of clarification by the commission during a public meeting should be voted on in advance by the commission in a public meeting. If a commissioner voted against the statement, the commissioner shall be allowed to express his or her views during the public meeting.

Rule 36. DEPARTMENT EMPLOYEES

The Commission shall have an "open door" policy with respect to personnel of the police department. Employees may appeal to the Commission should they determine any grievances, complaints, concerns or other matters have not been sufficiently addressed by their supervisors or chain of command. Said employee may make this request directly to any commissioner without notice to their chain of command in matters in which they believe such a request would result in prohibition of a meeting or met with negative consequences or retribution.

Rule 37. EMPLOYEE CONFRONTATION OR DISCIPLINE

The only employee the commission may confront directly without notice to the chief of police is the chief of police. The commission may not directly discipline any employee. Any concerns or matters a commissioner has involving employees of the police department shall be brought to the attention of the commission and chief of police. If the chief of police fails to take action that satisfies the commission, the commission shall then decide by majority vote whether further action is necessary to resolve the initial concern and/or matter brought to the commission's attention. Upon a majority vote the concern and/or matter will be forwarded to the mayor for action.

Rule 38. MEDIA/SOCIAL MEDIA POLICY

The purpose of this rule is to establish clear guidelines concerning media relations. An informed public is essential to the preservation of a democratic society. Primary responsibility for the dissemination of information to the public rests with the media. It shall be the policy of the Libby police commission to assist the media by providing timely and accurate information while bearing in mind legal obligations of the commission. Any member of the Libby police commission may answer media inquiries or provide statements to the media as an individual member of the commission. Any statement made on behalf of the commission as an entity must be approved by a majority of the commission. Should there be a dissenting member, the dissenting commissioner may provide a statement to the media to explain his or her own point of view. Issues that should not be discussed with reporters are

- 1) confidential legal issues,
- 2) confidential personnel matters,
- 3) issues that may result in harm to others, or

4) a law enforcement crisis or emergency. Refer all such inquiries regarding a crisis or emergency to the office of the chief of police. Notwithstanding any other rule or law to the contrary, any member of the Libby police commission shall have a full right to publicly discuss and give opinions as an individual on all matters concerning any government entity and its policies. It is the intention of this rule to balance the rights of expression of the members with the need of the police department to protect legitimate confidential records, communications, and proceedings.