

**City Council Rules for the Conduct
of Meetings and Business
Adopted 2/28/2022**

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City Council Rules for the Conduct of Meetings and Business

Rule 1. Regular and Special Meetings of the City Council

Prior to the beginning of each calendar year, the Council President and City Clerk shall establish a schedule of the time, date, and place of regular meetings for the year. City Council should strive to hold approximately 36 meetings per year and to meet three times per month on average. The Council may adjourn and/or reconvene a meeting from time to time and the meeting shall be considered a meeting for the transaction of all business which may come up before the Council.

Notice of Council’s annual meeting schedule shall be posted on the City’s web site and shall be published where the City publishes other legal notices at least once prior to the beginning of the year. The notice should (1) set forth the time, date, and place of all regular meetings of the Council for the year, and (2) state that the agenda for each meeting shall be displayed at a City Hall entrance at least two days prior to the meeting.

Special meetings of the Council may be called, from time to time, by the Mayor, or by a majority of Council members. The City Clerk shall give written notice of the special meeting to all members of City Council at least 2 calendar days in advance of the meeting. The notice shall specify date, time, place, and subject(s) of the special meeting. The meeting shall be limited to subject(s) listed on the agenda.

At least two days prior to the Council meeting, the agenda shall be displayed at a City Hall entrance, shall be posted on the City’s web page, and shall be provided to people and news media outlets who have signed up to receive notice.

The City Council’s committee meetings shall be announced at the City Council meeting and meeting agendas shall be posted on the City’s website at least two days prior to the meeting.

City Council and committee meetings may be conducted virtually, in person or a hybrid of virtual attendance and in person “hybrid.” City Council President in consultation with Council Vice-President and the Mayor, shall make the decision about the format of City Council and committee meetings.

City Council meetings shall be presided at by the Mayor or in the Mayor’s absence, by the City Council President. If both the Mayor and Council President are absent, the Council Vice-President (or their designee) shall preside at the Council meeting. Committee chairs shall preside at committee meetings and in their absence, the committee vice-chair (or their designee) shall preside at committee meetings.

In the Mayor’s absence, the Council President may perform the duties of mayor. (7-4-4403 MCA and Missoula City Charter Article II, 8, (2)).

Remote Participation by Meeting Body Members in Meetings

In person participation by City Council members is expected whenever possible. Extraordinary circumstances (e.g. pandemic/public safety emergency/emergencies/construction etc.) may dictate that City Council members may need to hold virtual meetings. If a City Council member is facing extraordinary circumstances in their life (illness, family and parental leave, unexpected work travel, etc.) they may submit a request via e-mail to Council to participate remotely for a finite period of time to continue to fulfill their duties as an elected official during the extraordinary circumstances. See Council Rule 29 as the procedure for approval/objection to the request.

Meeting body members participating remotely are considered to be taking part in the meeting as though they were physically present at the meeting and shall attend via an audio/video connection. If the meeting body member is having technical difficulties staying connected to the meeting and participating, they may attend and participate via audio connection only. Remote meeting body members connected via audio/video or audio only are counted in determining a quorum and are eligible to vote on all business presented during the meeting. If a meeting body member does not have an audio or audio/video connection to a meeting, they shall be considered absent and are not eligible to vote.

Meeting procedures when members are participating remotely:

1. A quorum shall be established through a roll call.
2. Members shall either be recognized by name by the chair before speaking or shall state their names prior to speaking if the chair does not call on them by name.
3. Prior to voting on a question, the chair shall clearly summarize the pending motion.
4. Votes shall be taken by roll call or unanimous consent.

Remote Participation by Interested Parties

Public participation in City Council meetings and committee meetings is invited and encouraged. Meeting agendas shall indicate the meetings' time, date and place (either virtual hosting software and/or a physical location if the meeting is being held in person or hybrid. Public participation technology shall allow for simultaneous, interactive communication that enables remote participants and all person present at the meeting location to be clearly audible to one another. Acceptable means of public participation during a virtual meeting are via an audio connection to the meeting, City Council voice mail box or City Council e-mail. Links to join the meeting, phone numbers (including a toll-free option for landline phones to avoid long distance charges) and a staff phone number for any technical issues associated with virtual participation shall be posted on the meeting agenda. At the beginning of the meeting, the chair will announce how remote participants can raise their hands to be recognized when the chair calls for public comment on an agenda item. See Rule 2 for procedures for public participation.

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Rule 2. Citizen Participation in Decision-making

Public comment shall be taken before the consideration of any final action at a City Council meeting, committee meeting or subcommittee meeting. In addition, each meeting agenda shall include an opportunity for public comment on public matters that are not on the agenda and are within the jurisdiction of the meeting body conducting the meeting. Public comment on agenda items must be germane to the business under consideration. The Presiding Officer may reasonably limit audience participation at any time.

The procedure for taking public comment shall be as follows for each agenda item:

Agenda Item Type	Procedure
Consent agenda	City Clerk reads consent agenda items Public comment

Agenda Item Type	Procedure
	Council members may separate question or announce intent to abstain Vote
Public Hearing	Staff presentation Developer remarks (if necessary, on a land use matter) Public comment Questions from council If the item has a time constraint and must be voted on the same night as the public hearing: Motion Public comment Parliamentary debate Vote (if necessary)
Final Consideration	Staff presentation (if necessary) Questions from council Motion Public comment Parliamentary debate Vote
Committee report	Staff presentation (if necessary) Questions from council Motion Public comment Parliamentary debate Vote
Committee business	Staff presentation (if necessary) Questions from council Motion Public Comment Parliamentary debate Vote

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Rule 3. *Ex parte communications*

In the case of property owner applications for subdivision or zoning decisions and other land use entitlements, Council decisions are quasi-judicial, and Council members should avoid ex parte discussions, whether with interested parties or other members of the public in order to maintain fairness. Ex parte discussions are those held informally or privately, and thus, out of the public forum. Public meeting laws require that deliberations be publicly noticed and open to public attendance. Council members should urge citizens to make the communication where it will be part of the public record, rather than ex parte. Communications should be in writing and addressed to the City Council and the Mayor. In the event of an ex parte discussion that could potentially influence a Council members' vote, the Council member should enter a record of the discussion's content in the public record prior to the closing of public comment, or if that is not possible, prior to the final Council vote.

City Council may commence deliberation after the public hearing is closed.

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Rule 4. *Decorum at Meetings*

City Council members, the Mayor, City staff and the public are all required to follow the same basic rules of order and decorum to maintain a productive atmosphere and the integrity of governmental business before Council.

- All meeting attendees shall strive to be professional in tone and conduct.
- Comments shall be truthful, based in fact and be germane to the agenda item under consideration, shall be as concise as possible, and may indicate a concern for an issue.
- All comments shall be addressed to the presiding officer and not individual members of the governing body, staff, or other members of the public.
- No person may engage in name-calling or personal attacks, indulge in personalities (treat with disrespect, make comments or noises while another person is recognized to speak, ridicule—contemptuous and dismissive language or behavior directed toward a person rather than the agenda item under consideration), impugn motives of members (imply that they are not entirely honest or honorable absent facts) other members of the public or staff, or use loud, threatening, abusive, indecent, or profane language or participate in conduct which disrupts, disturbs, or otherwise impedes the orderly conduct of the meeting.
- A person who resorts to persistent irrelevance or persistent repetition after the attention of the body has been called to the matter may be directed to discontinue the speech by the presiding officer.
- Any actions that disrupt the orderly conduct of the meeting, at the discretion of the presiding officer, may be ruled out of order.

A meeting may be recessed or adjourned until order can be restored.

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Rule 5. Conduct of Council members

City Council members are subject to federal, state and city non-discrimination and harassment laws. Council member conduct with one another and with staff shall be professional. The City Council President will make arrangements with the City's Human Resources office to train newly elected City Council officials on responsibilities and obligations Council members have relating to employee relations as part of the official onboarding program. Training is required.

In the event of an alleged conduct violation, a confidential written complaint shall be reported to and investigated by a panel consisting of the City Council president, vice-president and chair of Public Safety, Health and Operations. Complaints about discriminatory or harassing conduct made to other employees or Human Resources shall be forwarded to the panel. The panel shall conduct a confidential due process investigation of the complaint with the assistance of the City Attorney as set forth in the city's human resources policies. In cases where a complaint is found to have merit, the panel shall determine and carry out the proper action/sanction up to and including remedies allowed under law. If the complaint is against an investigation panel member, the Land Use and Planning Committee chair shall serve in their stead.

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Rule 6. Open Meetings

All meetings Council and committee meetings shall be open to the public in accordance with 2-3-203 Montana Code Annotated (MCA).

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Rule 7. Parliamentary Authority

All meetings of the Missoula City Council shall be conducted in accordance with these *City Council Rules for the Conduct of Meetings and Business*. In all cases not covered by these rules, the

controlling parliamentary authority shall be the 2020 edition of Mason's Manual of Legislative Procedure.

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Rule 8. Interpretation of Rules

The Presiding Officer shall interpret and apply the rules. If a procedural question arises, the Presiding Officer may refer the question to the Administration and Finance Committee for a parliamentary ruling. Or if the Presiding Officer's ruling is challenged by a majority of those Council members present and voting, the current meeting shall recess, and the Administration and Finance Committee shall be convened immediately and issue a parliamentary ruling.

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Rule 9. Suspension of the Rules

Two-thirds of those present and voting may suspend any of these rules or of *Mason's Manual of Legislative Procedure*.

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Rule 10. Amendments of the Council Rules

Amendments of the *City Council Rules for the Conduct of Council Meetings and Business* require an affirmative vote of two-thirds of all City Council members (7-5-4103 MCA). The Administration and Finance Committee is responsible for considering proposed amendments to the rules and making a recommendation to the City Council for a final vote.

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Rule 11. Order of Business for City Council and committee meetings

Order of business for regular City Council meetings

The regular order of business is as follows:

1. Call to order and roll call
2. Approval of minutes
3. Public comments —Non-agenda items
4. Announce committee meetings, committee membership appointments and changes to committee agendas
5. Consent agenda
6. Comments from City staff, City agencies, Community Forum, neighborhood councils, boards, commissions, or authorities
7. Special presentations and proclamations
8. Final Consideration
9. Public hearings
10. Committee Reports
11. New business
12. Communications from the Mayor
13. General comments of City Council members
14. Miscellaneous communications reports, and announcements
15. Adjournment

Order of business at City Council committee meetings

1. Public comments from citizens (on items not on the agenda)
2. Committee business
3. Adjournment

Upon request of the presiding officer or any Council member present, an item on the agenda may be taken up out of the order listed above, unless a majority of the Council members objects.

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Rule 12. *Minutes of City Council meetings*

Verbatim transcripts of City Council regular and special meetings shall be prepared at the direction of the City Clerk's office for all sections of the agenda except:

1. Call to order and roll call
2. Approval of minutes
3. Public comments-Non-agenda items
4. Announce committee meetings, committee membership appointments and changes to committee agendas
5. Comments from City staff, City agencies, Community Forum, neighborhood councils, boards, commissions, or authorities
6. Special presentations and proclamations
7. Communications from the Mayor
8. General comments of City Council members
9. Miscellaneous communications reports, and announcements
10. Adjournment

A short, descriptive summary of these items identifying the speakers and the subject of their presentation or comments will be included in the minutes.

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Rule 13. *Closing of the Agenda*

1. All items of business to be considered at any regular City Council or committee meeting shall be placed on the agenda by 5 p.m. of the previous Thursday so they may be properly noticed. Council and committee agendas are published Friday for the following week's meetings.
2. Items that are not on the agenda will not be considered, except under a suspension of these rules.
3. In extraordinary circumstances, a City Council committee chair may request to add an agenda item to a committee after the deadline in Rule 12 (1) provided the item's addition is announced during the City Council meeting and the committee agenda is updated and published on Monday.

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Rule 14. *Consent Agenda*

The consent agenda is a portion of the regular Council meeting where non-controversial agenda items are approved by a roll call vote as a group without Council discussion. If a committee vote is unanimous or if committee member(s) concur, the committee chairperson may direct staff to place the item on the Council's consent agenda.

The following items may be placed on the consent agenda without first being considered in a city council committee:

1. Motions to set public hearings on resolutions of intention to annex and zone property.
2. First reading, scheduling a public hearing and preliminary adoption of ordinances on zoning, rezoning, and zoning regulations.
3. Scheduling public hearings on subdivision regulation amendments.
4. Final plats that city planning staff have certified meet all conditions specified by the City Council during preliminary plat approval

5. Requests for waivers of noise ordinance for routine public entity construction projects
6. Neighborhood Council, Community Forum and Board/Commission bylaws that have been reviewed and approved by the meeting body, staff and the City Attorney for compliance with state statutes, the city charter, and city laws and policies
7. Police officer and firefighter confirmations if they have been recommended by the Mayor and their respective chief.
8. Approval and ratification of accounts payable.

Prior to the consent agenda vote, the presiding officer will ask (1) if there is any public comment on any of the consent agenda items, (2) if any Council member has clarifying questions or statements or technical corrections, and (3) if any Council member would like a separate vote on any consent agenda item. Council members requesting a separate vote may briefly state the reason for requesting a separate vote. Any Council member wishing to have additional discussion on an item before the vote shall request the item be taken up under committee reports.

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Rule 15. *Restrictions on City Council Comments*

General comments of City Council members (see Rule 10, #13) shall be brief, in the interest of the community, and for the betterment of the community.

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Rule 16. *Motions*

All motions shall be stated in clear and definite language. Main motions shall not be in order and business may not be transacted during:

- Comments from City staff, City agencies, Community Forum, neighborhood councils, boards, commissions, or authorities
- Special presentations and proclamations
- Communications from the Mayor
- General comments of City Council members
- Miscellaneous communications reports, and announcements

Prior to consideration, all ordinances and resolutions shall be presented to the City Council in writing. A City Council member may refer to a written document in moving its adoption.

Any member desiring that a measure be considered section by section may request, stating how the matter is to be divided. After consideration section by section, the entire measure, as amended, shall be voted upon.

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Rule 17. *Public Hearings*

1. A public hearing, unless otherwise provided by law, is an advisory hearing before the City Council. It is held for the purpose of noticing legislative facts and receiving expressions of public opinion on a question, including the views of interested parties.
2. At the commencement of a public hearing, the Presiding Officer may set time limits for the presentation of views of proponents and opponents of the measure. These time limits shall be adhered to strictly.
3. At the conclusion of testimony at a public hearing, City Council members may ask questions directed through the presiding officer. The time involved in such question and reply shall not count against the time allowed for the presentation of views.
4. Once a public hearing is closed, one of three actions may be taken: 1) Final action may be taken. 2) Any council member present may return the matter to committee. A member's

right to return a matter to committee may only be overridden by a suspension of the rules.
3) The matter may be taken up under “Final Consideration” at a future meeting.

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Rule 18. *Voting*

- A. All contracts, ordinances and resolutions require a roll call vote. (7-5-4121 MCA)
- B. At the request of any member, any action of the Council may be taken by roll call vote.
- C. In case a voice vote is indeterminate, a roll call vote shall be taken.
- D. The Mayor has the authority to break tie votes with the exception of when the Council is selecting its officers, when it is appointing a Council Member to fill a vacant seat, and when the Council is voting to appoint a Council Member as its representative to a board, committee, or commission.
- E. When a Council Member is acting as Presiding Officer during the absence of the Mayor, they have the ability to vote in the same manner as they would as a Council Member (without a tie-breaking vote.)

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Rule 19. *Reconsideration*

A motion to reconsider any action may be made at any time before or during the second regular meeting after such action is taken. Such a motion may be made only if it has been regularly placed on the agenda (see Rule 12 (1) by a Council member who voted with the prevailing side in the original vote on the item. Approval of a motion to reconsider requires two-thirds of those members present and voting. The effect of a motion to reconsider means the entire matter is before the body for consideration.

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Rule 20. *Committee and Subcommittee Meetings*

A. *Conduct of Committee meetings*

A majority of the members of a committee or subcommittee constitutes a quorum. A committee meeting that has been noticed as provided in Rule 1, may conduct business in the absence of a quorum (7-5-4121 MCA); but when it does so, the fact shall be noted in the report or recommendation.

To ensure the orderly conduct of business in committee meetings, a committee or subcommittee chair who wishes to participate extensively in discussion of an issue may ask another committee member to preside over the meeting for that agenda item.

B. *Standing Committees*

The standing committees of the Missoula City Council are as follows:

- 1. Housing, Redevelopment, and Community Programs (HRCP)
- 2. Committee of the Whole (COW)
- 3. Climate, Conservation & Parks & Conservation (CCP)
- 4. Land Use and Planning (LUP)
- 5. Public Safety, Health & Operations (PSHO)
- 6. Public Works Mobility (PWM)
- 7. Budget and Finance (BF)

C. *Subcommittees and ad hoc committees*

The City Council may create ad hoc committees as deemed necessary. Standing committees may form subcommittees specific to an issue. Committee chairpersons shall automatically appoint committee members to the ad hoc or subcommittees they have requested.

When forming an ad hoc committee or subcommittee, the standing committee shall:

1. define the purpose of the subcommittee
2. define the scope of subcommittee's work
3. determine the subcommittee's voting membership, which may include more than City Council members.
4. provide a timeframe for completion of the subcommittee's work

D. Committee Appointments

City Council members shall be members of the Committee of the Whole, Budget Committee of the Whole, and whatever other City Council committees they are interested in serving on. If a City Council member wishes to be appointed to or removed from a City Council committee, the member shall inform the Council President and the City Council prior to a regular council meeting. The Council President shall officially make the announcement at the Council meeting and direct the Clerk to update the Committee Membership List. The Clerk shall redistribute the Committee Membership List to City Council Members and committee staff each time it is updated. At the first meeting in January following a municipal general election, all Council Members shall be appointed by the Council President to serve on the standing committees they have requested.

The Mayor shall serve as an ex officio, non-voting member of all committees and subcommittees.

E. Selecting committee chairpersons

Committee chairpersons shall be elected by the Committee of the Whole following the first regular meeting of the City Council in January after the general municipal election. Chairperson selection is made by the Committee of the Whole and is not forwarded to a City Council meeting for a vote. A majority of all Council members elected is required to approve this type of appointment. In the event of a tie, or by a majority vote of the Committee of the Whole, the committee chairperson election shall be continued to the next regular Committee of the Whole meeting. If the tie vote cannot be resolved by the Committee of the Whole members within the next two regular Committee of the Whole meetings after the first regularly scheduled Committee of the Whole meeting in January, the selection of a committee chairperson shall be referred to the City Council President who shall select a chairperson for the committee.

A committee vice chairperson may be appointed by the committee chairperson as the need arises.

F. Voting at City Council committee meetings

Voting at City Council committee meetings shall be limited to City Council members who have been appointed to the respective City Council committee and who have not resigned or abandoned their committee appointment. Committee chairpersons, including temporary chairpersons, may vote and initiate motions in all matters that come before the committee.

G. Scheduling public hearings

When City Council schedules a public hearing on an ordinance or resolution, staff shall create a draft called the "public hearing draft copy" and attach it to the agenda. The public hearing draft copy may not be amended until the public hearing on the matter has concluded. If amendments are identified prior to the public hearing, the amendments shall be presented in writing to the City Clerk for inclusion in the Council packet prior to the public hearing subject to Rule 11(1).

H. Committee reports

Each committee shall submit a report to the Council on all actions taken, together with recommendations for Council action, where appropriate. Any committee member disagreeing with the committee report or recommendation on any matter may submit a minority report which shall be included in the committee's report to the Council.

I. Absence from Committee

A committee member's un-notified absence from three consecutive committee meetings shall constitute abandonment of the individual's membership on the committee. It is an individual committee member's responsibility to notify or leave a message for the committee chairperson and

the City staff member assigned to the committee or the department secretary of the City staff member assigned to the committee, if they will be unable to attend a regular committee meeting. Extended illness shall automatically constitute a notified absence.

J. Removing agenda items from the committee schedule

When a committee makes a recommendation to the City Council, the item shall be removed from the committee schedule, unless the committee desires to hold the item in committee for further discussion. At the last committee meeting in December , and periodically, the committee chair shall review the items held in their committee to determine if any of them may be removed. If the chair identifies an item to be removed, they shall contact the sponsor to see if they are willing to withdraw the item. If the sponsor concurs, a note to remove the item from the committee schedule shall be made in the committee report. If the sponsor does not concur, any member of the committee may make a motion to remove the item from the committee schedule. A majority vote of the committee is required to remove the agenda item. The item may not resubmitted to the committee until three (3) months have elapsed after the date when the committee took action to remove the item. If the person who sponsored the item is no longer on the Council, the item shall automatically be removed unless a sitting council person agrees to sponsor it.

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Rule 21. Placing Items on Agenda

Except as provided in Rule 13, Consent Agenda, or in cases where the Presiding Officer or a committee chair determines immediate action on an item is required (See New Business below) all substantive items of business where Council action may be required must first be considered in a committee of the Council or considered by an independent advisory board or commission (i.e.. Planning Board) before being placed on the Council agenda. Committee agenda items are submitted in accordance with Rule 11 (1) and Committee chairs decide which items will be considered at their meeting and the date and time of the committee meeting. When a committee votes to make a recommendation to the City Council, the motion shall be included in the committee minutes. The committee may recommend to the City Council that a main motion be approved, denied, or it may forward the item to the City Council agenda without a recommendation.

No item shall be re-submitted to a committee after the City Council has acted on the item until six (6) months have elapsed after the date when the City Council took action on the item.

A. Placing Special Presentations on the agenda

The Mayor or Acting Mayor shall determine whether a request to make a presentation to the City Council other than a citizen public comment, shall be placed on the City Council agenda as a special presentation. If the Mayor or Acting Mayor has reservations about placing the item on the City Council agenda, the item may be submitted to the appropriate City Council Committee for their consideration and determination as to whether the citizen presentation shall be placed on the City Council agenda.

B. New business

Urgent items may be placed on the City Council agenda under “New Business” without first being considered by committee. The Mayor and/or a committee chair must authorize the placement of an item on the Council’s agenda for new business subject to Rule 12 Closing of the Agenda.

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Rule 22. Getting Item from Committee

Whenever any item of business duly submitted to a Council committee has not been discussed by that committee within six weeks of its submission date, the petition of two members of the committee shall activate the item for discussion at the next committee meeting. After the item has been discussed by the committee at a subsequent committee meeting, any two Committee members may

bring that item directly to the Council floor for discussion and a vote under “New Business” at the next regularly scheduled meeting of the Council.

A tabled item cannot be activated using this rule.

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Rule 23. *Motions to Lay on the Table*

When an item has been tabled, the item shall remain on the table for a period of up to six months and then shall automatically cease to exist, unless one of the following actions occurs:

- a motion is approved to remove the item from the table
- a motion is approved to continue the item's tabled status for an additional period of time or until a specified condition is met.

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Rule 24. *Adoption of Ordinances*

Unless otherwise provided by State law, the adoption procedure for City ordinances shall be as follows:

- A. In accordance with 7-5-103 (3) MCA the City Council will hold first reading and preliminarily adopt an ordinance and simultaneously schedule a public hearing on the ordinance.
- B. A notice of the public hearing containing the date, time, place, subject of the ordinance and information about where copies can be accessed, shall be published at least one week before the hearing, or in accordance with state law, so that public notice of the hearing is given.
- C. The City Council will conduct public hearing on the ordinance on the appointed day and time. After the public hearing is closed, City Council will conduct second reading and take final action (See Rule 16, Public Hearings)
- D. Alternatively, the council may choose to set and hold the public hearing prior to the first reading and adoption of the ordinance. Once the public hearing is closed, the council may take action to approve the ordinance on first reading. In this case, the second reading and adoption will be scheduled for no less than 12 days after the first reading and adoption, and after first reading the ordinance will be posted and copies made available to the public.

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Rule 25. *Adoption of Resolutions*

Resolutions, unless otherwise provided by law or unless the Council desires to schedule a formal public hearing, shall be adopted by a majority vote of the Council after the public has had the opportunity to comment.

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Rule 26. *Effective Date of Ordinances and Resolutions*

- A. Ordinances shall become effective thirty (30) days after final passage or as provided in the ordinance. Emergency ordinances and general appropriation ordinances shall become effective immediately.
- B. Resolutions shall become effective immediately upon passage or as provided in the resolution.
- C. Prior to the next regularly scheduled City Council meeting, all ordinances and resolutions approved by the City Council must be either vetoed by the Mayor, signed by the Mayor or returned to the City Clerk without the Mayor's signature. If an ordinance or resolution is not signed or vetoed by the Mayor prior to the next regularly scheduled City Council meeting, the ordinance or resolution will go into effect without the Mayor's signature.

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Rule 27. *Emergency Ordinances*

In the case of emergency measures, the Council may enact emergency ordinances without complying with Rule 20, Placing Items on the Agenda. Emergency ordinances shall be effective immediately upon passage. However, the following limitations apply to emergency ordinances:

- A. The nature of the emergency must be expressed in the preamble or body of the ordinance;
- B. The ordinance must receive a two-thirds vote of all members elected;
- C. An emergency ordinance can only be passed if it is immediately necessary for the preservation of peace, health and safety of the citizens of Missoula.
- D. An ordinance passed as an emergency ordinance shall remain effective for no more than ninety (90) days.

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Rule 28. *Election of Officers*

- A. Prior to the first regularly scheduled City Council meeting in January following a general municipal election, any member of the newly organized City Council who wishes to be a candidate for City Council President shall notify the other City Council members and the City Clerk, via e-mail, of his/her desire to be President.
- B. The election of a City Council President and Vice President shall be taken up as separate items of new business on the City Council agenda at the first regular City Council meeting in January immediately following a general municipal election. The chronological order of these respective elections shall be (1) City Council President and (2) City Council Vice President. The election of City Council President and Vice President shall be viva voce with the ayes and nays recorded. A majority of the full Council is required to elect the Council President. The City Council President candidates shall be those individuals who have notified the City Council in the manner required pursuant to Rule 27 (A), Election of Officers. New nominations for City Council President may not be made unless there have been two (2) successive roll call votes wherein the votes cast were identical each time. City Council vice-president candidates shall be nominated by any member of the City Council, immediately preceding the City Council vote. Unsuccessful candidates for City Council President may be included in the nominations for City Council vice-president.
- C. After these two elections, pursuant to a separate new business item on the City Council agenda for that meeting, the individual elected City Council President shall appoint the City Council committee memberships in accordance with Council Rule 19 (D) , Committee appointments.
- D. If the position of City Council President or Vice President is vacated, the City Council shall elect a new City Council President or Vice President at the first regular City Council meeting after the vacancy occurs.

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Rule 29. *Responsibilities of City Council President with Respect to New City Council Members*

- A. As soon as the results of a general municipal election have been officially verified by the Missoula County Elections Official, the City Council President shall request the City Clerk's staff to send a copy of these *City Council Rules for the Conduct of Meetings and Business* to each newly elected City Council member. Further, the City Council President shall also request the City Clerk's staff send City Council members-elect e-agenda notifications .
- B. Once the results of a general municipal election have been officially verified, the City Council President shall make arrangements with the City Clerk to schedule orientation and information meetings about City affairs and City departments for all newly elected City Council members as well as interested current City Council members. To the extent newly

elected members' schedules permit, the majority of these meetings shall be scheduled for and conducted prior to the regular commencement of the terms of office on the first Monday in January after the general municipal election of the newly elected City Council members.

- C. The City Council President shall be responsible for making arrangements to ensure that once the oath of office is administered to new City Council members, that it is certified by the official before whom the same was taken and is filed with the County election administrator as is required by Section 7-1-4137, MCA, before the new City Council member exercises any official duties.

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Rule 30. Absences of City Officers from the City for a Continuous Time Period of Ten (10) /Days or More

A City officer desiring to be absent from the City continuously for ten (10) calendar days or more shall submit an e-mail to the City Council, Mayor and City Clerk their request for permission to be absent. If six (6) or more Council members have an objection to the absence, they may object, via e-mail, within three (3) calendar days after a copy of the request for absence has been sent. If no written objection is filed, the request shall be deemed approved. Pursuant to Section 7-4-4111, MCA entitled, "Determination of Vacancy in Municipal Office," this provision shall be applicable to all City officers who are elected or appointed to a term of office, and this shall be the City Council's mechanism for giving its consent pursuant to Section 7-4-4111 (5), MCA, and shall provide for objecting parties to show cause for objection to request for absence.

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Rule 31. City Council Procedures for Filling a Vacancy in an Elected City Office

- A. As soon as the City Council President becomes aware of a vacancy in an elected City office, or as soon as the City Council President receives official notice that an elected City office will become vacant at a specified date in the future, the City Council President shall make arrangements with the City Clerk to publicly announce the vacancy through the news media, develop interview questions for prospective applicants and determine the structure of applicant interviews. The City Clerk's office will receive written applications from citizens interested in applying to fill the vacancy in the elected office for ten (10) calendar days from the date of the first public announcement by the City Clerk's office.
- B. The public announcement issued by the City Clerk's office shall identify all the statutorily established qualifications for an individual to be eligible to hold the vacant office. The City Clerk's staff, in conjunction with the City Attorney, shall prepare an application form for use by applicants interested in being selected to fill the vacant position. The application form shall request information as to the full name and address of the applicant, as well as all information necessary to determine the applicant's eligibility pursuant to the statutorily established qualifications for the elected office. The application form shall further request information as to the applicant's previous organizational affiliation (including political) and activities, relevant work and lived experience and educational background. The application form shall also request the applicant to explain why he/she is interested in being selected for the vacant position.
- C. The City Clerk shall review the written application forms to determine if each applicant is eligible pursuant to State law for the vacant office applied for. A list of all applicants, as well as the status of their statutory eligibility along with a copy of each applicant's application shall be submitted by the City Clerk to the City Council at its next regular City Council meeting after the deadline for applying for the vacant elected office. During this same City Council meeting each City Council member is entitled to select the name of one applicant for inclusion in a list of applicants to be interviewed by the City Council Committee of the Whole. After interviewees are selected, the interview order will be determined by a random drawing.

- D. . The City Clerk will contact the applicants selected by Council for interviews and schedule their interviews. After interviews have concluded, the appointment of a person to fill the vacancy will be placed on a Council agenda.
- E. 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. Once all nominations have been received, nominations shall be closed, and City Council members shall vote naming the candidate of their choice. Voting shall be viva voce pursuant to alphabetical roll call vote with the first City Council member's name called moved to last for the immediately subsequent roll call if another vote is required. At the end of each roll call vote, the presiding officer shall make inquiry as to whether anyone wants to change their vote prior to tallying the votes. A majority of the existing members of the council is necessary to make the appointment 7-5-4121 MCA.) New nominations may not be made unless there have been two (2) successive roll call votes wherein the votes cast were identical each time. New nominations may include the name of any qualified person whether or not that person has applied for and has been interviewed for the vacant office. In accordance with 7-4-4112 MCA and Article VIII. Addition Provisions, 2 Filling of vacancies, Missoula City Charter, a majority vote of the members is required.
- F. Whenever the City Council has sufficient advance 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.

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Rule 32. *Appointments to Various Boards, Agencies and Commissions*

- A. Purpose. In order to assure the greatest involvement and participation in boards, agencies, 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. Boards and committees support a broad range of needs and experiences representing Missoulians of all backgrounds and the membership of the committees should be reflective of the diversity of experiences including race, age, economic experience, etc. From time to time, circumstances may arise in which it is beneficial to deviate from these appointment procedures for the betterment of the committee. In these circumstances, the Chair of the relevant committee may propose an alternate method for filling said vacancy, subject to a majority vote of the relevant committee.
- B. Mayor appointments It is recognized that the Mayor has the power and authority to make appointments to many boards, agencies and commissions subject only to confirmation by the City Council. It is the intent of the Council in adopting this policy that confirmation proceedings will be conducted according to this procedure. The Mayor is encouraged to follow this policy in making his recommendations to the Council to the extent possible. City Council encourages the Mayor to announce the appointments for which the Council has no oversight to the City Council at a City Council meeting.
- C. Designated Council Committees. For each board, agency, or commission, the Council President in consultation with the committee chair most closely aligned with the work of the board, will designate a specific Council committee to oversee appointments. The designated committee will interview and assess applicants for Council appointment and will review the Mayor's recommendations for appointments; the committee will then recommend appointment actions to the Council as a whole.
- D. Application of Policy. This policy shall apply to City Council appointments and confirmation of Mayoral appointments to all boards, commissions, and agencies*, including, but not limited to, the following:

Affordable Housing Resident Oversight Committee
Animal Control Board

Bicycle & Pedestrian Advisory Board
Board of Adjustment

Building Code Board of Appeals
 Cemetery Board
 Community Forum
 Conservation District
 Criminal Justice Coordinating
 Committee
 Design Review Board
 Downtown Business
 Improvement District
 Energy and Climate Team
 Food Policy Advisory Board
 Health Board
 Historic Preservation Commission
 Impact Fee Advisory Committee
 Library Board
 Local Emergency Planning
 Committee

Mayor's Downtown Advisory
 Commission
 Missoula Civic Television
 Advisory Commission
 Missoula Redevelopment Agency
 Missoula Urban Transportation
 District Board
 Open Space Advisory Committee
 Parking Commission
 Parks and Recreation Board
 Planning Board
 Police Commission
 Public Art Committee
 Tourism Business Improvement
 District
 Transportation Policy
 Coordinating Committee

* The City Clerk is authorized to administratively update this list if new boards or commissions are established by City Council.

E. Appointments.

a. Chair responsibilities

1. When a Council-appointed board term is expiring or a position becomes vacant, the City Clerk office will notify the appropriate committee chair. The committee chair has the discretion to:
 1. Bring the reappointment of the incumbent board member forward to City Council for consideration (if the board member is interested in continuing service)
 2. If the board position is vacant and there is an alternate who is interested in being appointed to the regular position, bring the appointment of the alternate to the regular position to the City Council for consideration.
 3. Notify the incumbent board member that the position is being opened and inviting them to reapply, and direct the City Clerk office to advertise the position.
 4. Bring applicants to the committee who have interviewed for the board in the past twelve months in order to fill a newly vacant position.
 5. The designated committee chair shall review interview questions and application forms periodically to ensure they meet current needs and align with the city's strategic goals of justice, equity, diversity and inclusion.
 6. The designated committee chair will identify community groups the City Clerk office should reach out to when positions are announced.

b. Advertising positions

- i. The City Clerk office will publish the position announcements on the city's website and notify subscribers who have expressed interest in receiving notifications of board service opportunities and related community groups identified by the committee chair.
- ii. The notice shall specify any qualifications or requirements for the position, length of term of appointment, and the date through which applications will be accepted.

F. Council Appointments, Committee Review of Applicants.

At the close of the application period, the City Clerk shall forward all applications to the members of the designated committee for consideration as follows:

1. The Committee chairperson shall schedule meeting time of the committee or of a special subcommittee for the purpose of interviewing the applicants. The City Clerk will then schedule individual applicant interviews. If an applicant is unable to meet at the scheduled time, the committee may decide to reschedule, to consider the applicant's application nevertheless, or to drop the applicant from consideration. If an applicant has been interviewed for the same post within the past year, the committee may decide that an interview is not necessary.

2. During the interview, the Committee shall ask each applicant similar questions to insure equitable evaluation. Minor variations in the questions to account for an incumbent's experience on the board vs. a new applicant are permissible. Committee members may follow up on these questions or ask additional questions.
3. The Committee shall make its recommendations to the Council.

G. Appointment of City Council Members to Boards and Commissions.

When a position exists that requires the appointment of a City Council member, Committee of the Whole is the designated committee. The Chair of Committee of the Whole will announce the opening at a Missoula City Council meeting. Interested Council members shall submit an e-mail to the City Clerk indicating their interest. Committee of the Whole shall make a recommendation for appointment. A majority of the Council members elected is required to approve this type of appointment.

H. Mayoral Appointments to Boards and Commissions--Council Review.

Any Mayoral appointment to fill a vacancy on one of these bodies shall be referred to the designated committee. The committee will review the nominee's qualifications as it sees fit and make its recommendations to the Council.

I. Criteria for Appointments.

In making its appointments and confirming Mayoral appointments, the Council shall consider the following factors:

1. Particular needs or area of expertise required by board, agency or commission.
2. Council commitment to encourage a broad range of knowledge and expertise, diverse citizen representation particularly from traditionally marginalized and oppressed populations.
3. If reappointment, the attendance record of applicant.

Council members explaining their assessments of candidates should word their statements in terms of:

1. specific qualifications, background and experience that make candidates suitable or unsuitable for the particular appointment in question, or
2. specific characteristics that promise to be strengths or weaknesses in the particular appointed role.

In the absence of such specific statements from a Council member, it is unacceptable for that member to express general assessment by simple reference to a candidate's race, color, religion, creed, political party affiliations, sex, sexual orientation, gender identity or expression, age, marital status, physical or mental disability, or national origin; such statements pose a legal threat to the appointment process. However, it may be reasonable or necessary to explain how one of these listed characteristics plays a part in a particular candidate's individual qualifications for the appointment.

J. Voting on appointments

The committee chair shall open nominations for a board appointment. After nominations have been received, committee members will vote by stating the candidate's name. The candidate's name with the most votes shall be recommended to the City Council for appointment. A majority of the whole number of the Council members elected is required to appoint a board member.

K. City Clerk Responsibility.

The City Clerk shall keep a record of all appointments to the boards, agencies, and commissions as herein defined and as may be subsequently established, together with each term of office and date of expiration of term. and keep and provide a list of interview questions.

- L. Ad hoc committee appointments.
From time to time, a Council representative may be requested to serve on ad hoc committees, interview panel or in other capacities. The Council President shall be responsible for making appointments to these committees, as needed.

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Rule 33. *City Council Consideration of Mayoral Appointments*

- A. With regard to City Police and Fire Departments. Sections 7-32-4108 and 7-33-4106, MCA specifies that Mayoral appointments to the Police and Fire Departments be subject to the confirmation by the City Council. Any Mayoral appointment to a position on the Police and Fire Departments, including successful completion of probationary time periods, shall be placed on the City Council's consent agenda.
- B. With regard to City Department Heads and Officers, [Section 7-4-4101 MCA](#) specifies that, in addition to all officers in the Police and Fire Departments, the following offices are appointed by the Mayor with the "advice and consent" of the Council: City Attorney, City Clerk, City Finance Director/Treasurer, and Police Chief. The City Charter states the Mayor may appoint and remove, with the "consent" of the City Council, all department heads in accordance with law. Whenever a City officer or department head is being appointed, the City Council encourages the Mayor to create an opportunity for the City Council to visit with or interview any of the finalists for department head and officer positions.
- C. When the Mayor appoints a city officer or department head, the standing committee whose functional area most closely relates to the duties of the position shall review the nominee's qualifications and make its recommendations to the Council.

Note: The City Clerk is authorized to make any clerical corrections to these rules.

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