



Work Session Meeting Agenda
2 Park Drive South, Great Falls, MT
Gibson Room, Civic Center
November 05, 2019
5:30 PM

CALL TO ORDER

PUBLIC COMMENT

(Public comment on any matter and that is within the jurisdiction of the City Commission. Please keep your remarks to a maximum of five (5) minutes. Speak into the microphone, and state your name and address for the record.)

WORK SESSION ITEMS

1. Sustainability Plan from Citizen's for Clean Energy and Climate Resiliency - Ken Palisin and Commissioner Moe.
2. Updated Commission Rules of Conduct and Procedures of Meetings Handbook - Lisa Kunz and Sara Sexe.
3. Animal Shelter - Commission Feedback on Proposed RFP - Chuck Anderson.

DISCUSSION POTENTIAL UPCOMING WORK SESSION TOPICS

ADJOURNMENT

City Commission Work Sessions are televised on cable channel 190. If a recording is made, the work session video will City Commission Work Sessions are televised on cable channel 190 and streamed live at <https://greatfallsmt.net>. Work Session meetings are re-aired on cable channel 190 the following Thursday morning at 10 a.m. and the following Tuesday evening at 5:30 p.m.

Wi-Fi is available during the meetings for viewing of the online meeting documents.

UPCOMING MEETING SCHEDULE

Work Session - Tuesday November 19, 2019 5:30 p.m.

Commission Meeting - Tuesday November 19, 2019 7:00 p.m.

RESOLUTION OF THE CITY OF GREAT FALLS REGARDING AN INCREASE IN CLEAN ENERGY AND THE ESTABLISHMENT OF AN ENERGY CONSERVATION AND SUSTAINABILITY GROUP

WHEREAS, the City of Great Falls recognizes that changes in weather patterns have been and still are occurring, namely an increase in average annual temperatures, frequency of drought and wildfires and diminishing snowpack and, that reductions in temperature and atmospheric CO2 levels are necessary to avert negative consequences of a changing climate; and

WHEREAS, climate and temperature changes pose a threat to the environment and the economic health and well-being of the citizens of Great Falls and the surrounding area, especially tourism and threats to agricultural production and vegetation; and

WHEREAS, weather projections warn of extreme weather events, earlier spring runoffs, decreased water volumes, failing aquifers and frequency of wildfires and,

WHEREAS, labor leaders, fossil fuel companies and some of the largest businesses have recognized that threats to the environment will prove harmful to the economy in the future and put in jeopardy the health, safety and well-being of future generations of citizens, and

WHEREAS, a “do nothing” or “no action” path may prove to be short-sighted and dangerous to the City of Great Falls and its citizens and businesses; and

WHEREAS, the City of Great Falls is located in Central Montana where there is an abundance of hydro, solar and wind sources which can enable the development of many new jobs in energy;

NOW, THEREFORE BE IT RESOLVED BY THE COMMISSIONERS OF THE CITY OF GREAT FALLS, MONTANA:

Section 1: The City of Great Falls and its Commissioners will work together to take actions resulting in a transition to cleaner energy for the security, prosperity and well-being of Great Falls citizens now and in the future.

Section 2: The City of Great Falls and its Commissioners will continue current conservation actions and develop new projects for energy sustainability that will result in a cleaner, healthier and prosperous environment for its citizens.

Section 3: The City of Great Falls and its Commissioners will establish an Energy Conservation and Sustainability group to assist the City of Great Falls. This citizens group will help to move towards a cleaner energy future including a more balanced energy portfolio called "40 X 25." This represents an increase in clean energy sources of solar and wind to 40 percent by the year 2025.

THIS RESOLUTION PASSED AND EFFECTIVE BY THE COMMISSION OF THE CITY OF GREAT FALLS, MONTANA THIS _____ DAY OF _____ 2019

ATTEST: City Clerk

Mayor

CREATING CLIMATE RESILIENT COMMUNITIES

MLCT 88th Annual Conference
Oct. 3, 2019

- **Paul Lachapelle**, Professor, *Montana State University Extension*
- **Chris Mehl**, Deputy Mayor, *City of Bozeman*
- **Heather Harp**, Councilperson, *City of Missoula*
- **Craig Workman**, Director of Public Works, *City of Whitefish*
- **Lori Byron**, MD, Chair, *Montana Health Professionals for a Healthy Climate*
- **Rob Byron**, MD, Vice-Chair, *MHPHC*



It is now more certain than ever, based on many lines of evidence, that humans are changing Earth's climate... The present level of atmospheric CO2 concentration is almost certainly unprecedented in the past million years ...Adding more CO2 to the atmosphere will cause surface temperatures to continue to increase ...Global warming of just a few degrees will be associated with widespread changes in regional and local temperature and precipitation as well as with increases in some types of extreme weather events. These and other changes will have serious impacts on human societies and the natural world.

Source: US National Academy of Sciences and Royal Society. 2014. *Climate Change: Evidence & Causes*. Wash, DC: National Academy of Sciences.

Impacts on Communities

The projected rapid rate and large amount of climate change over this century will **challenge the ability of society and natural systems to adapt.** --*US Global Change Research Program*

Climate change makes many existing **diseases and conditions worse**, but it may also help **introduce new pests and pathogens** into new regions or communities. --*National Institutes of Health*

Climate change will affect certain groups more than others, particularly groups located in **vulnerable areas and the poor, young, old, or sick.** --*US Environmental Protection Agency*

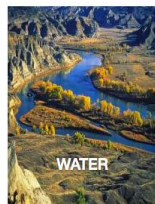
Current and future impacts of climate change on human society are and will continue to be **overwhelmingly negative.** --*Oxfam*

Climate change threatens the basic elements of life for people around the world. The impacts of climate change are not evenly distributed -- **the poorest countries and people will suffer earliest and most.** -- *Stern Review on the Economics of Climate Change*

Sources: www.niehs.nih.gov/research/programs/geh/climatechange/; www.epa.gov/climatechange/impacts-adaptation/society.html www.globalchange.gov/usimpacts; www.oxfam.org.uk/what-we-do/issues-we-work-on/climate-change; www.hm-treasury.gov.uk/d/closed_short_executive_summary.pdf



www.msucommunitydevelopment.org/ClimateSmartMontana.html



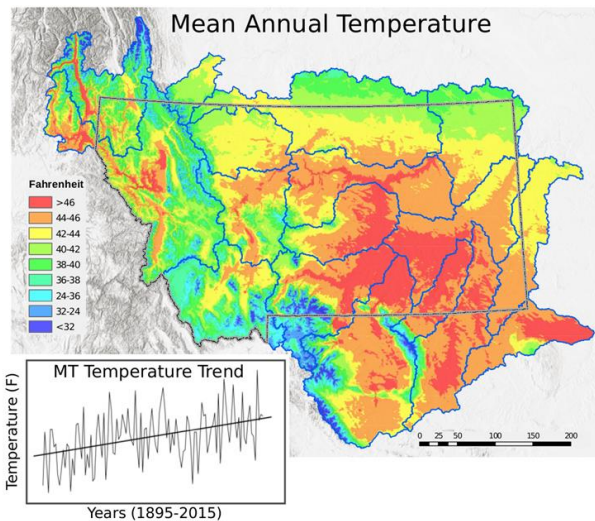
Full report can be found online at www.montanaclimate.org

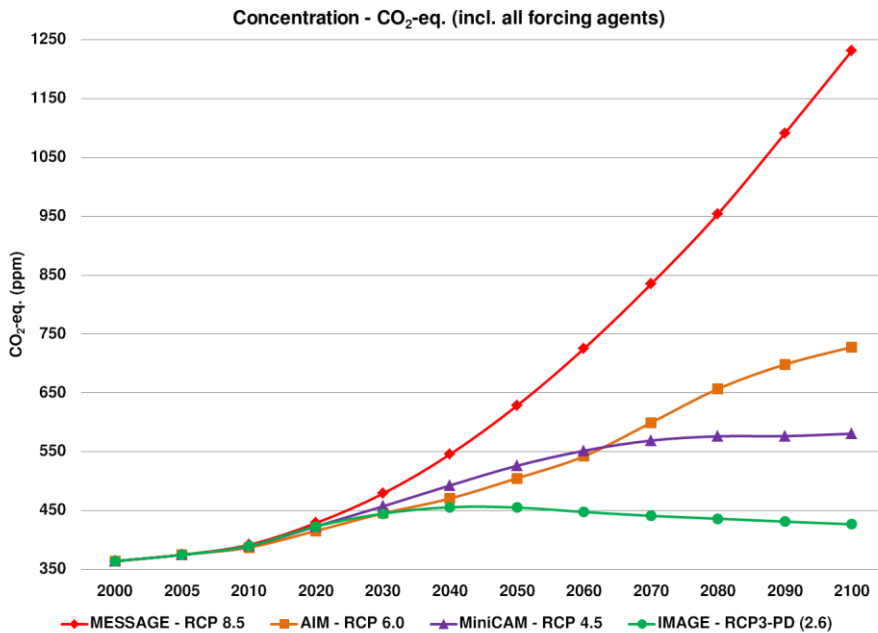
Key Message 1

Annual average temperatures, including daily minimums, maximums, and averages, have risen across the state between 1950 and 2015.

The increases range between 2.0 – 3.0° F (1.1-1.7°C) during this period.

[high agreement, robust evidence]



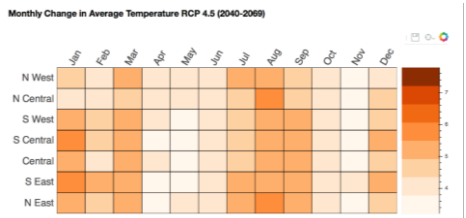


Key Message 2

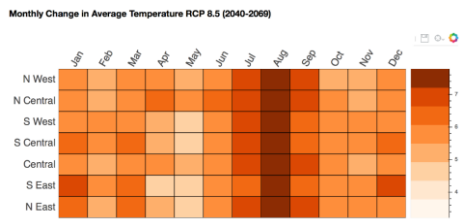
The state of Montana is projected to continue to warm in all geographic locations, seasons, and under all emission scenarios throughout the 21st century.

[high agreement, robust evidence]

Greater warming in:

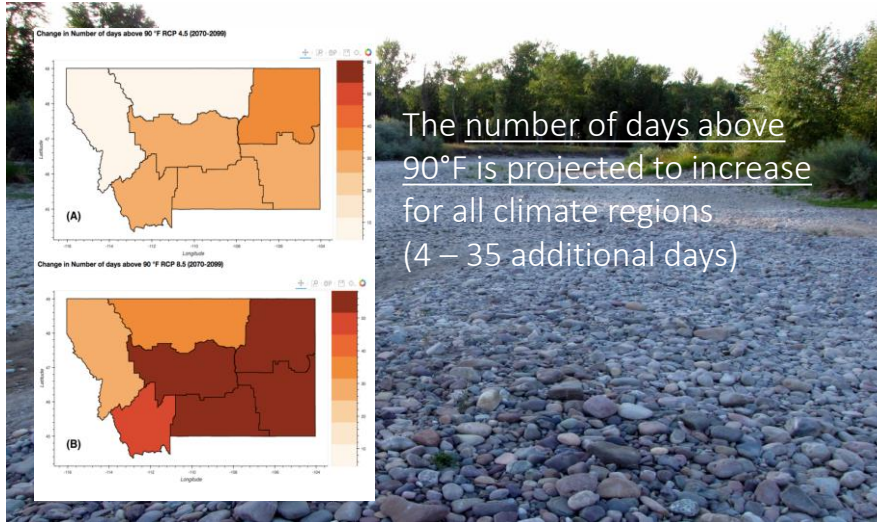


- Winter: 4 to 5°F; Summer: 5 to 5.5°F



- Winter: 5 to 7°F; Summer: 6 to 7.5°F

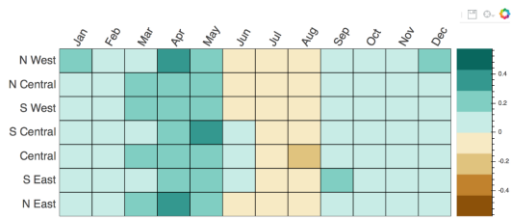
Rising temperatures will exacerbate drought when and where it occurs



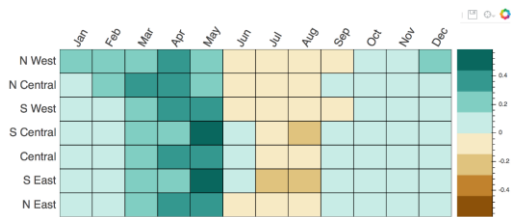
Key Message 3

Across the state, precipitation is projected to increase in winter, spring, and fall, and decrease in summer.
[high agreement, robust evidence]

Change in Monthly Precipitation (in.) RCP 4.5 (2040-2069)



Change in Monthly Precipitation (in.) RCP 8.5 (2040-2069)

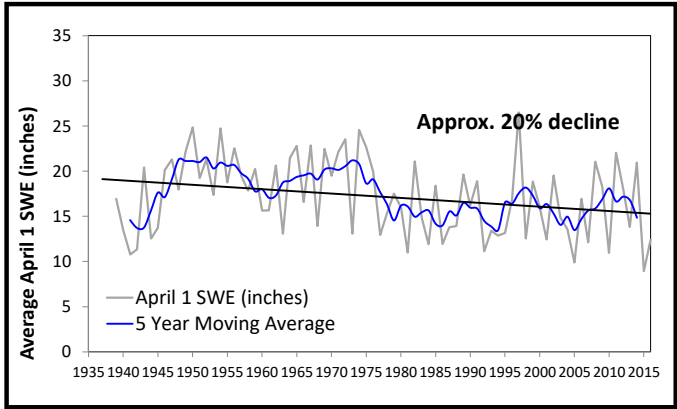


Summer precipitation decrease (0.1 to 0.5 inch)

Key Message 4

Montana's snowpack has declined in mountains west and east of the Divide; Warming temperatures, especially during spring, will further reduce snowpack

[high agreement, robust evidence]

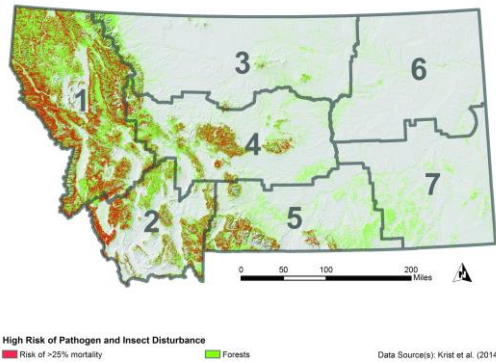


Snowpack (April 1) West of the Continental Divide

Key Message 5

An increase in fire risk (i.e., probability of occurrence)—including an increase in size and possible frequency and/or severity (i.e., tree mortality)

[high agreement, robust evidence]



City of Bozeman
Climate Action Planning
Montana League of Cities and Towns
Chris Mehl, Deputy Mayor



October 3, 2019

Bozeman Office of Sustainability

Coordinates with city departments and community stakeholders to promote a sustainable environment and reduce greenhouse gas emissions. Focus areas include:

- **Building energy efficiency & conservation (and return on investment)**
- **Climate resiliency (adapting and mitigating current and future impacts)**
- Distributed and centralized clean, renewable energy
- Alternative fuels and transportation modes

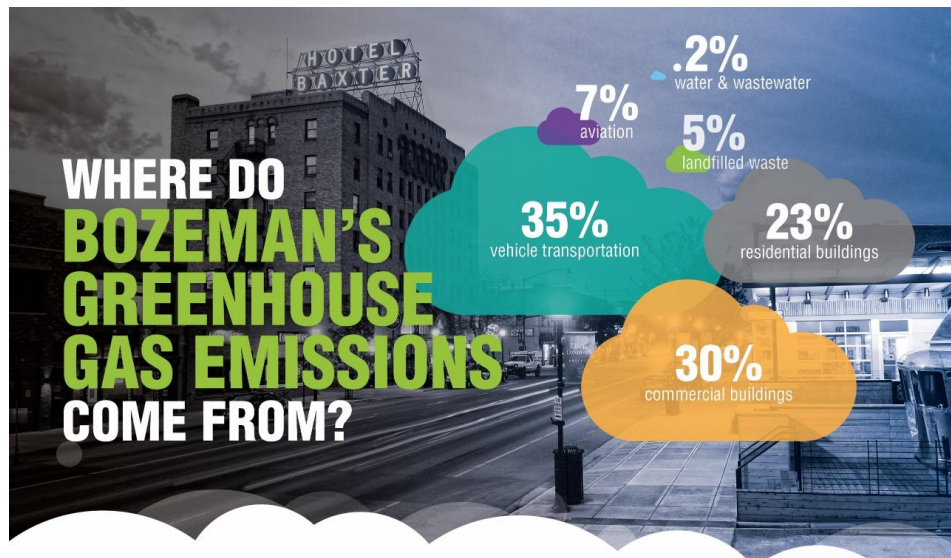


Background



BOZEMAN^{MT}
City Sustainability

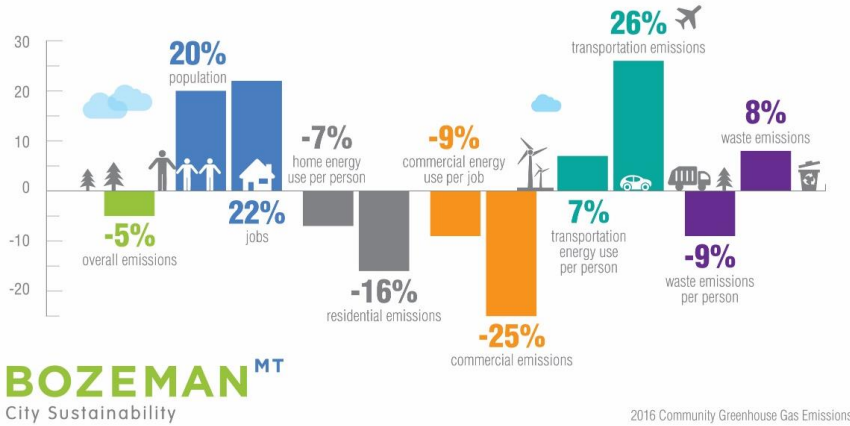
THE MOST LIVABLE PLACE.






BOZEMAN^{MT}
City Sustainability

HOW HAS POPULATION AND ECONOMIC GROWTH AFFECTED BOZEMAN'S EMISSIONS?

Since 2012, Bozeman has seen growth in population, commercial activity, and tourism. Despite these demographic trends, greenhouse gas emissions have decreased overall.



Climate and Return on Investment

From 2012-2019, Municipal energy efficiency upgrades saved 3,583 MWh and \$371,440	=	Equivalent to avoiding the emissions of 538 Subaru Foresters driven for a year	
Bozeman Energy Project business partner savings from 2015-2019 equaled 522 MWh and \$54,882	=	Equivalent to the carbon sequestered by 6,104 tree seedlings grown for 10 years	
From 2009-2019, Solar PV on city property generated 1,390 MWh of electricity	=	Equivalent to avoiding the emissions from burning 13 tanker trucks of gasoline	

Sample Projects from Energy Audit

Facility Improvement Measures	Facility	GMAX	Annual Utility Savings	Annual Operational Savings	Simple Payback (w/ Incentives)
Basement & 1st Floor LEDs	Bozeman Parking Garage	\$100,514	\$6,949	\$2,868	12.4
Custom Systems Training	Overall Measures	\$7,840	\$0	\$0	0.0
Lighting Improvements	Water Reclamation Facility-Old Building	\$18,480	\$5,199	\$282	3.1
Lighting Controls	Bozeman City Hall	\$1,015	\$219	\$0	4.6
Boiler Temperature Reset	Vehicle Maintenance Building	\$630	\$125	\$0	5.0
LED Street Lights	Street Lighting	\$226,642	\$15,412	\$6,372	12.6
Lighting Modifications	Library	\$2,144	\$1,018	\$0	2.1
Water Conservation	Library	\$4,460	\$842	\$1,000	-0.6
		\$361,725	\$29,764	\$10,522	10.4

Energy Performance Contract



- Comprehensive energy audit
- 18 energy projects in 2015
- **\$47,000** annual utility savings
- **\$8,000** annual operational savings
- **8.5 year simple payback**
- **346 Tons of CO₂e avoided** ≈ removing 67 cars from the road

LED Street Lighting



- 190 streetlights replaced
 - \$19,600 saved/year
 - 48% less electricity
 - 65% longer fixture life
- LED design standards for exterior lighting

BOZEMAN^{MT}
City Sustainability

THE MOST LIVABLE PLACE.

Bridger Parking Garage Dimmable LEDs



- \$12,000/year energy savings
- 56% less energy
- 44% less demand energy

BOZEMAN^{MT}
City Sustainability

THE MOST LIVABLE PLACE.

Commercial Energy Efficiency

- Cash incentive for City of Bozeman businesses up to \$2,500
- Public recognition
- Lower energy bills
- Potential utility rebates
- Staff support
- 522.1 MWh saved
 - Equal to 6,104 urban tree seedlings grown for 10 years



Sustainability in Community Development

Examples of Current Contributions

- Pedestrian-oriented design
 - Complete streets
 - Street trees
 - Alley-loaded garage
 - Density
 - Commercial nodes in residential
- Solar-friendly
 - Solar essential service in all zones
 - Exemptions from height restrictions
 - No screening
 - Allowed in historic districts

Potential Opportunities

- Optimization of south-facing roofs and building orientation
- Building energy stretch code
- Affordable housing green building standard



Climate Vulnerability Assessment & Resiliency Strategy (2019)

Objectives:

- Enhance city preparedness
- Analyze risks
 - Understand climate-related vulnerabilities and impacts to municipal operations
- Develop a framework for resiliency
- Educate and inform



Sample Resiliency Actions

Infrastructure

- Build out back-up power, mobile back-up power, fuel storage, communication redundancies
- Increase air filtration capabilities in critical facilities to cope with wildfire smoke

Policy

- Implement code revisions to incorporate mandatory water conservation measures for new development
- Update stormwater engineering standards to improve urban flood resiliency



What Next?



Objectives:

- Align City's emissions reduction goals with Paris Climate Agreement
- Create an actionable project and policy guide
- Include diverse stakeholders



2020 Climate Plan Update Focus Areas

Bozeman Office of Sustainability



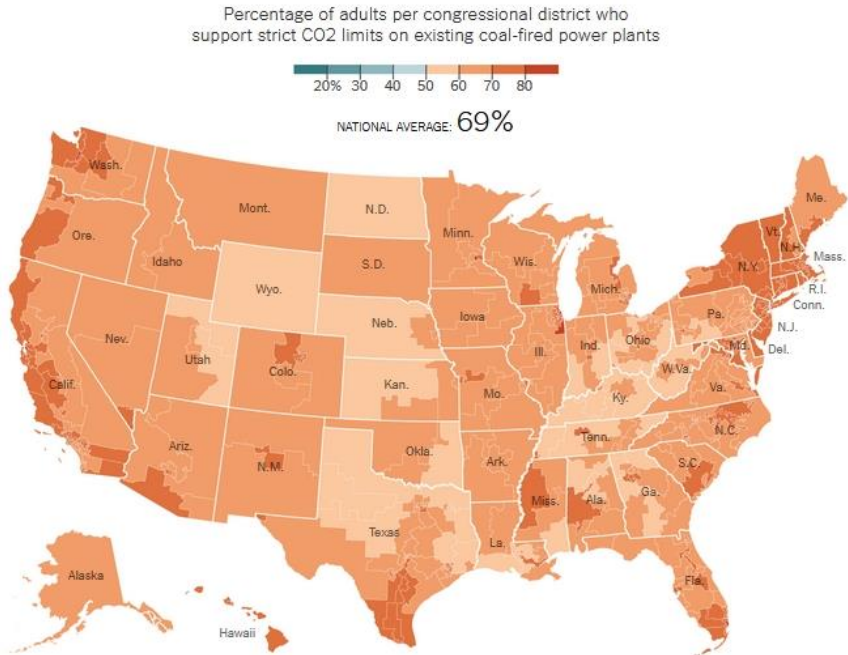
Natalie Meyer, Sustainability Program Manager
nmeyer@bozeman.net

Chris Mehl, Deputy Mayor
cmehl@bozeman.net

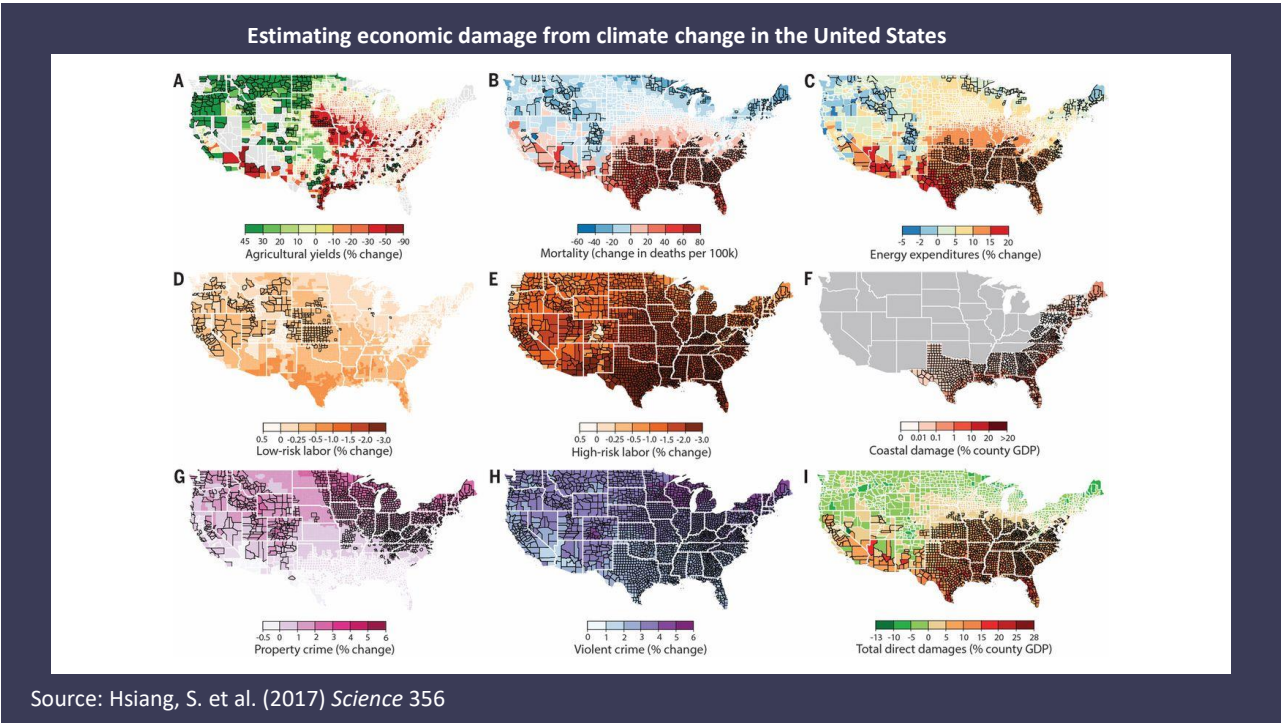
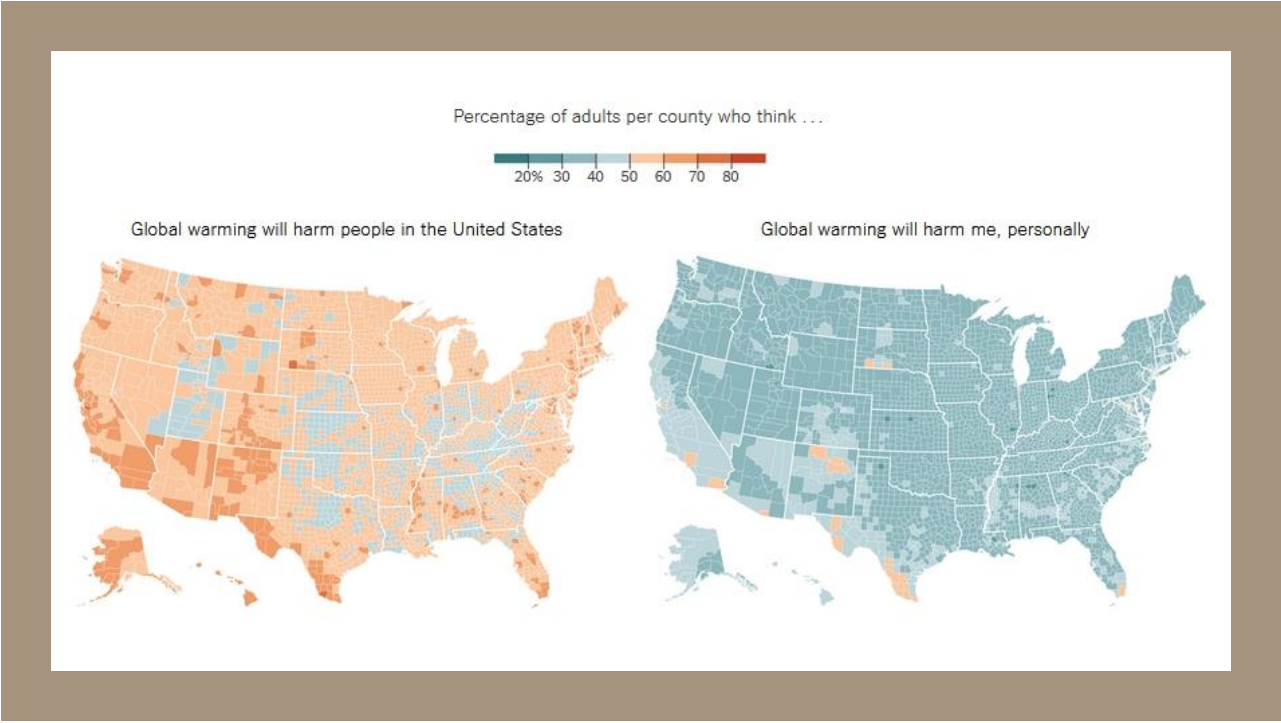


Heather Harp, Councilperson, *City of Missoula*

aaaaaaa



Source: Yale Program on Climate Communication via <https://www.nytimes.com/interactive/2017/03/21/climate/how-americans-think-about-climate-change-in-six-maps.html?module=inline>



Mitigation Policies/Plans and Examples

Municipal Conservation & Climate Action Plan (Adopted by City Council 2013)

Goal: Carbon Neutrality for City operations by 2025

Highlights/Examples/Progress:

Park Place Downtown Parking Structure; Wastewater Treatment Plant Biogas Co-generation; Forthcoming Energy Performance Contract

Missoula Community Climate Smart Action Plan (Not officially adopted, but Mayor endorsed)

Goal: Carbon Neutrality for the community by 2050

Highlights/Examples/Progress:

Green Blocks; Solarize; Solar Schools pilot; SolSmart Community designation; Park Place Downtown EV charging stations

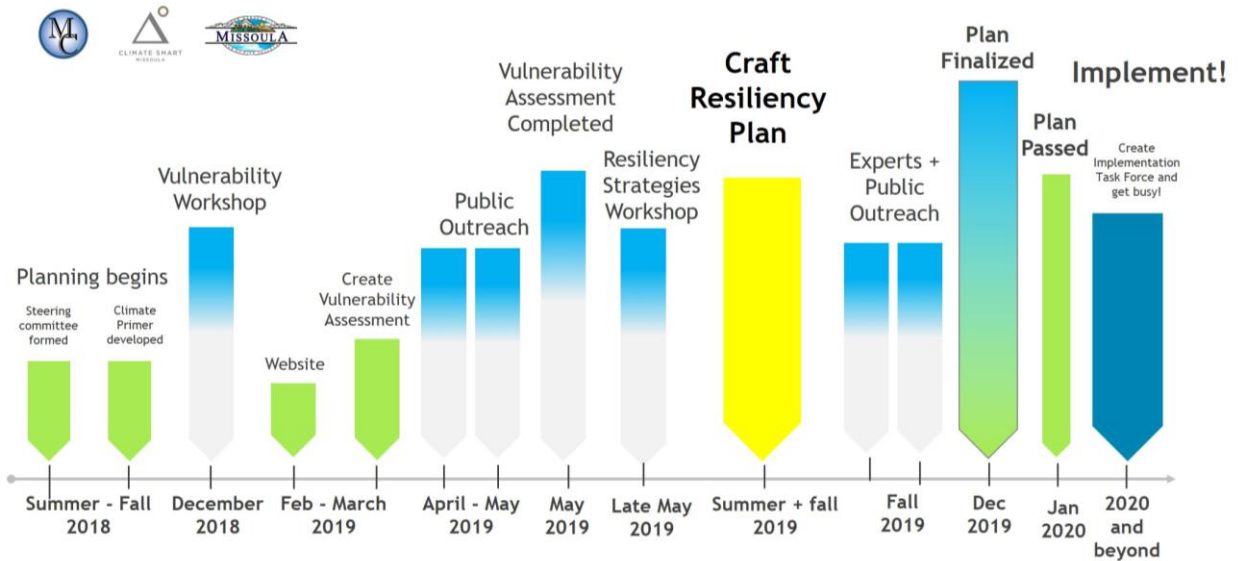
ZERO by FIFTY: Missoula’s Pathway to Zero Waste (Adopted by City Council 2018)

Goal: Reduce what the Missoula community sends to the landfill 90% by 2050

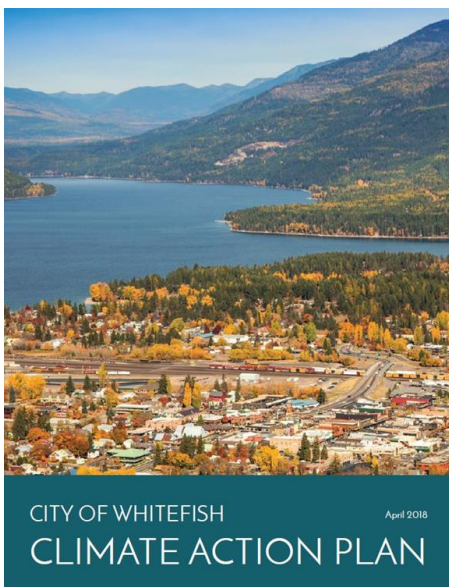
Example/Progress:

City of Missoula Purchasing Eko Compost; MDA/Downtown Tonight/Out to Lunch/River City Roots Zero; Waste/Western Montana Fair events: Logjam partnership/encouragement; Recycling Works Glass; Recycling partnership; ZERO by FIFTY Community Series; QUEST

100% Clean Electricity Resolution and Initiative (Adopted May 2019)



City of Whitefish - Focus on Local Solutions



Scope

- Reduce emissions
- Understand and prepare
- Build local resilience

Approach

- Tell personal stories
- Celebrate successes
- Bring the science home

Partners

- City
- Schools
- Climate Smart Glacier Country
- Energy Corps (NCAT)

Energy Corps Helps MT Communities

A Montana AmeriCorps program that:

- Promotes energy efficiency and save \$\$\$
- Fosters community sustainability and resilience
- Mitigates the effects of global climate change





WHY make a Climate Action Plan?

- **Council Resolution 16-64 established CAP Committee**
 - Understand and prepare for projected change
 - Improve community resiliency
 - Reduce emissions, conserve energy, save dollars
- **In June, Whitefish joined 391 other U.S. cities to support Paris Agreement**
 - Cities doing their part are key to the climate change solution
- **Emphasis on Partnership**
 - Joint project with Whitefish School District
 - Support community initiatives
 - Meet “geo-traveler” expectations for a sustainable, authentic community

... And it's smart business for the city



Local governments that face a higher risk of climate shocks are specifically asked by analysts during the rating process about their preparedness for such shocks and their activities in respect of adapting to climate trends.”

“The interplay between an issuer’s exposure to climate shocks and its resilience to this vulnerability is an increasingly important part of our credit analysis, and one that will take on even greater significance as climate change continues.”

Glacier fires 2017 and 2018



- Sperry Chalet



Melting Glaciers



Grinnell Glacier calving event - Sept. 16, 2015



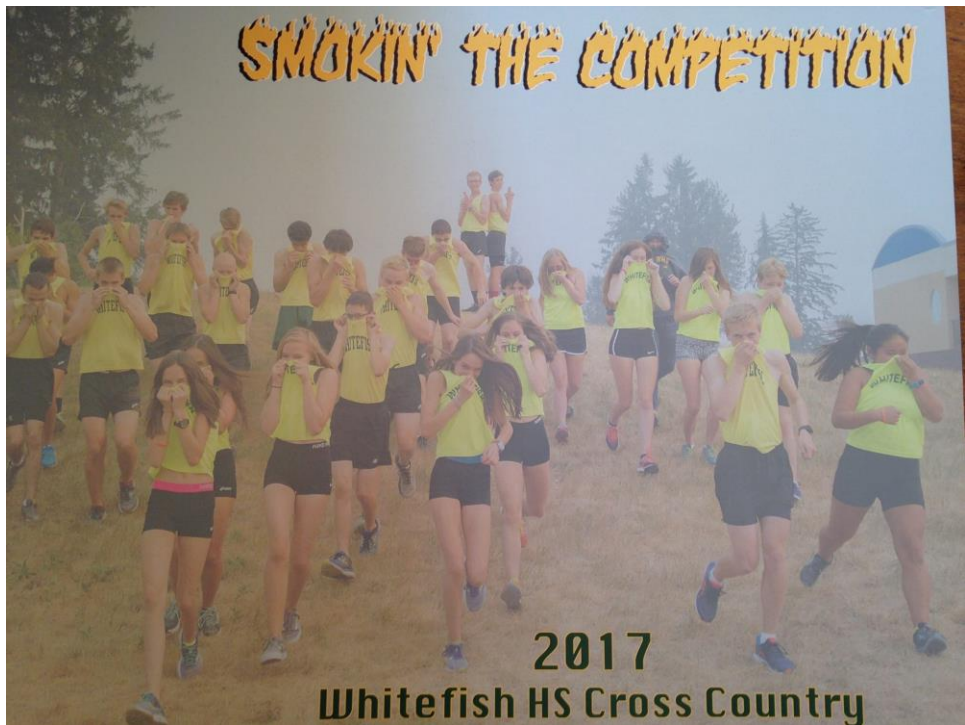
Down to 25 Glaciers from 150 in 1850



Former Siyeh Glacier, July 2016

Glacier Name	1966 Area (m ²)	2005 Area (m ²)	1966-2005 % change
Agassiz Glacier	1,589,174	1,039,077	-34.6%
Ahern Glacier	589,053	511,824	-13.1%
Baby Glacier	117,111	77,510	-33.8%
Blackfoot Glacier	2,334,983	1,787,640	-23.4%
Boulder Glacier	230,913	55,159	-76.1%
Carter Glacier	273,834	202,696	-26.0%
Chaney Glacier	535,604	379,688	-29.1%
Dixon Glacier **	452,211	241,940	-46.5%
Gem Glacier **	29,133	23,379	-20.1%
Grinnell Glacier	1,020,009	615,454	-39.7%
Harris Glacier **	152,694	34,526	-77.4%
Harrison Glacier	2,073,099	1,888,919	-8.9%
Herbst Glacier **	170,162	53,550	-68.5%
Hudson Glacier	101,288	34,197	-66.2%
Ipasha Glacier	321,745	212,030	-34.1%
Jackson Glacier **	1,541,217	1,012,444	-34.3%
Kintla Glacier	1,728,828	1,136,551	-34.3%
Logan Glacier	503,298	302,146	-40.0%
Lupfer Glacier	138,523	67,369	-51.4%
Miche Wabun Glacier	296,139	131,298	-55.7%
N. Swiftcurrent Glacier	116,651	73,117	-37.3%
Old Sun Glacier	421,254	370,257	-12.1%
Piegan Glacier	280,107	250,728	-10.5%
Pumpelly Glacier	1,489,137	1,257,211	-15.6%
Rainbow Glacier	1,284,070	1,164,060	-9.3%
Red Eagle Glacier **	206,576	97,149	-53.0%
Salamander Glacier	225,621	172,916	-23.4%
Sexton Glacier	400,444	276,780	-30.9%
Shepard Glacier	250,609	110,254	-56.0%
Siyeh Glacier	215,420	56,698	-73.7%
Sperry Glacier	1,339,244	874,229	-34.7%
Swiftcurrent Glacier	261,410	223,519	-14.5%
Thunderbird Glacier	358,284	238,331	-33.5%
Two Ocean Glacier	428,828	275,022	-35.9%
Vulture Glacier **	649,267	315,001	-51.5%
Weasel Collar Glacier	592,420	553,018	-6.7%
Whitewow Glacier	373,439	196,228	-47.5%
TOTAL	19,890,542	16,314,914	

Ice body no longer meets minimum criteria of 100,000 m² (~ 25 acres) to be classified as a glacier



Healthy Cities = Climate Health

Lori Byron, MD, FAAP

lori.byron@gmail.com

Robert Byron, MD, MPH

rgbyron@gmail.com



Climate & Health Solutions

- Healthy energy : renewable energy
- Healthy foods (plant-based), farms (regenerative) and food systems (reduced waste)
- Healthy vehicles : clean fuels and EV's
- Healthy homes/buildings : energy efficient
- Healthy cities/communities: walkable/bikeable, public transportation, trees & greenspace
- Healthy landscapes : Montana vistas
- Healthy healthcare : sustainable practices in clinics, hospitals
- Health equity : meeting the needs of the most vulnerable

**Add a Public Health Professional to your Climate Team!
(in addition to D.E.S.)**

Collaborate





Southeast Montana will see 25 days a year over 105 degrees by 2050. Heat islands in cities can be much hotter.



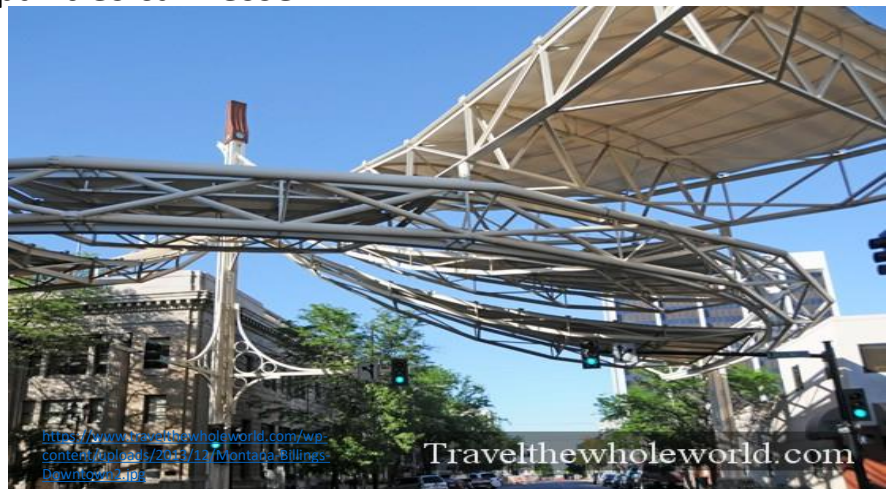
- Region of city is hotter to begin with
- Poor infrastructure
- Less able to afford electricity for fans, or to own fans, and no A/C
- Poor tree cover
- Lack of transportation to get to a cooler site

“Redesigning our cities and towns to make it easier and safer to travel by foot, bicycle, and public transportation will reduce the number of cars on the road, reduce carbon dioxide emissions, reduce traffic injuries and fatalities, and help people become more physically active, lose weight, strengthen their bones, and possibly even to remain mentally sharp as they age”



In planning for climate:

- **Our public health can improve**
- **Our cities can see more economic growth**
- **Our social disparities can lessen**



THANK YOU!



For more information about Climate Smart Montana, contact: Paul Lachapelle
406.994.3620
paul.lachapelle@montana.edu
www.msucommunitydevelopment.org/ClimateSmartMontana.html



110519 WS – Version 1
City of Great Falls Commission
Rules of Conduct and Procedure of Commission Meetings

Introduction: Rules of procedure and public debate are to facilitate the transaction of public business in an orderly way. These rules of procedure are intended to ensure that the Commission can accomplish its work efficiently, in full view of the public, and with reasonable opportunity for the public to participate in the deliberations and decisions of City government. Mont. Code Ann. § 7-3-4323 authorizes the Commission to determine its own rules and order of business.

The City Commission thus adopts these Rules of Conduct and Procedure of Commission Meetings this ____ day of _____, 2019:

Rule #	Description	Page #'s	Rule #	Description	Page #'s
Rule 1	Meetings of the City Commission	2-3	8.7	<i>Miscellaneous Reports and Announcements of Neighborhood Councils, Boards and Commissions, and the City Manager</i>	
1.1	<i>Regular Meetings</i>		8.8	<i>Consent Agenda and Contracts List Items</i>	
1.2	<i>Special Meetings</i>		8.9	<i>Legislative vs. Quasi-Judicial Hearings</i>	
1.3	<i>Emergency Meetings</i>		8.10	<i>Public Hearings</i>	
1.4	<i>Executive Session/Closed Meetings</i>		8.10.1	<i>General Procedures in Conducting Public Hearings</i>	
1.5	<i>Work Sessions</i>		8.10.2	<i>Additional Public Hearing in Subdivision Applications</i>	
Rule 2	Notice	3-4	8.10.3	<i>Continuances, Additional Comment and Public Comment</i>	
Rule 3	Requirements of an Open Meeting	4	8.11	<i>Ordinances and Resolutions - Authority and Requirements</i>	
3.1	<i>Violation of the Open Meeting Laws</i>		8.11.1	<i>Ordinances</i>	
Rule 4	Parliamentary Authority	4	8.11.2	<i>Emergency Ordinances</i>	
Rule 5	Attendance	5	8.11.3	<i>Resolutions</i>	
Rule 6	Presiding Officer	5	8.12	<i>City Commission Miscellaneous Reports, Announcements and Initiatives</i>	
6.1	<i>Mayor</i>		Rule 9	Minutes	14-15
6.2	<i>Mayor Pro Tempore</i>		9.1	<i>Regular Meeting Minutes</i>	
Rule 7	Agenda Preparation	5-6	9.2	<i>Executive/Closed Session Minutes</i>	
Rule 8	Agenda – Order of Business	6-14	Rule 10	Public Participation	15-17
8.1	<i>Roll Call, Quorum and Voting</i>		Rule 11	Public Recording	17
8.2	<i>City Manager and Staff Attendance</i>				
8.3	<i>Conflict of Interest/Disclosure</i>				
8.4	<i>Ex Parte Communications</i>				
8.5	<i>Proclamations/Presentations</i>				
8.6	<i>Petitions and Communications</i>				

Rule 1. Meetings of the City Commission

1.1 Regular Meetings

The established regular meetings of the City Commission are held in the Commission Chambers Room 206, Civic Center, 2 Park Drive South, on the first and third Tuesdays of each month beginning at 7:00 o'clock p.m., except legal holidays and federal election days.

When the day affixed for any regular meeting of the Commission falls upon a day designated by law as a legal or national holiday, such meeting may be scheduled at the same hour on the next succeeding day which is not a holiday, rescheduled to the following week day and time if there are five weeks in the month, or the meeting may be canceled by the Commission.

Commission meetings that conflict with Election Day for the general election of federal public officials shall be held on Wednesday immediately following the date of the election.

1.2 Special Meetings

Special meetings of the City Commission may be called from time to time at the discretion of the City Manager in consultation with the City Commission, when business cannot be postponed, or other matters exist which require a special meeting. The notice shall specify the subject of the special meeting and the meeting shall be limited to that subject.

1.3 Emergency Meetings

In the event of an emergency situation, such as a storm, fire, explosion, community disaster, insurrection, act of God, or other potential destruction or impairment of City property or business that affects the health and safety of the residents, employees or the functions of the City, the City Manager may call a meeting to be convened by a majority of the Commission without providing two days' notice. The City Manager shall use reasonable efforts to inform the public of the emergency meeting and to provide an agenda.

1.4 Executive Session/Closed Meetings

An individual may request that The presiding officer of any meeting may close the meeting during the time the discussion relates to a matter of the individual's privacy. if and only if the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure, the meeting will be closed. Alternatively,

The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting must be open.

A meeting may be closed to discuss litigation strategy when an open meeting would have a detrimental effect on the litigating position of the City. The meeting may not be closed to discuss strategy to be followed in litigation in which the only parties are public bodies or associations.

By majority vote in a public meeting, the Commission may hold executive sessions as ~~permitted as~~ set forth above, upon the advice of the City Attorney or retained legal counsel. The motion and vote to go into executive session must be made in public, and the reason must be stated.

No vote or formal action shall be taken in executive session, except to return to public session.

After returning to public session and calling the meeting back to order, the presiding officer or designee shall generally report what was discussed in executive session. The presiding officer shall then, if appropriate, ask the will of the Commission, and call for the vote.

Minutes of closed meetings or executive sessions shall be maintained and sealed by the City Clerk.

1.5 Work Sessions

Work Sessions shall generally be held in the Gibson Room 212 of the Civic Center on the first and third Tuesdays of each month beginning at 5:30 p.m., except on legal holidays, federal election days, or when there exists no subject matter for a work session. Work Sessions are informal meetings, generally for the purpose of conducting in-depth presentations for upcoming regular meeting items, progress reports on current programs or projects, or exploration of subjects in more detail. All discussions and conclusions thereon shall be informational and no final action may be taken, but the Commission may give direction to staff regarding items to be scheduled for a future action. An opportunity will be provided for public comment on agenda items and matters not on the agenda but within the jurisdiction of the City Commission will be provided. The City Commission is not bound by Robert's Rules of Order during informal Work Sessions.

Rule 2. Notice

The schedule of regular meetings and work sessions of the Commission has been established and followed since 1981 as the first and third Tuesdays of every month at 5:30 and 7:00 o'clock p.m.

The agenda for the meeting is a legal document that, when posted, provides additional notice to the public that the Commission is planning to meet and to conduct the public's business at a certain time and place. To perform this legally required "notice" the agenda for all official meetings of the Commission (as set forth in *Rule 1, with the exception of Emergency Meetings*) should be posted on the City's website and Great Falls Civic Center posting board on the first floor of the Civic Center, 2 Park Drive South, at least two days prior to the meeting (usually in the afternoon on the Thursday preceding the regular work session and meeting), and must set forth the date, time, place and all items to be considered.

To receive notification at the time agendas are posted on the City's website, media representatives, as well as citizens who choose to do so, may subscribe to an email subscription under "Meeting Notifications" on the City's website, and can then access the agenda reports and supporting documents through the City's website.

Pursuant to Mont. Code Ann. § 7-1-4135, the City Commission designates as its official posting place the Great Falls Civic Center posting board and the City's website.

Rule 3. Requirements of an Open Meeting

All meetings of the Commission shall be open to the public, except for those portions of meetings in limited situations as set forth in Rule 1.4. The four essential elements in the Montana "open meeting" laws are:

- If a *quorum* of the Commission is convened by either the physical presence of the members or by means of electronic equipment; and
- The Commission will *hear, discuss or act* upon a matter over which it has supervision, control, jurisdiction or advisory power; then
- The meeting *must be open to the public*; and
- Minutes of the meeting must be kept and made available for public inspection.

3.1 Violation of the Open Meeting Laws

Any decision made in violation of the open meeting laws may be declared void by a district court having jurisdiction. A suit to void a decision must be commenced within 30 days of the date ~~of~~ on which the plaintiff or petitioner learned eds, or reasonably should have learned, of the Commission's decision.

Rule 4. Parliamentary Authority

Meeting conduct, decorum, and procedures not provided for in these rules, state statute or City ordinances, shall be guided by the latest edition of *Robert's Rules of Order*.

Rule 5. Attendance

Members of the Commission shall let the presiding officer and the City Manager’s office know when he/she will be absent from meetings. Absence from more than one-third (1/3) of the regular meetings in a calendar year without a health or medical excuse shall cause that member’s position on the City Commission to become vacant.

Rule 6. Presiding Officer

6.1 Mayor

The Mayor shall be recognized as the official head and representative of the City of Great Falls for the purpose of presiding at City Commission meetings and ceremonial functions. These functions of the Mayor shall not be construed as conferring executive, personnel, or administrative powers or functions upon the mayor.

The Mayor shall serve as a member of the Commission with all the rights and privileges of City Commissioners. The Mayor shall possess no veto power over actions taken by the Commission.

The presiding officer has the authority to preserve order at all meetings of the Commission, to enforce time limits on agenda items, and to enforce the rules of the Commission.

The presiding officer may request the assistance of the Police Chief or police officer to restore order at any meeting, or cause removal of any person from any meeting for disorderly conduct.

6.2 Mayor Pro Tempore

The Mayor Pro Tempore shall serve in the absence of the elected mayor. The Commission shall elect from amongst its members a Mayor Pro Tempore no later than one month after taking office. The Mayor Pro Tempore shall serve a term of two years, or until the Commission has held an election.

Rule 7. Agenda Preparation

The purpose of an agenda is to provide a framework within which a meeting can be conducted. The agenda for a meeting provides opportunity for public participation before a final decision is taken by the Commission that is of signification interest to the public, and includes Petitions and Communications allowing the public to comment on any public matter that is not on the agenda of the meeting and that is within the jurisdiction of the Commission. However, the Commission may not take action on any matter discussed unless specific notice of that matter is included on an agenda and public comment has been allowed on that matter.

The City Manager’s Office prepares agendas for each Commission meeting specifying the date, time and place of the meeting and a brief general description of each item to be considered by the Commission. The City Manager has adopted formats for agenda report cover sheets that includes the Department, staff person, action requested, suggested motion, findings of fact/bases for decision, summary and/or background information. City staff will assist the Commission at meetings in revising language of motions or findings, if necessary.

Rule 8. Agenda – Order of Business

The agenda shall be in substantially the following form:

- Call to Order
- Pledge of Allegiance
- Roll Call/Staff Introductions
- Agenda Approval
- Conflict Disclosure/Ex Parte Communications
- Proclamations/Presentations/Oaths of Office
- Petitions and Communications
- Miscellaneous Reports and Announcements:
 - Neighborhood Councils
 - Boards and Commissions
 - City Manager
- Consent Agenda
- Public Hearings
- Old Business
- New Business
- Ordinances/Resolutions
- City Commission Miscellaneous Reports and Announcements, and Initiatives
- Adjournment

The order of business may be adjusted by consent of the Commission, but items will not be added that require action without the required public notice.

8.1 Roll Call, Quorum and Voting

The City Clerk shall take roll call to establish that a quorum exists for the Commission to take legal actions as are necessary before it. Three members of the Commission shall constitute a quorum, and the affirmative vote of three members of the Commission, unless a greater number is required by law, shall be necessary to adopt or reject any motion, resolution, ordinance, or pass or fail any measure. Upon every vote, the ayes and nays shall be called and recorded in the minutes.

A Commission member who is not physically present at a meeting at the time a motion or action item is put to a vote cannot vote, unless that member is participating by

electronic means where both audio and visual public observation of that member can be accomplished. The Commission's preference is that members attend in person and electronic participation be infrequent. Members shall not be permitted to vote by a proxy vote or by written vote.

Members of the City Commission have a duty to vote in the affirmative or negative on each motion or action item duly placed before the Commission, unless a conflict of interest precludes the vote. A member may make a brief explanation of the reason why he or she voted in a particular way.

If a quorum is not present, the presiding officer may call a short recess to take measures to obtain a quorum, or adjourn the meeting.

8.2 City Manager and Staff Attendance

The City Manager or Deputy City Manager shall attend all Commission meetings unless excused. The City Manager, Deputy City Manager, or designee, attends Commission meetings to supplement needed facts and to advise on policy, problems and projects which may not have been established by an agenda report prepared in advance of the meeting.

The City Attorney, or attorney designee, shall attend all Commission meetings unless excused, and will, upon request, give a written or oral legal opinion during the meeting or at some time thereafter. The attorney shall decide all questions of interpretations of these rules and parliamentary questions that may arise at Commission meetings.

The City Clerk, or designee, is statutorily required to attend all meetings of the Commission.

Department Directors, or designees, shall attend meetings when that department has an agenda item to provide information and respond to questions, unless excused by the City Manager or Deputy City Manager.

8.3 Conflict of Interest/Disclosure

Elected officials of the City of Great Falls are public officers as defined by Mont. Code Ann. § Title 2, Chapter 2, and OCCGF 2.21.040 and, as such, shall comply with the codes of ethics as set forth therein.

Members of the Commission may rely upon the advice of the City Attorney as to whether the member has a conflict of interest pursuant to the law or OCCGF. Some questions regarding Commission member's conduct or participation may be referred to the Great Falls Ethics Committee. If the member is advised ~~there is~~ a conflict of interest exists precluding participation on a matter, that member shall recuse himself/herself, and refrain from discussion and vote on the matter.

Prior to the presiding officer's calling the first action item on an agenda, members of the Commission shall disclose the nature of any private interest that creates a conflict relating to matters pending on the meeting's agenda.

8.4 Ex Parte Communications

"Ex Parte" communication means written or verbal communication regarding an issue of adjudicative nature, whether voluntary or occurring inadvertently, and defined as a private, ~~one-sided~~ communication between a decision-maker (Commission member) and a party/person, and which is before the Commission for consideration.

Prior to the presiding officer's calling the first action item on an agenda, members of the Commission shall disclose ex parte communications which relate to matters pending on the meeting's agenda.

8.5 Proclamations/Presentations

Proclamations highlight important issues, events, civic-minded groups or individuals, or ~~to~~ honor a group, situation or memorable occasion. Proclamations are part of the Mayor's ceremonial functions as set forth in the Charter of the City of Great Falls.

8.6 Petitions and Communications

The Petitions and Communications section of the agenda allows for public comment on any public matter that is not on the agenda of the meeting and that is within the jurisdiction of the Commission. However, the Commission may not take action on any matter ~~raised during this portion of the agenda, discussed unless specific notice of that matter is included on an agenda and public comment has been allowed on that matter.~~

8.7 Miscellaneous Reports and Announcements of Neighborhood Councils, Boards and Commissions, and the City Manager

~~These~~ portions of the agenda provides an opportunity for representatives of Neighborhood Councils or other Boards and Commissions to ~~provide~~ make miscellaneous reports and announcements. The City Manager also provides the Commission a brief update on City operations, events, or issues or of interest to the community.

8.8 Consent Agenda and Contracts List Items

Consent Agenda items are those upon which typically no discussion should be necessary. The Consent Agenda and Contracts List are used as part of the Commission meeting procedure to consolidate and dispose of routine items by one motion and vote. The Contracts List items include contracts or agreements less than the statutory threshold that require Commission pre-approval. Items may be pulled from the

Consent Agenda or Contracts List for separate discussion and/or vote by any member of the Commission.

8.9 Legislative vs. Quasi-Judicial Hearings

The Commission typically operates as a policy-making or legislative body. In that capacity, the Commission gathers information at meetings, public hearings, from informal conversations with citizens and others, from memoranda prepared by City staff, and from other sources. These conversations or memoranda do not consist of ex parte communications;¹ however, ~~should best be disclosed or shared with other Commission members in a public meeting.~~ Commission members should urge citizens to make the communication where it will be part of the public record. The Commission then deliberates and implements a policy by enacting a law, ordinance, rule or regulation. This is a legislative process by which the Commission creates citywide policy that operates prospectively from the effective date of the item adopted.

The quasi-judicial public hearing is in sharp contrast to a legislative public hearing. It is a formal hearing, restricted by clear legal restraints. Quasi-judicial is akin to a court proceeding wherein the Commission is not setting new policy but applying policies expressed by an existing ordinance, law or regulation to past or present facts presented at a hearing. Ex parte communications with other than city staff in quasi-judicial hearings must be avoided, if possible. If such ex parte communications occur, the member shall disclose the content of the communication during the public hearing to insure that everyone at the meeting is aware of the content of the communication.

The initial adoption of a municipal zoning code is a reasonably good example of a purely legislative act by the governing body. However, when the governing body makes a policy decision that provides for the administration of an existing law or policy or applies an existing policy or law to a particular person or circumstance, it is performing a quasi-judicial function.

Whenever the Commission conducts a quasi-judicial hearing, the decision must be based only on information and evidence gathered at the hearing. The decision must be based upon substantial evidence. When the application or proposal is before the Commission, the final decision must be in writing and contain the reasons for the decision, such as the findings of fact that were relied upon for reaching this final decision.

8.10 Public Hearings

~~Public hearings are scheduled by Commission action, with the exception of those mandated by a time schedule established by federal or state law, or the OCCGF. A public hearing may be held on any topic, proposed ordinance, or contemplated municipal action provided three members of the City Commission concur, for the purpose of providing public notice for reasonable opportunity for citizen participation,~~

~~and for the submission of both oral and written testimony prior to or during the public hearing, prior to making a final decision that is of significant interest to the public.~~

~~Unless specifically set forth in federal, state or the OCCGF, With the exception of those notices mandated by a time schedule established by federal or state law, or the OCCGF,~~ the general notice of public hearing must be published twice, with at least six (6) days separating each publication, and must contain: the date, time, and place of the hearing or other action; a brief statement of the action to be taken; the address and telephone number of the person who may be contacted for further information on the action to be taken; and any other information required by the specific section requiring notice by publication.

8.10.1 The general procedure in conducting a public hearing shall be as follows:

- A. The presiding officer shall announce the purpose and subject of, and open, the public hearing;
- B. The presiding officer shall ask the staff to present a staff report on the matter at issue;
- C. The presiding officer shall allow the applicant (either directly or through a representative) to provide a presentation. The applicant's presentation at the hearing is limited to ten minutes, subject to extension at the discretion of the presiding officer with the concurrence of the body;
- D. The body conducting the public hearing may adopt optional processes to allow for public questions for the purposes of understanding and clarification. If such processes are adopted, before requesting comments from proponents or opponents, the presiding officer will call for questions from the public, which will be accepted and answered in the following manner:
 - 1. All questions from the public shall be directed to the presiding officer;
 - ~~and~~
 - 2. After all questions have been presented to the presiding officer, the officer shall close the question period and request that the staff and/or the applicant provide responses to the questions;
- E. Members of the body conducting the public hearing may then direct questions to staff and/or to the applicant for the purposes of understanding and clarification of issues regarding the application;
- F. No member of the body or public shall express, or engage in, substantive opinions or discussion during the question periods;
- G. The presiding officer shall ask for comments, not questions, from the public who are in favor of the application;
- H. The presiding officer shall ask for comments, not questions, from the public who oppose the application;
- I. The presiding officer shall ask the applicant if the applicant wishes to submit additional information and/or respond to any comment made during the question or public comment periods. The applicant's submission or response is

- limited to five minutes, subject to extension at the discretion of the presiding officer with the concurrence of the body;
- J. The presiding officer shall close the public hearing;
- K. The presiding officer shall call for a motion regarding the application, and after the motion is seconded, the presiding officer shall call for discussion from the members of the body; and
- L. After the discussion by the members of the body, the presiding officer shall call for a vote.

8.10.2 Additional Public Hearing in Subdivision Applications

In subdivision applications, before a motion to approve, deny, amend, or otherwise act regarding an application, the body shall determine, under the provisions of Mont. Code Ann. §76-3-615(2)(b), whether the public comments or documents presented during the public hearing constitute new information which has not been previously submitted for public examination and comment.

- A. If the body determines that new information at the hearing meets the terms of Mont. Code Ann. §76-3-615(2)(b), the body may:
 1. Approve, conditionally approve, or deny the proposed subdivision without basing its decision on the new information if the governing body determines that the new information is either irrelevant or not credible; or
 2. Schedule, or direct City staff to schedule, a subsequent public hearing for consideration of only the new information that may impact the findings and conclusions that the body will rely upon in making its decision.
- B. An additional public hearing set according to this process, suspends the time requirements for final decision during the time between the original and the subsequent public hearings.

8.10.3 Continuances, Additional Comment and Public Comment

- A. The applicant or applicant's representative may request a continuance during the proceedings and the body conducting the public hearing may grant the continuance upon a showing of good cause.
- B. A public hearing which has been formally closed may not be reopened. If after a public hearing has been closed, a seconded motion substantially deviates from the publicly noticed suggested motion, the presiding officer may offer an opportunity for additional public comment on the motion before final action;
- C. The body, upon motion and vote, may call for an additional public hearing, if the body determines that new, relevant and credible information has been presented during the public hearing which the public and/or the body has not had a reasonable opportunity to comment upon and/or to consider.

- D. A granted continuance or an additional public hearing suspends any time requirements for final decision during the time between the original and the subsequent public hearings.

8.11 Ordinances and Resolutions – Authority and Requirements

~~Municipalities are authorized to adopt, amend and repeal ordinances and resolutions that are required to:~~

~~The City of Great Falls is a self-governing municipality. In accordance with the Montana Constitution, a local government with self-governing powers may exercise any power not prohibited by the state constitution, law, or City Charter. These powers include, but are not limited to, the following powers granted to general power governments:~~

- Preserve peace and order and secure freedom from dangerous or noxious activities;
- Secure and promote the general public health and welfare;
- Provide any service or perform any function authorized or required by state law;
- Exercise any power granted by state law;
- Levy any tax authorized by state law for public or governmental purposes subject to Mont. Code Ann. § 15-10-420;
- Appropriate public funds;
- Impose a special assessment reasonably related to the cost of any special service or special benefit provided by the municipality or impose a fee for the provision of a service;
- Grant franchises; and
- Provide for their own organization and the management of their affairs.

~~Additionally, the City may provide any services or perform any functions not expressly prohibited by the Montana constitution, state law, or the City Charter. These services and functions include, but are not limited to, those services and functions which general power government units are authorized to provide and perform. If the City elects to provide a service or perform a function that may also be provided or performed by a general power government unit, it is not subject to any limitation in the provision of that service or performance of that function except such limitations as are contained in the City Charter, or in state law specifically applicable to self-government units.~~

~~All state statutes shall be applicable to the City of Great Falls until superseded by ordinance or resolution in the manner provided in state law, and subject to the limitations provided in state law.~~

~~The powers and authority of the City of Great Falls shall be liberally construed. Every reasonable doubt as to the existence of a local government power or authority shall be resolved in favor of the existence of that power or authority.~~

8.11.1 Ordinances

An Ordinance is an act adopted by the City Commission having effect only within the jurisdiction of the municipal government.

An ordinance is a municipal law that often imposes a sanction for violation. The Commission may impose fines and penalties for the violation of any City ordinance, but a fine or penalty may not exceed \$500 and imprisonment may not exceed six (6) months.

Each proposed ordinance shall be introduced in written or printed form and shall not contain more than one comprehensive subject which shall be clearly stated in the title except for codification and revision of ordinances. The enacting clause of all ordinances passed by the Commission shall be "BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA."

No ordinance or section thereof shall be revised or amended unless the new ordinance contains the entire ordinance or section revised or amended.

An Ordinance shall be read and adopted at two meetings of the City Commission not less than twelve (12) days apart. Except for an emergency ordinance, no ordinance shall be effective until thirty (30) days after the final passage thereof or upon the contingency provided for therein.

After the first reading, the ordinance must be posted and copies must be made available to the public. Ordinances are posted on the Great Falls Civic Center posting board and the Great Falls City website.

Ordinarily, an ordinance does not require a public hearing prior to final adoption. Ordinances that do require a public hearing include, for example, ordinances pertaining to zoning, some subjects within the Land Development Code, or some subjects of a political nature or of particular concern to the community that justify calling for a public hearing. In those instances, after first reading and acceptance, the Commission will set the ordinance for a public hearing at a subsequent Commission meeting. Unless otherwise specified in state or federal law, or other provisions of the OCCGF, notice of the public hearing must be published as set forth in these Rules.

All ordinances adopted by the Commission shall be signed by the Mayor or Mayor Pro-Tempore, and attested to and filed by the City Clerk.

8.11.2 Emergency Ordinances

In the event of an emergency, the City Commission may waive the second reading. An ordinance passed in response to an emergency shall recite the facts giving rise to the emergency and requires a ~~two-thirds vote of the whole~~ four-fifths vote of the City

Commission governing body for passage. An emergency ordinance shall be effective on adoption and shall remain effective for no more than 90 days.

8.11.3 Resolutions

A resolution is a statement of policy by the City Commission or an order by the City Commission that a specific action be taken.

Each resolution shall be introduced in written or printed form and shall not contain more than one subject which shall be clearly stated in the title. The enacting clause of all resolutions passed by the Commission shall be "BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA."

No resolution or section thereof shall be revised or amended unless the new resolution contains the entire resolution or section revised or amended.

Resolutions shall be in effect from the date of passage by the Commission unless a delayed effective date is specified.

Resolutions may be submitted and adopted at a single meeting of the City Commission. Ordinarily, a resolution does not require a public hearing prior to adoption. Resolutions that do require a public hearing include, for example, resolutions establishing or changing fees, rates, charges or classifications imposed for services to its inhabitants and other persons served by the local government, annexations and other land use issues. The resolution is first typically added to the consent agenda to set the resolution for a public hearing at a subsequent Commission meeting. Unless otherwise specified in state or federal law, notice of the public hearing must be published as set forth in these Rules.

8.12 City Commission Miscellaneous Reports, Announcements and Initiatives

This portion of the agenda is for miscellaneous reports and announcements from the City Commission, as well as Commission initiatives and legislative initiatives when the State Legislature is in session, with the affirmative consent of three Commission members.

Rule 9 Minutes

9.1 Regular Meeting Minutes

Appropriate minutes of all meetings which are required by Mont. Code Ann. § 2-3-203 to be open must be kept and must be available for inspection by the public.

Pursuant to Mont. Code Ann. § 2-3-212, minutes must include without limitation: the date, time and place of the meeting; a list of the individual members of the Commission who were in attendance; the substance of all matters proposed, discussed, or decided;

and, a record of votes taken.

Pursuant to Robert's Rules of Order, minutes are a concise and official record of the proceedings of a meeting, not a verbatim transcript. The duty of the clerk is mainly to record what was "done" by the legislative body in the meeting, but not what was said by its individual members.

9.2 Executive/Closed Session Minutes

Pursuant to Mont. Code Ann. § 2-3-212(4): Any time a presiding officer closes a public meeting pursuant to Mont. Code Ann. § 2-3-203, the presiding officer shall ensure that minutes of the closed portion of the meeting are taken and kept in compliance with the requirements set forth in Section 9.1 ~~and kept of the closed portion of the meeting~~. The minutes from the closed portion of the meeting may not be made available for public inspection except pursuant to a court order.

Rule 10. Public Participation

Procedures for encouraging and assisting public participation, and established protocol and rules of decorum at public meetings held by the City Commission, are as follows:

1. Persons addressing the Commission shall come to the podium and provide for the record that person's name and address, and, if applicable, the person, firm or organization the person represents.
2. Speakers shall address their comments to the presiding officer and the Commission as a body and not to any individual member of the Commission or City staff.
3. Public hearings and public comment periods on agenda items, unless otherwise provided by law, are in the nature of advisory hearings before the Commission. They are held for the purpose of noticing legislative facts, and receiving expressions of public opinion on a question, including the views of interested parties.
4. During public hearings and public comment periods, speakers shall limit their address to the Commission on agenda items to five (5) minutes, unless further time is granted by the presiding officer with the concurrence of the Commission. During the petitions and communications portion of any meeting, speakers shall limit their address to the Commission to three (3) minutes, unless further time is granted by the presiding officer with the concurrence of the Commission.

5. Speakers shall keep their comments germane to the subject item on the agenda or, during petitions and communications, matters of significant public interest which are within the jurisdiction of the Commission. Public comment generally is not intended for a two-way dialogue between speaker(s), Commission member(s), and/or the City Manager or City staff; however, the presiding officer, with the concurrence of the Commission, may allow questions to be asked of or by speakers. ~~The time involved in such questions and replies shall not count against any time limit imposed by these protocols or by the presiding officer.~~
6. Speakers shall refrain from irrelevant or unduly repetitious communications or other behaviors, which disrupt, disturb or impede the orderly conduct of the meeting, or incite violence.
7. Speakers are prohibited from using vulgar, discriminatory, profane or impertinent speech, or personal attacks and personal accusations, which a reasonable person would conclude disrupt, disturb or impede the orderly conduct of the meeting, or incite violence.
8. Speakers and persons in the audience shall not delay or interrupt the proceedings or refuse to obey the orders of the presiding officer.
9. Audio/Visual (AV) equipment is reserved for City Commission deliberations for clarity and understanding of issues to make decisions on matters that impact the City. Citizens may submit data, views, or arguments, orally or in written form, to the Commission or City Clerk, prior to or during the meeting. Citizens wishing to submit written information while at podium shall place it on the table next to the podium, unless directed otherwise by the presiding officer.
10. Any person, including one with special needs, who may want to offer public comment on any matter, may provide a written statement for the record to the City Clerk for distribution to the Commission in lieu of offering oral comment. The time limits set forth above shall apply to any oral presentation or reading of any such written statement of testimony.
11. Objects that are deemed a threat or perceived to be a threat to persons at the meeting or the facility infrastructure are not allowed and the object, or the person possessing the object, may be subject to search for weapons and other dangerous materials. The Chief of Police or his designee(s) are authorized to remove items and/or individuals from the meeting rooms if a threat exists or is perceived to exist.

12. Speakers and persons in the audience shall refrain from creating, provoking or participating in any type of disturbance, which disrupts, disturbs or impedes the orderly conduct of City business or which incites violence, including but is not limited to, unwelcome physical contact, or verbal, physical or emotional abuse or intimidation.
13. Cell phones, pagers, smart phones or other electronic communication devices shall be put in silence mode during meetings. Persons who need to place or receive a telephone call are requested to leave the chambers for that purpose.
14. Anything other than a prepared statement by the speaker and/or related supporting documents or items ~~are~~ prohibited at the podium.
15. Failure to comply with the rules of decorum which disturbs, disrupts or impedes the orderly conduct of the meeting shall, at the discretion of the presiding officer, be ruled out of order, and may result in the speaker's removal from the podium, removal from the meeting and/or possible arrest.

Rule 11. Public Recording

Members of the public may not be prohibited from recording open meetings so long as that activity does not interfere with the conduct of the meeting. To provide for the orderly, safe and optimal ~~um~~ use of video devices with minimal disturbance of the conduct of the meeting, the established protocol is as follows:

1. A video device may not be set upon a tripod or other portable mechanical stand in a location whereby the video device and the person operating, attending or manipulating the video device, does not allow for unobstructed passage by a person using any aisle with no less than three (3) feet in width, including aisles established by movable seating.
2. Video devices mounted on a tripod or other mechanical supports or needing the running of wires to be connected or used in conjunction with the video device should, if possible, be set up prior to the opening of the meeting to avoid interfering with the conduct of the meeting and ~~impeding to not block, hinder or impede~~ public members' ability to attend, observe, and hear and participate in the meeting.
3. The operation of, attendance to, or manipulation of, a video device must be done as unobtrusively as possible and avoid producing unnecessary noise, commotion or distraction to other persons in attendance.

110519 WS – Version 2
City of Great Falls Commission
Rules of Conduct and Procedure of Commission Meetings

Introduction: Rules of procedure and public debate are to facilitate the transaction of public business in an orderly way. These rules of procedure are intended to ensure that the Commission can accomplish its work efficiently, in full view of the public, and with reasonable opportunity for the public to participate in the deliberations and decisions of City government. Mont. Code Ann. § 7-3-4323 authorizes the Commission to determine its own rules and order of business.

The City Commission thus adopts these Rules of Conduct and Procedure of Commission Meetings this ____ day of _____, 2019:

Rule #	Description	Page #'s	Rule #	Description	Page #'s
Rule 1	Meetings of the City Commission	2-3	8.7	<i>Miscellaneous Reports and Announcements of Neighborhood Councils, Boards and Commissions, and the City Manager</i>	
1.1	<i>Regular Meetings</i>		8.8	<i>Consent Agenda and Contracts List Items</i>	
1.2	<i>Special Meetings</i>		8.9	<i>Legislative vs. Quasi-Judicial Hearings</i>	
1.3	<i>Emergency Meetings</i>		8.10	<i>Public Hearings</i>	
1.4	<i>Executive Session/Closed Meetings</i>		8.10.1	<i>General Procedures in Conducting Public Hearings</i>	
1.5	<i>Work Sessions</i>		8.10.2	<i>Additional Public Hearing in Subdivision Applications</i>	
Rule 2	Notice	3-4	8.10.3	<i>Continuances, Additional Comment and Public Comment</i>	
Rule 3	Requirements of an Open Meeting	4	8.11	<i>Ordinances and Resolutions - Authority and Requirements</i>	
3.1	<i>Violation of the Open Meeting Laws</i>		8.11.1	<i>Ordinances</i>	
Rule 4	Parliamentary Authority	4	8.11.2	<i>Emergency Ordinances</i>	
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8.5	<i>Proclamations/Presentations</i>				
8.6	<i>Petitions and Communications</i>				

Rule 1. Meetings of the City Commission

1.1 Regular Meetings

The established regular meetings of the City Commission are held in the Commission Chambers Room 206, Civic Center, 2 Park Drive South, on the first and third Tuesdays of each month beginning at ~~5:30~~ ~~7:00 o'clock~~ p.m., except legal holidays and federal election days.

When the day affixed for any regular meeting of the Commission falls upon a day designated by law as a legal or national holiday, such meeting may be scheduled at the same hour on the next succeeding day which is not a holiday, rescheduled to the following week day and time if there are five weeks in the month, or the meeting may be canceled by the Commission.

Commission meetings that conflict with Election Day for the general election of federal public officials shall be held on Wednesday immediately following the date of the election.

1.2 Special Meetings

Special meetings of the City Commission may be called from time to time at the discretion of the City Manager in consultation with the City Commission, when business cannot be postponed, or other matters exist which require a special meeting. The notice shall specify the subject of the special meeting and the meeting shall be limited to that subject.

1.3 Emergency Meetings

In the event of an emergency situation, such as a storm, fire, explosion, community disaster, insurrection, act of God, or other potential destruction or impairment of City property or business that affects the health and safety of the residents, employees or the functions of the City, the City Manager may call a meeting to be convened by a majority of the Commission without providing two days' notice. The City Manager shall use reasonable efforts to inform the public of the emergency meeting and to provide an agenda.

1.4 Executive Session/Closed Meetings

An individual may request that tThe presiding officer of any meeting may close the meeting during the time the discussion relates to a matter of the individual's privacy. if and only if the presiding officer determines that the demands of individual privacy clearly exceed the merits of public disclosure, the meeting will be closed. Alternatively,

The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting must be open.

A meeting may be closed to discuss litigation strategy when an open meeting would have a detrimental effect on the litigating position of the City. The meeting may not be closed to discuss strategy to be followed in litigation in which the only parties are public bodies or associations.

By majority vote in a public meeting, the Commission may hold executive sessions as ~~permitted as~~ set forth above, upon the advice of the City Attorney or retained legal counsel. The motion and vote to go into executive session must be made in public, and the reason must be stated.

No vote or formal action shall be taken in executive session, except to return to public session.

After returning to public session and calling the meeting back to order, the presiding officer or designee shall generally report what was discussed in executive session. The presiding officer shall then, if appropriate, ask the will of the Commission, and call for the vote.

Minutes of closed meetings or executive sessions shall be maintained and sealed by the City Clerk.

1.5 Work Sessions

Work Sessions shall generally be held in the Gibson Room 212 of the Civic Center at 12:00 noon on the Wednesday following the regular meeting first and third Tuesdays of each month beginning at 5:30 p.m., except on legal holidays, ~~federal election days~~, or when there exists no subject matter for a work session. Work Sessions are informal meetings, generally for the purpose of conducting in-depth presentations for upcoming regular meeting items, progress reports on current programs or projects, or exploration of subjects in more detail. All discussions and conclusions thereon shall be informational and no final action may be taken, but the Commission may give direction to staff regarding items to be scheduled for a future action. An opportunity will be provided for public comment on agenda items and matters not on the agenda but within the jurisdiction of the City Commission will be provided. The City Commission is not bound by Robert's Rules of Order during informal Work Sessions.

Rule 2. Notice

The schedule of regular meetings and work sessions of the Commission ~~has been established and followed since 1981 as the first and third Tuesdays of every month at 5:30 and 7:00 o'clock p.m., as specified in Rules 1.1 and 1.5 of this document, will begin January, 2020.~~

The agenda for the meeting is a legal document that, when posted, provides additional notice to the public that the Commission is planning to meet and to conduct the public's business at a certain time and place. To perform this legally required "notice" the agenda for all official meetings of the Commission (as set forth in *Rule 1, with the exception of Emergency Meetings*) should be posted on the City's website and Great Falls Civic Center posting board on the first floor of the Civic Center, 2 Park Drive South, at least two days prior to the meeting (usually in the afternoon on the Thursday preceding the regular work session and meeting), and must set forth the date, time, place and all items to be considered.

To receive notification at the time agendas are posted on the City's website, media representatives, as well as citizens who choose to do so, may subscribe to an email subscription under "Meeting Notifications" on the City's website, and can then access the agenda reports and supporting documents through the City's website.

Pursuant to Mont. Code Ann. § 7-1-4135, the City Commission designates as its official posting place the Great Falls Civic Center posting board and the City's website.

Rule 3. Requirements of an Open Meeting

All meetings of the Commission shall be open to the public, except for those portions of meetings in limited situations as set forth in Rule 1.4. The four essential elements in the Montana "open meeting" laws are:

- If a *quorum* of the Commission is convened by either the physical presence of the members or by means of electronic equipment; and
- The Commission will *hear, discuss or act* upon a matter over which it has supervision, control, jurisdiction or advisory power; then
- The meeting *must be open to the public*; and
- Minutes of the meeting must be kept and made available for public inspection.

3.1 Violation of the Open Meeting Laws

Any decision made in violation of the open meeting laws may be declared void by a district court having jurisdiction. A suit to void a decision must be commenced within 30 days of the date ~~of~~ on which the plaintiff or petitioner learned eds, or reasonably should have learned, of the Commission's decision.

Rule 4. Parliamentary Authority

Meeting conduct, decorum, and procedures not provided for in these rules, state statute or City ordinances, shall be guided by the latest edition of *Robert's Rules of Order*.

Rule 5. Attendance

Members of the Commission shall let the presiding officer and the City Manager’s office know when he/she will be absent from meetings. Absence from more than one-third (1/3) of the regular meetings in a calendar year without a health or medical excuse shall cause that member’s position on the City Commission to become vacant.

Rule 6. Presiding Officer

6.1 Mayor

The Mayor shall be recognized as the official head and representative of the City of Great Falls for the purpose of presiding at City Commission meetings and ceremonial functions. These functions of the Mayor shall not be construed as conferring executive, personnel, or administrative powers or functions upon the mayor.

The Mayor shall serve as a member of the Commission with all the rights and privileges of City Commissioners. The Mayor shall possess no veto power over actions taken by the Commission.

The presiding officer has the authority to preserve order at all meetings of the Commission, to enforce time limits on agenda items, and to enforce the rules of the Commission.

The presiding officer may request the assistance of the Police Chief or police officer to restore order at any meeting, or cause removal of any person from any meeting for disorderly conduct.

6.2 Mayor Pro Tempore

The Mayor Pro Tempore shall serve in the absence of the elected mayor. The Commission shall elect from amongst its members a Mayor Pro Tempore no later than one month after taking office. The Mayor Pro Tempore shall serve a term of two years, or until the Commission has held an election.

Rule 7. Agenda Preparation

The purpose of an agenda is to provide a framework within which a meeting can be conducted. The agenda for a meeting provides opportunity for public participation before a final decision is taken by the Commission that is of signification interest to the public, and includes Petitions and Communications allowing the public to comment on any public matter that is not on the agenda of the meeting and that is within the jurisdiction of the Commission. However, the Commission may not take action on any matter discussed unless specific notice of that matter is included on an agenda and public comment has been allowed on that matter.

The City Manager’s Office prepares agendas for each Commission meeting specifying the date, time and place of the meeting and a brief general description of each item to be considered by the Commission. The City Manager has adopted formats for agenda report cover sheets that includes the Department, staff person, action requested, suggested motion, findings of fact/bases for decision, summary and/or background information. City staff will assist the Commission at meetings in revising language of motions or findings, if necessary.

Rule 8. Agenda – Order of Business

The agenda shall be in substantially the following form:

- Call to Order
- Pledge of Allegiance
- Roll Call/Staff Introductions
- Agenda Approval
- Conflict Disclosure/Ex Parte Communications
- Proclamations/Presentations/Oaths of Office
- Petitions and Communications
- Miscellaneous Reports and Announcements:
 - Neighborhood Councils
 - Boards and Commissions
 - City Manager
- Consent Agenda
- Public Hearings
- Old Business
- New Business
- Ordinances/Resolutions
- City Commission Miscellaneous Reports and Announcements, and Initiatives
- Adjournment

The order of business may be adjusted by consent of the Commission, but items will not be added that require action without the required public notice.

8.1 Roll Call, Quorum and Voting

The City Clerk shall take roll call to establish that a quorum exists for the Commission to take legal actions as are necessary before it. Three members of the Commission shall constitute a quorum, and the affirmative vote of three members of the Commission, unless a greater number is required by law, shall be necessary to adopt or reject any motion, resolution, ordinance, or pass or fail any measure. Upon every vote, the ayes and nays shall be called and recorded in the minutes.

A Commission member who is not physically present at a meeting at the time a motion or action item is put to a vote cannot vote, unless that member is participating by

electronic means where both audio and visual public observation of that member can be accomplished. The Commission's preference is that members attend in person and electronic participation be infrequent. Members shall not be permitted to vote by a proxy vote or by written vote.

Members of the City Commission have a duty to vote in the affirmative or negative on each motion or action item duly placed before the Commission, unless a conflict of interest precludes the vote. A member may make a brief explanation of the reason why he or she voted in a particular way.

If a quorum is not present, the presiding officer may call a short recess to take measures to obtain a quorum, or adjourn the meeting.

8.2 City Manager and Staff Attendance

The City Manager or Deputy City Manager shall attend all Commission meetings unless excused. The City Manager, Deputy City Manager, or designee, attends Commission meetings to supplement needed facts and to advise on policy, problems and projects which may not have been established by an agenda report prepared in advance of the meeting.

The City Attorney, or attorney designee, shall attend all Commission meetings unless excused, and will, upon request, give a written or oral legal opinion during the meeting or at some time thereafter. The attorney shall decide all questions of interpretations of these rules and parliamentary questions that may arise at Commission meetings.

The City Clerk, or designee, is statutorily required to attend all meetings of the Commission.

Department Directors, or designees, shall attend meetings when that department has an agenda item to provide information and respond to questions, unless excused by the City Manager or Deputy City Manager.

8.3 Conflict of Interest/Disclosure

Elected officials of the City of Great Falls are public officers as defined by Mont. Code Ann. § Title 2, Chapter 2, and OCCGF 2.21.040 and, as such, shall comply with the codes of ethics as set forth therein.

Members of the Commission may rely upon the advice of the City Attorney as to whether the member has a conflict of interest pursuant to the law or OCCGF. Some questions regarding Commission member's conduct or participation may be referred to the Great Falls Ethics Committee. If the member is advised there is a conflict of interest exists precluding participation on a matter, that member shall recuse himself/herself, and refrain from discussion and vote on the matter.

Prior to the presiding officer's calling the first action item on an agenda, members of the Commission shall disclose the nature of any private interest that creates a conflict relating to matters pending on the meeting's agenda.

8.4 Ex Parte Communications

"Ex Parte" communication means written or verbal communication regarding an issue of adjudicative nature, whether voluntary or occurring inadvertently, and defined as a private, ~~one-sided~~ communication between a decision-maker (Commission member) and a party/person, and which is before the Commission for consideration.

Prior to the presiding officer's calling the first action item on an agenda, members of the Commission shall disclose ex parte communications which relate to matters pending on the meeting's agenda.

8.5 Proclamations/Presentations

Proclamations highlight important issues, events, civic-minded groups or individuals, or ~~to~~ honor a group, situation or memorable occasion. Proclamations are part of the Mayor's ceremonial functions as set forth in the Charter of the City of Great Falls.

8.6 Petitions and Communications

The Petitions and Communications section of the agenda allows for public comment on any public matter that is not on the agenda of the meeting and that is within the jurisdiction of the Commission. However, the Commission may not take action on any matter ~~raised during this portion of the agenda, discussed unless specific notice of that matter is included on an agenda and public comment has been allowed on that matter.~~

8.7 Miscellaneous Reports and Announcements of Neighborhood Councils, Boards and Commissions, and the City Manager

~~These~~ portions of the agenda provides an opportunity for representatives of Neighborhood Councils or other Boards and Commissions to ~~provide~~ make miscellaneous reports and announcements. The City Manager also provides the Commission a brief update on City operations, events, or issues or of interest to the community.

8.8 Consent Agenda and Contracts List Items

Consent Agenda items are those upon which typically no discussion should be necessary. The Consent Agenda and Contracts List are used as part of the Commission meeting procedure to consolidate and dispose of routine items by one motion and vote. The Contracts List items include contracts or agreements less than the statutory threshold that require Commission pre-approval. Items may be pulled from the

Consent Agenda or Contracts List for separate discussion and/or vote by any member of the Commission.

8.9 Legislative vs. Quasi-Judicial Hearings

The Commission typically operates as a policy-making or legislative body. In that capacity, the Commission gathers information at meetings, public hearings, from informal conversations with citizens and others, from memoranda prepared by City staff, and from other sources. These conversations or memoranda do not consist of ex parte communications;¹ however, ~~should best be disclosed or shared with other Commission members in a public meeting.~~ Commission members should urge citizens to make the communication where it will be part of the public record. The Commission then deliberates and implements a policy by enacting a law, ordinance, rule or regulation. This is a legislative process by which the Commission creates citywide policy that operates prospectively from the effective date of the item adopted.

The quasi-judicial public hearing is in sharp contrast to a legislative public hearing. It is a formal hearing, restricted by clear legal restraints. Quasi-judicial is akin to a court proceeding wherein the Commission is not setting new policy but applying policies expressed by an existing ordinance, law or regulation to past or present facts presented at a hearing. Ex parte communications with other than city staff in quasi-judicial hearings must be avoided, if possible. If such ex parte communications occur, the member shall disclose the content of the communication during the public hearing to insure that everyone at the meeting is aware of the content of the communication.

The initial adoption of a municipal zoning code is a reasonably good example of a purely legislative act by the governing body. However, when the governing body makes a policy decision that provides for the administration of an existing law or policy or applies an existing policy or law to a particular person or circumstance, it is performing a quasi-judicial function.

Whenever the Commission conducts a quasi-judicial hearing, the decision must be based only on information and evidence gathered at the hearing. The decision must be based upon substantial evidence. When the application or proposal is before the Commission, the final decision must be in writing and contain the reasons for the decision, such as the findings of fact that were relied upon for reaching this final decision.

8.10 Public Hearings

~~Public hearings are scheduled by Commission action, with the exception of those mandated by a time schedule established by federal or state law, or the OCCGF. A public hearing may be held on any topic, proposed ordinance, or contemplated municipal action provided three members of the City Commission concur, for the purpose of providing public notice for reasonable opportunity for citizen participation,~~

~~and for the submission of both oral and written testimony prior to or during the public hearing, prior to making a final decision that is of significant interest to the public.~~

~~Unless specifically set forth in federal, state or the OCCGF, With the exception of those notices mandated by a time schedule established by federal or state law, or the OCCGF,~~ the general notice of public hearing must be published twice, with at least six (6) days separating each publication, and must contain: the date, time, and place of the hearing or other action; a brief statement of the action to be taken; the address and telephone number of the person who may be contacted for further information on the action to be taken; and any other information required by the specific section requiring notice by publication.

8.10.1 The general procedure in conducting a public hearing shall be as follows:

- A. The presiding officer shall announce the purpose and subject of, and open, the public hearing;
- B. The presiding officer shall ask the staff to present a staff report on the matter at issue;
- C. The presiding officer shall allow the applicant (either directly or through a representative) to provide a presentation. The applicant's presentation at the hearing is limited to ten minutes, subject to extension at the discretion of the presiding officer with the concurrence of the body;
- D. The body conducting the public hearing may adopt optional processes to allow for public questions for the purposes of understanding and clarification. If such processes are adopted, before requesting comments from proponents or opponents, the presiding officer will call for questions from the public, which will be accepted and answered in the following manner:
 - 1. All questions from the public shall be directed to the presiding officer;
 - ~~and~~
 - 2. After all questions have been presented to the presiding officer, the officer shall close the question period and request that the staff and/or the applicant provide responses to the questions;
- E. Members of the body conducting the public hearing may then direct questions to staff and/or to the applicant for the purposes of understanding and clarification of issues regarding the application;
- F. No member of the body or public shall express, or engage in, substantive opinions or discussion during the question periods;
- G. The presiding officer shall ask for comments, not questions, from the public who are in favor of the application;
- H. The presiding officer shall ask for comments, not questions, from the public who oppose the application;
- I. The presiding officer shall ask the applicant if the applicant wishes to submit additional information and/or respond to any comment made during the question or public comment periods. The applicant's submission or response is

- limited to five minutes, subject to extension at the discretion of the presiding officer with the concurrence of the body;
- J. The presiding officer shall close the public hearing;
- K. The presiding officer shall call for a motion regarding the application, and after the motion is seconded, the presiding officer shall call for discussion from the members of the body; and
- L. After the discussion by the members of the body, the presiding officer shall call for a vote.

8.10.2 Additional Public Hearing in Subdivision Applications

In subdivision applications, before a motion to approve, deny, amend, or otherwise act regarding an application, the body shall determine, under the provisions of Mont. Code Ann. §76-3-615(2)(b), whether the public comments or documents presented during the public hearing constitute new information which has not been previously submitted for public examination and comment.

- A. If the body determines that new information at the hearing meets the terms of Mont. Code Ann. §76-3-615(2)(b), the body may:
 - 1. Approve, conditionally approve, or deny the proposed subdivision without basing its decision on the new information if the governing body determines that the new information is either irrelevant or not credible; or
 - 2. Schedule, or direct City staff to schedule, a subsequent public hearing for consideration of only the new information that may impact the findings and conclusions that the body will rely upon in making its decision.
- B. An additional public hearing set according to this process, suspends the time requirements for final decision during the time between the original and the subsequent public hearings.

8.10.3 Continuances, Additional Comment and Public Comment

- A. The applicant or applicant's representative may request a continuance during the proceedings and the body conducting the public hearing may grant the continuance upon a showing of good cause.
- B. A public hearing which has been formally closed may not be reopened. If after a public hearing has been closed, a seconded motion substantially deviates from the publicly noticed suggested motion, the presiding officer may offer an opportunity for additional public comment on the motion before final action;
- C. The body, upon motion and vote, may call for an additional public hearing, if the body determines that new, relevant and credible information has been presented during the public hearing which the public and/or the body has not had a reasonable opportunity to comment upon and/or to consider.

- D. A granted continuance or an additional public hearing suspends any time requirements for final decision during the time between the original and the subsequent public hearings.

8.11 Ordinances and Resolutions – Authority and Requirements

~~Municipalities are authorized to adopt, amend and repeal ordinances and resolutions that are required to:~~

~~The City of Great Falls is a self-governing municipality. In accordance with the Montana Constitution, a local government with self-governing powers may exercise any power not prohibited by the state constitution, law, or City Charter. These powers include, but are not limited to, the following powers granted to general power governments:~~

- Preserve peace and order and secure freedom from dangerous or noxious activities;
- Secure and promote the general public health and welfare;
- Provide any service or perform any function authorized or required by state law;
- Exercise any power granted by state law;
- Levy any tax authorized by state law for public or governmental purposes subject to Mont. Code Ann. § 15-10-420;
- Appropriate public funds;
- Impose a special assessment reasonably related to the cost of any special service or special benefit provided by the municipality or impose a fee for the provision of a service;
- Grant franchises; and
- Provide for their own organization and the management of their affairs.

~~Additionally, the City may provide any services or perform any functions not expressly prohibited by the Montana constitution, state law, or the City Charter. These services and functions include, but are not limited to, those services and functions which general power government units are authorized to provide and perform. If the City elects to provide a service or perform a function that may also be provided or performed by a general power government unit, it is not subject to any limitation in the provision of that service or performance of that function except such limitations as are contained in the City Charter, or in state law specifically applicable to self-government units.~~

~~All state statutes shall be applicable to the City of Great Falls until superseded by ordinance or resolution in the manner provided in state law, and subject to the limitations provided in state law.~~

~~The powers and authority of the City of Great Falls shall be liberally construed. Every reasonable doubt as to the existence of a local government power or authority shall be resolved in favor of the existence of that power or authority.~~

8.11.1 Ordinances

An Ordinance is an act adopted by the City Commission having effect only within the jurisdiction of the municipal government.

An ordinance is a municipal law that often imposes a sanction for violation. The Commission may impose fines and penalties for the violation of any City ordinance, but a fine or penalty may not exceed \$500 and imprisonment may not exceed six (6) months.

Each proposed ordinance shall be introduced in written or printed form and shall not contain more than one comprehensive subject which shall be clearly stated in the title except for codification and revision of ordinances. The enacting clause of all ordinances passed by the Commission shall be "BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA."

No ordinance or section thereof shall be revised or amended unless the new ordinance contains the entire ordinance or section revised or amended.

An Ordinance shall be read and adopted at two meetings of the City Commission not less than twelve (12) days apart. Except for an emergency ordinance, no ordinance shall be effective until thirty (30) days after the final passage thereof or upon the contingency provided for therein.

After the first reading, the ordinance must be posted and copies must be made available to the public. Ordinances are posted on the Great Falls Civic Center posting board and the Great Falls City website.

Ordinarily, an ordinance does not require a public hearing prior to final adoption. Ordinances that do require a public hearing include, for example, ordinances pertaining to zoning, some subjects within the Land Development Code, or some subjects of a political nature or of particular concern to the community that justify calling for a public hearing. In those instances, after first reading and acceptance, the Commission will set the ordinance for a public hearing at a subsequent Commission meeting. Unless otherwise specified in state or federal law, or other provisions of the OCCGF, notice of the public hearing must be published as set forth in these Rules.

All ordinances adopted by the Commission shall be signed by the Mayor or Mayor Pro-Tempore, and attested to and filed by the City Clerk.

8.11.2 Emergency Ordinances

In the event of an emergency, the City Commission may waive the second reading. An ordinance passed in response to an emergency shall recite the facts giving rise to the emergency and requires a ~~two-thirds vote of the whole~~ four-fifths vote of the City

Commission governing body for passage. An emergency ordinance shall be effective on adoption and shall remain effective for no more than 90 days.

8.11.3 Resolutions

A resolution is a statement of policy by the City Commission or an order by the City Commission that a specific action be taken.

Each resolution shall be introduced in written or printed form and shall not contain more than one subject which shall be clearly stated in the title. The enacting clause of all resolutions passed by the Commission shall be "BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF GREAT FALLS, MONTANA."

No resolution or section thereof shall be revised or amended unless the new resolution contains the entire resolution or section revised or amended.

Resolutions shall be in effect from the date of passage by the Commission unless a delayed effective date is specified.

Resolutions may be submitted and adopted at a single meeting of the City Commission. Ordinarily, a resolution does not require a public hearing prior to adoption. Resolutions that do require a public hearing include, for example, resolutions establishing or changing fees, rates, charges or classifications imposed for services to its inhabitants and other persons served by the local government, annexations and other land use issues. The resolution is first typically added to the consent agenda to set the resolution for a public hearing at a subsequent Commission meeting. Unless otherwise specified in state or federal law, notice of the public hearing must be published as set forth in these Rules.

8.12 City Commission Miscellaneous Reports, Announcements and Initiatives

This portion of the agenda is for miscellaneous reports and announcements from the City Commission, as well as Commission initiatives and legislative initiatives when the State Legislature is in session, with the affirmative consent of three Commission members.

Rule 9 Minutes

9.1 Regular Meeting Minutes

Appropriate minutes of all meetings which are required by Mont. Code Ann. § 2-3-203 to be open must be kept and must be available for inspection by the public.

Pursuant to Mont. Code Ann. § 2-3-212, minutes must include without limitation: the date, time and place of the meeting; a list of the individual members of the Commission who were in attendance; the substance of all matters proposed, discussed, or decided;

and, a record of votes taken.

Pursuant to Robert's Rules of Order, minutes are a concise and official record of the proceedings of a meeting, not a verbatim transcript. The duty of the clerk is mainly to record what was "done" by the legislative body in the meeting, but not what was said by its individual members.

9.2 Executive/Closed Session Minutes

Pursuant to Mont. Code Ann. § 2-3-212(4): Any time a presiding officer closes a public meeting pursuant to Mont. Code Ann. § 2-3-203, the presiding officer shall ensure that minutes of the closed portion of the meeting are taken and kept in compliance with the requirements set forth in Section 9.1 ~~and kept of the closed portion of the meeting~~. The minutes from the closed portion of the meeting may not be made available for public inspection except pursuant to a court order.

Rule 10. Public Participation

Procedures for encouraging and assisting public participation, and established protocol and rules of decorum at public meetings held by the City Commission, are as follows:

1. Persons addressing the Commission shall come to the podium and provide for the record that person's name and address, and, if applicable, the person, firm or organization the person represents.
2. Speakers shall address their comments to the presiding officer and the Commission as a body and not to any individual member of the Commission or City staff.
3. Public hearings and public comment periods on agenda items, unless otherwise provided by law, are in the nature of advisory hearings before the Commission. They are held for the purpose of noticing legislative facts, and receiving expressions of public opinion on a question, including the views of interested parties.
4. During public hearings and public comment periods, speakers shall limit their address to the Commission on agenda items to five (5) minutes, unless further time is granted by the presiding officer with the concurrence of the Commission. During the petitions and communications portion of any meeting, speakers shall limit their address to the Commission to three (3) minutes, unless further time is granted by the presiding officer with the concurrence of the Commission.

5. Speakers shall keep their comments germane to the subject item on the agenda or, during petitions and communications, matters of significant public interest which are within the jurisdiction of the Commission. Public comment generally is not intended for a two-way dialogue between speaker(s), Commission member(s), and/or the City Manager or City staff; however, the presiding officer, with the concurrence of the Commission, may allow questions to be asked of or by speakers. ~~The time involved in such questions and replies shall not count against any time limit imposed by these protocols or by the presiding officer.~~
6. Speakers shall refrain from irrelevant or unduly repetitious communications or other behaviors, which disrupt, disturb or impede the orderly conduct of the meeting, or incite violence.
7. Speakers are prohibited from using vulgar, discriminatory, profane or impertinent speech, or personal attacks and personal accusations, which a reasonable person would conclude disrupt, disturb or impede the orderly conduct of the meeting, or incite violence.
8. Speakers and persons in the audience shall not delay or interrupt the proceedings or refuse to obey the orders of the presiding officer.
9. Audio/Visual (AV) equipment is reserved for City Commission deliberations for clarity and understanding of issues to make decisions on matters that impact the City. Citizens may submit data, views, or arguments, orally or in written form, to the Commission or City Clerk, prior to or during the meeting. Citizens wishing to submit written information while at podium shall place it on the table next to the podium, unless directed otherwise by the presiding officer.
10. Any person, including one with special needs, who may want to offer public comment on any matter, may provide a written statement for the record to the City Clerk for distribution to the Commission in lieu of offering oral comment. The time limits set forth above shall apply to any oral presentation or reading of any such written statement of testimony.
11. Objects that are deemed a threat or perceived to be a threat to persons at the meeting or the facility infrastructure are not allowed and the object, or the person possessing the object, may be subject to search for weapons and other dangerous materials. The Chief of Police or his designee(s) are authorized to remove items and/or individuals from the meeting rooms if a threat exists or is perceived to exist.

12. Speakers and persons in the audience shall refrain from creating, provoking or participating in any type of disturbance, which disrupts, disturbs or impedes the orderly conduct of City business or which incites violence, including but is not limited to, unwelcome physical contact, or verbal, physical or emotional abuse or intimidation.
13. Cell phones, pagers, smart phones or other electronic communication devices shall be put in silence mode during meetings. Persons who need to place or receive a telephone call are requested to leave the chambers for that purpose.
14. Anything other than a prepared statement by the speaker and/or related supporting documents or items ~~are~~ prohibited at the podium.
15. Failure to comply with the rules of decorum which disturbs, disrupts or impedes the orderly conduct of the meeting shall, at the discretion of the presiding officer, be ruled out of order, and may result in the speaker's removal from the podium, removal from the meeting and/or possible arrest.

Rule 11. Public Recording

Members of the public may not be prohibited from recording open meetings so long as that activity does not interfere with the conduct of the meeting. To provide for the orderly, safe and optimal ~~um~~ use of video devices with minimal disturbance of the conduct of the meeting, the established protocol is as follows:

1. A video device may not be set upon a tripod or other portable mechanical stand in a location whereby the video device and the person operating, attending or manipulating the video device, does not allow for unobstructed passage by a person using any aisle with no less than three (3) feet in width, including aisles established by movable seating.
2. Video devices mounted on a tripod or other mechanical supports or needing the running of wires to be connected or used in conjunction with the video device should, if possible, be set up prior to the opening of the meeting to avoid interfering with the conduct of the meeting and ~~impeding to not block, hinder or impede~~ public members' ability to from attending, observing, and hearing and participate in the meeting.
3. The operation of, attendance to, or manipulation of, a video device must be done as unobtrusively as possible and avoid producing unnecessary noise, commotion or distraction to other persons in attendance.

DATE, 2019

ADDRESS:

Re: Request for Proposal

Dear NAME:

On February 5, 2019, under "Commission Initiatives" at a regularly scheduled meeting of the Great Falls City Commission, the Commissioners consented to explore a potential partnership with the Maclean-Cameron Animal Adoption Center (MCAAC). The initial review was conducted by Commissioner Robinson and Commissioner Moe.

On July 2, 2019, the City Commissioners felt that they had gone as far as they could go, and directed staff to take over exploration efforts with a majority of Commissioners consenting.

By way of this letter, I am inviting the MCAAC to provide the City of Great Falls with an animal welfare service proposal. At the time the Commissioners directed staff to take over partnership exploration, I commented that the process would be simplified if the MCAAC would provide the City with a Service Proposal for consideration.

The attached Service Proposal outline affords MCAAC the opportunity to present options for current City animal welfare services and operations as a complement to the Great Falls Animal Shelter. It is the ultimate goal of the City Commission to save money on the provision of animal welfare services. The Commission desires to find ways of partnering with MCAAC, an existing facility so as not to duplicate animal services in Great Falls.

For the purposes of this Request for Proposal, I have determined that the use of competitive sealed bidding process is not practical for the potential services requested by the City Commission, nor is it advantageous to the City because of the unique service requirements needed (OCCGF 3.8.040).

I have also determined that a service contract may be awarded for a supply or service item without competition because there is only one source for the required supply or service item. However, the City will require the submission of cost or pricing data in connection with an award under this section (OCCGF 3.8.060).

Any proposal submitted by the MCAAC is subject to the City's insurance requirements pursuant to OCCOGF 3.8.140 - Insurance requirements and limits. Specifically, the proposal shall contain a description of the required insurance and limits as pertains to the type of service contract.

Any proposal accepted by the City shall also contain approval of MCAAC's accounting system (OCCOGF 3.8.100) unless the cost for services is fixed. Otherwise, the proposed contractor's accounting system will permit timely development of all necessary cost data in the form required by the specific contract type contemplated, and the contractor's accounting system is adequate to allocate costs in accordance with generally accepted accounting principles.

Finally, the City Commission retains the authority to reject any proposal for any reason (OCCGF 3.8.070). Request for proposals or other solicitation may be canceled or proposals may be rejected in whole or in part, when it is in the best interests of the City. The option to cancel or reject shall apply whether or not it is specified in the solicitation.

Any information provided to the City of Great Falls is public information. Any proposal considered by the City Commission will be publicly discussed. Questions will arise during the course of that conversation that may require additional explanation, documentation, or verification by MCAAC.

In terms of process, once the proposal is received, there will likely be additional questions or information needed to validate the proposal. If a majority of the City Commission is interested in the proposal concept, they will then direct staff to finalize the proposal in a formal agreement with the MCAAC. I envision finalization process to include meetings between the parties, work sessions with the City Commission, and final Agreement ratification at a City Commission meeting.

The request outline is attached. Since I do not know the full scope of services to be offered, the outline is broad and flexible. **The proposal is due TBD.**

Please let me know if you have any questions.

Very truly yours,

Gregory T. Doyon
City Manager

**City of Great Falls
Request for Proposals
Animal Welfare Services**

Section 1 - Proponent Information

Please provide the following:

- Organization Name
- Brief history of the organization
 - Incorporation date
 - Governance structure
 - Current services offered
- Organizational Chart
 - Number and types of positions
- Organizational Bylaws

Section 2 - Statement of Intent

Please respond to the following:

- Why is the organization interested in providing a proposal to the City of Great Falls?
- What are the organization's long term goals as it relates to the animal welfare in the city, county and region?
- What challenges and opportunities exist to partner with the City of Great Falls?
- Does the organization have any plans to expand its services or facility in the future?
- What experience and ability does the MCAAC possess to provide proposed services? Please explain in detail.

Section 3 – Animal Welfare Services proposed

- What specific service or services is the organization interested in providing to the City of Great Falls?
 - What is the term of the agreement including start date?
 - What animals are to be served?
 - Any limitations on animal types or numbers or services that currently exist?
- Describe the organization's experience and capabilities.
 - How is the organization prepared, organized, staffed, to provide the proposed services now and in the future?
 - What expertise does the organization have to provide these services?
 - What is the facility's capacity to provide the proposed service?
 - Are there any exceptions or limits on the amount of services proposed?
 - Please provide a timeline detailing the timeframe and steps needed to provide the service.
- Who would administer the service contract?
 - Explain the complaint resolution process related to service concerns.

- What is the area served for the proposed service?
 - City, County, Statewide?
- Describe in detail, the proposed process for securing animals from the Great Falls Animal Shelter.
- Demonstrate your understanding of local, State, federal laws and guidelines relating to animal care.
 - What recognized (industry standard) guidelines does your organization follow?

Section 4 – Service Cost and Financial Requirements

- Describe the methodology and cost for the services proposed.
 - Are the proposed costs fixed?
 - If not, what are the projected annual expenses to the City for the service?
 - If the service costs more than expected, how will MCAAC address the deficit?
- Describe and demonstrate the financial capability and stability of the organization to provide the services proposed.
 - Please provide detail about the MCAAC’s budget for the past five years including:
 - Revenues (including donations)
 - Expenditures
 - Debt Service
 - Endowments
- The proposed service proposal may be subject to the State of Montana Prevailing Wage Rates. The proposer and any of their subcontractors doing work on this project will be required to obtain registration with the Montana Department of Labor and Industry (DLI). State of Montana Prevailing Wage Rates for Non-Construction Services are in effect for this contract (see attachment C). The CONTRACTOR must ensure that employees and applicants for employment are not discriminated against because of their race, color, religion, sex or national origin and the CONTRACTOR shall provide that at least 50% of the workers of each contractor working on the project will be bona fide Montana residents in compliance with 18-2-403 (1) and 18-2-409, MCA.

Section 5 - References

- Please provide references that the City may contact to discuss the qualifications of the organization to provide the proposed services.

From: [Mary Sheehy Moe](#)
To: [Greg Doyon](#)
Subject: Response to Draft RFP on Complementary Animal Care
Date: Tuesday, October 29, 2019 3:27:00 PM
Attachments: [animal care RFP 2.moe.docx](#)

Dear Greg,

Having pondered the draft RFP you presented to us at the end of the Oct. 15 work session for a while, I still think that an RFP that would entertain proposals beyond those provided by the Maclean Cameron Animal Adoption is the wiser course of action.

I would also like to see the Commission agree on what we hope to gain from the successful proposal. For me it's the three bulleted items in the attachment, but I would be interested in the perspectives of other commissioners.

I was not able to find the original document in the electronic agenda packet for the meeting, so I just worked from scratch to create a front page that is more aligned with my understanding of where we've been and my vision of where we go from here. I also suggest changes in the RFP itself ... or at least things I need more information on before I am fine with it.

Best,

Mary

DATE 2019
ADDRESS

RE: Request for Proposal

Dear NAME:

On February 5, 2019, under “Commission Initiatives” at a regularly scheduled meeting of the Great Falls City Commission, the Commissioners consented to the suggestion of Commissioner Robinson to explore a potential partnership with the Maclean-Cameron Animal Adoption Center (MCAAC). The initial exploration was conducted by Commissioner Robinson and Commissioner Moe.

On July 2, 2019, at a regularly scheduled work session of the City Commission, Commissioners Robinson and Moe reported that they had gone as far as they could go with the initiative and, without objection from the rest of the Commission, directed staff to take over exploration efforts.

Having conducted exploratory conversations with MCAAC representatives and having gathered relevant information internally and externally, City staff has recommended and the City Commission concurs that a request for proposals for services and operations complementary to the Great Falls Animal Shelter (GFAS) should be issued.

The successful proposal must establish that the proposed complementary services and operations will:

- Provide at least the same quality of care as that currently provided by the GFAS;
- Not create significant inefficiencies or gaps in service between the duties assumed by the proposing body and those retained by GFAS; and
- Result in substantial savings to the City of Great Falls.

[keep second page as is, but keep the proposal generic, rather than identify MCAAC as the sole entity submitting a proposal]

On the Request for Proposals itself, I think information related to the three criteria bulleted above should be the primary focus of the requested information. When the proposing entity’s history, organization, governance or budget is germane to those criteria, they should be included in the proposal; otherwise, not.

When we are contracting outside entities for other services, do we ask for their governance structure, history, and budget unrelated to the services proposed? Do we inquire about their overall intent and their future expansion plans?