



**AGENDA
CITY OF LAUREL
CITY COUNCIL WORKSHOP
TUESDAY, OCTOBER 06, 2020
6:30 PM
COUNCIL CHAMBERS**

Public Input: *Citizens may address the Council regarding any item of City business that is not on tonight's agenda. The duration for an individual speaking under Public Input is limited to three minutes. While all comments are welcome, the Council will not take action on any item not on the agenda. If a citizen would like to speak or comment regarding an item that is on tonight's agenda, we ask that you wait until the agenda item is presented to the Council by the Mayor and the public is asked to comment by the Mayor. Once again, each speaker is limited to three minutes.*

Be advised, if a discussion item has an upcoming public hearing, we would request members of the public to reserve your comments until the public hearing. At the public hearing, the City Council will establish an official record that will include all of your comments, testimony and written evidence. The City Council will base its decision on the record created during the public hearing. Any comments provided tonight will not be included in the record or considered by the City Council.

General Items

1. Appointment of Clint Willis and Levi Dostal to the Laurel Volunteer Fire Department

Executive Review

2. Resolution - Riverside Park Campground Rules
3. Resolution - MSA Amendment with KLJ
4. Resoluion - CBDG Grant
5. Resolution - Dyer Boulevard Request

Council Issues

6. Christmas To Remember Discussion
7. Update on Public Works Projects
8. Regal Subdivision Discussion
9. Conflict of Interest Discussion
10. Fire Department CIP Discussion

Other Items

Review of Draft Council Agendas

Attendance at Upcoming Council Meeting

Announcements

The City makes reasonable accommodations for any known disability that may interfere with a person's ability to participate in this meeting. Persons needing accommodation must notify the City Clerk's Office to make needed arrangements. To make your request known, please call 406-628-7431, Ext. 2, or write to City Clerk, PO Box 10, Laurel, MT 59044, or present your request at City Hall, 115 West First Street, Laurel, Montana.

DATES TO REMEMBER

File Attachments for Item:

Appointment of Clint Willis and Levi Dostal to the Laurel Volunteer Fire Department

City of Laurel
PO Box 10
Laurel, Mt. 59044

September 17, 2020

Mayor and Laurel City Council,

The following have been selected by the members of the Laurel Volunteer Fire Department/ Association to become volunteers.

Firefighter

Clint Willis
Levi Dostal

Both have been selected unanimously by the Department and are seeking your appointment.

All personnel have been approved by the Chief of the Department.

A handwritten signature in blue ink, appearing to read "Brent Peters".

Brent Peters
Fire Chief
Laurel Volunteer Fire Department

File Attachments for Item:

2. Resolution - Riverside Park Campground Rules

RESOLUTION NO. R20-

**A RESOLUTION OF THE CITY COUNCIL APPROVING RULES FOR USE OF
THE CITY'S RIVERSIDE PARK CAMPGROUND.**

BE IT RESOLVED by the City Council of the City of Laurel, Montana,

Section 1: Approval. The Riverside Park Campground Rules recommended by the City's Park Board, a copy attached hereto and incorporated herein, is hereby approved.

Section 2: Adoption. The City Clerk and Public Works Department shall maintain copies of the Riverside Park Campground Rules for members of the public who desire to utilize and/or camp at the City Park and such rules shall be enforced by the appropriate City Staff.

Introduced at a regular meeting of the City Council on March 10, 2020, by Council Member _____.

PASSED and APPROVED by the City Council of the City of Laurel, Montana, this ___ day of _____ 2020.

APPROVED by the Mayor this ___ day of _____ 2020.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, City Clerk/Treasurer

Approved as to form:

Sam S. Painter, Civil City Attorney

RIVERSIDE PARK CAMPGROUND



Riverside Park Campground Rules

- RV and Tent camping are limited to 16 days, within a consecutive 30-day period, beginning with the first night's stay.
- Campfires are not permitted except in provided campfire rings. Campfires must be attended and extinguished prior to leaving the campsite. Campfires may be restricted during periods of high fire danger.
- Dogs must be leashed with no longer than an 8-foot tether. Service animals, clearly identified as such, are exempt from the leash rule.
- Individuals bringing domestic pets into the campground shall be responsible for proper removal and disposal of any waste produced by the pet. Failure to pick up pet waste will be grounds for eviction from the campground.
- No outside storage of food or trash is permitted at the campsite. Store food within a vehicle or camper and use the provided dumpsters, located within Riverside Park, for trash.
- No RV, camping, or human waste dumping of any kind is allowed.
- The discharging of any firearms, including BB guns or pellet guns, is a violation of Laurel Municipal Code, and therefore not permitted at any time.
- No discharging of Fireworks is allowed, at any time.
- Speed limit shall be 10 mph.
- Free standing portable gas grills are allowed but must be attended when in use. No tabletop grilling campground equipment is allowed.
- Driving of vehicles is allowed only on designated roads or parking pads.
- Quiet hours are 10 pm until 6 am.
- Metal detectors are not allowed.
- Check in time after 2pm. Check out time will be by 11 am.
- No wood collecting from any trees or shrubs in Riverside Park, for the purpose of starting or maintaining a campfire is allowed.
- No unattended campsite, tent, or vehicles for more than 24 hours is allowed, and after 48 hours they will be subject to impound and removal.
- The maximum limits for a single occupancy campsite shall be 8 people, one camping unit, and two additional tents, unless otherwise authorized (by who).
- No use of unmanned aircraft, drones, or radio-controlled toys allowed in campground.
- Consumption of alcohol is permitted within the boundaries of the individual campsites only.
- No operation of generators during the established quiet hours.
- No excessive noise created from any person, radio, tv or any other equipment that disturbs other visitors.
- All campers must pay the appropriate fee for camping as set by resolution of the Laurel City Council. Failure to pay for every night's stay will result in expulsion from the campground.
- Penalties for violation of the campground rules will result in:
 - First violation - expulsion from the campground for 48 hours.
 - Second violation - 7-day suspension from the campground.
 - Third violation – permanent ban from campground.

File Attachments for Item:

3. Resolution - MSA Amendment with KLJ

RESOLUTION NO. R20-_____

A RESOLUTION APPROVING AN AMENDMENT TO THE ENGINEER-OWNER AGREEMENT BETWEEN THE CITY OF LAUREL AND KADRMAS, LEE & JACKSON, INC. (“KLJ”) EXTENDING THE TERM OF THE AGREEMENT TO 2025 AND AUTHORIZING THE MAYOR TO SIGN THE AMENDMENT ON THE CITY’S BEHALF.

WHEREAS, the City began utilizing the firm KLJ in December 2017 for the City’s general engineering services after utilizing a formal request proposals process; and

WHEREAS, City staff and the administration desire to maintain the City’s relationship with KLJ and is currently recommending an extension of the Agreement between the Parties is in the City’s best interest; and

WHEREAS, upon the City’s request, KLJ prepared the attached Amendment for the City Council’s review and consideration; and

WHEREAS, the Mayor and City Staff recommend the City Council’s approval of the attached Amendment at this time.

NOW, THEREFORE, BE IT RESOLVED the City Council hereby authorizes the Mayor to sign the attached Amendment to extend the Agreement term with Kadrmas, Lee & Jackson, Inc. to continue providing engineering services for the City of Laurel as provided in the attached Amendment.

Introduced at a regular meeting of the City Council on _____, 2020, by Council Member _____.

PASSED and APPROVED by the City Council of the City of Laurel this ___ day of _____, 2020.

APPROVED by the Mayor this ___ day of _____, 2020.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

Approved as to form:

Sam S. Painter, Civil City Attorney

AMENDMENT TO ENGINEER-OWNER AGREEMENT
Amendment No. One (1)

Background Data

- a. Effective Date of Engineer-Owner Agreement: December 5, 2017
- b. Engineer: KLJ Engineering LLC
- c. Owner: City of Laurel Montana
- d. Project: 3-Year Term Contract for Professional Services
- e. This Part of the Project: Article 3—Term: Times for Rendering Services

Nature of Amendment (check all that apply)

- Additional services to be performed by Engineer
- Modifications to services of Engineer
- Modifications to responsibilities of Owner
- Modifications to payment to Engineer
- Modifications to time(s) for rendering Services

Description of Modifications

The 3-year term contract is renewed and will extend through the 2020-2025 cycle. The Standard Form of Agreement Between Owner and Engineer for Professional Services Task Order Edition (EJCDC No E-505) between the City of Laurel and KLJ Engineering LLC was originally dated December 5, 2017. This document is attached for Reference. The Agreement is hereby amended as follows:

- 1) The Effect Date of the Agreement is modified to the the same date as the Effective Date of this Amendment No. 1, which is October 13, 2020.
- 2) Article 3.01 C of the Agreement (page 2 of 18) is amended to read “Engineer will provide written notice to Owner within 90 days of the Agreement end date, or by August 16, 2025 as a reminder to Owner that the Agreement term limit is approaching”

Engineer and Owner hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect. The Effective Date of this Amendment is October 13, 2020.

Attachments: Original Agreement

ENGINEER: KLJ Engineering LLC

OWNER: City of Laurel

By: _____

By: Thomas C. Nelson

Title: _____

Title: Mayor

Date Signed: _____

Date Signed: _____

File Attachments for Item:

4. Resoltuion - CBDG Grant

RESOLUTION NO. R20-_____

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE SUBMISSION OF A CDBG GRANT APPLICATION AND TO COMMIT THE MATCHING FUNDS REQUIRED BY THE CREATING AGENCY.

WHEREAS, the City intends to apply to the US Department of Housing and Urban Development for financial assistance from the Community Development Block Grant (CDBG) to prepare a Capital Improvement Plan for the City's Departments;

WHEREAS, the City's engineering firm is currently assisting the City with the preparation of the grant and all requirements of the program;

WHEREAS, the City of Laurel agrees to comply with all laws, regulations, rules, and requirements described in the CDBG Project Administration Manual;

WHEREAS, the Mayor requests authority to authorize and execute all documents required in order for the City to apply for and accept the grant on the City's behalf.

NOW, THEREFORE, BE IT RESOLVED the City Council hereby authorizes the Mayor and KLJ to prepare and submit a CDBG Grant application to the funding agency and further authorizes the Mayor to execute any required documents on the City's behalf in order to apply for and obtain the herein described grant.

Introduced at a regular meeting of the City Council on _____, 2020, by Council Member _____.

PASSED and APPROVED by the City Council of the City of Laurel this ___ day of _____, 2020.

APPROVED by the Mayor this __ day of _____, 2020.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

Approved as to form:

Sam S. Painter, Civil City Attorney

**EXHIBIT 3-A
CDBG COMMUNITY PLANNING GRANTS
DESIGNATION OF ENVIRONMENTAL CERTIFYING OFFICIAL**

October 13, 2020

Montana Department of Commerce
Community Development Division
301 S. Park
P.O. Box 200523
Helena, MT 59620

To Whom It May Concern

This is to notify you that Kurt Markegard, Public Works Director, is designated as the Environmental Certifying Official responsible for all activities associated with the environmental review process to be completed in conjunction with the 2020-2021 CDBG grant awarded to the City of Laurel, Montana.

Sincerely,

Signature

Tom Nelson, Mayor, City of Laurel_____
Typed Name and Title

October 13, 2020

Montana Department of Commerce
Community Development Division-Planning Bureau
301 S. Park Avenue
PO Box 200523
Helena, MT 59620-0523

RE: City of Laurel CDBG Planning Grant Application- Capital Improvement Plan

To Whom It May Concern;

Please consider this letter formal verification that the City of Laurel has authorized, and has available, previously unobligated match dollars in the amount of \$16,667 to utilize as match for the proposed CDBG Planning Grant request. Match dollars will be accessed utilizing the City's general fund and are available when/if grant funding is awarded.

Should you have any additional questions, or need additional information, please don't hesitate to contact me. Thank you in advance for your consideration.

Sincerely,

Tom Nelson, Mayor of Laurel
PO Box 10
Laurel, MT 59044
(406) 628-7431
citymayor@laurel.mt.gov

**EXHIBIT 3-B
CDBG COMMUNITY PLANNING GRANTS
FINDING OF EXEMPT ACTIVITIES**

October 13, 2020

Montana Department of Commerce
Community Development Division
301 S. Park
P.O. Box 200523
Helena, MT 59620-0523

To Whom It May Concern,

It is the finding of the City of Laurel, Montana, that the following activities approved for funding under the Montana CDBG program are defined as exempt activities under 24 Part 58.34, and meet the conditions specified therein for such exemption, of the Environmental Review Process for Title I Community Development Block Grant Programs, and that these activities are in compliance with the environmental requirements of related federal authorities. The activities and the statutory authority for exemption are listed below:

Planning activities to include preparation of a Capital Improvements Plan for the City of Laurel.

Authority -- Section 58.34(a)(1): Environmental and other studies, resource identification and the development of plans and strategies.

Sincerely,

Tom Nelson, Mayor
City of Laurel

File Attachments for Item:

5. Resolution - Dyer Boulevard Request

RESOLUTION NO. R19-___

A RESOLUTION OF THE CITY COUNCIL AUTHORIZING THE PROPERTY OWNER AT 112/114 3rd AVENUE TO UTILIZE DECORATIVE RIVER ROCK RATHER THAN GRASS WITHIN THE BOULEVARD LOCATED ADJACENT TO HIS PROPERTY PURSUANT TO THE WRITTEN REQUEST.

WHEREAS, the owner of the property located at 112/114 3rd Avenue, within the City of Laurel, desires to change a portion of the boulevard located adjacent to his property from grass and/or sod to decorative river rock; and

WHEREAS, the property owner submitted a written request to the City Council which is attached hereto and incorporated herein; and

WHEREAS, Chapter 12.32.010 of the Laurel Municipal Code Laurel currently requires all boulevard's to be kept in grass and trees unless specific permission is granted for other purposes; and

WHEREAS, the property owner has agreed to complete the project within 10 days of the City Council's approval which will improve the appearance of the boulevard which is currently brown grass and dirt due to irrigation issues.

NOW THEREFORE BE IT RESOLVED the City Council of Laurel, pursuant to the written request, hereby grants permission to the property owner to install river rock within the boulevard located at 112/114 3rd Avenue, within the City of Laurel.

Introduced at a regular meeting of the City Council on _____2020, by Council Member _____.

PASSED and APPROVED by the City Council of the City of Laurel this __ day of _____2020.

APPROVED by the Mayor this __day of _____2020.

CITY OF LAUREL

Thomas C. Nelson, Mayor

ATTEST:

Bethany Langve, Clerk-Treasurer

APPROVED AS TO FORM:

Sam Painter, Civil City Attorney

TO: City of Laurel
City Council

09/09/2020

FM: Darrell Dyer
1031 Fir Ave
Laurel, MT

RE: Boulevard Landscaping Requests
Address: 112/114 3rd Ave
Laurel, MT

The two modern buildings recently built currently have withered sod and dirt in the boulevard area. The Salon owner asked if I could smooth out the dirt / brown grass and install river rock which would also be included directly in front of the buildings.

I would grind the stump down that's currently in place and install river rock.

I have a well across the alley and an entire landscaping plan will be soon enacted as I finally figured out how to use the well to sprinkle the entire block from the new fourplex west to 4th ave but I'm not allowed to cross the alley.

It seems I need the council's permission to install the rock. Upon receiving permission, the improvements will be finished within 10 days.

Thanks to everyone for your support

Warm Regards

Darrell Dyer

File Attachments for Item:

9. Conflict of Interest Discussion

MONTANA CODE OF ETHICS

CONSTITUTION OF MONTANA -- ARTICLE XIII -- GENERAL PROVISIONS

Section 4. Code of ethics. The legislature shall provide a code of ethics prohibiting conflict between public duty and private interest for members of the legislature and all state and local officers and employees.

Montana Code Annotated (2019)

TITLE 2. GOVERNMENT STRUCTURE AND ADMINISTRATION CHAPTER 2. STANDARDS OF CONDUCT

Part 1. Code of Ethics

2-2-101. Statement of purpose. The purpose of this part is to set forth a code of ethics prohibiting conflict between public duty and private interest as required by the constitution of Montana. This code recognizes distinctions between legislators, other officers and employees of state government, and officers and employees of local government and prescribes some standards of conduct common to all categories and some standards of conduct adapted to each category. The provisions of this part recognize that some actions are conflicts per se between public duty and private interest while other actions may or may not pose such conflicts depending upon the surrounding circumstances.

2-2-102. Definitions. As used in this part, the following definitions apply:

- (1) "Business" includes a corporation, partnership, sole proprietorship, trust or foundation, or any other individual or organization carrying on a business, whether or not operated for profit.
- (2) "Compensation" means any money or economic benefit conferred on or received by any person in return for services rendered or to be rendered by the person or another.
- (3) (a) "Gift of substantial value" means a gift with a value of \$50 or more for an individual.
 - (b) The term does not include:
 - (i) a gift that is not used and that, within 30 days after receipt, is returned to the donor or delivered to a charitable organization or the state and that is not claimed as a charitable contribution for federal income tax purposes;
 - (ii) food and beverages consumed on the occasion when participation in a charitable, civic, or community event bears a relationship to the public officer's or public employee's office or employment or when the officer or employee is in attendance in an official capacity;
 - (iii) educational material directly related to official governmental duties;
 - (iv) an award publicly presented in recognition of public service; or
 - (v) educational activity that:
 - (A) does not place or appear to place the recipient under obligation;
 - (B) clearly serves the public good; and
 - (C) is not lavish or extravagant.
 - (4) "Local government" means a county, a consolidated government, an incorporated city or town, a school district, or a special district.
 - (5) "Official act" or "official action" means a vote, decision, recommendation, approval, disapproval, or other action, including inaction, that involves the use of discretionary authority.
 - (6) "Private interest" means an interest held by an individual that is:
 - (a) an ownership interest in a business;
 - (b) a creditor interest in an insolvent business;
 - (c) an employment or prospective employment for which negotiations have begun;
 - (d) an ownership interest in real property;
 - (e) a loan or other debtor interest; or

- (f) a directorship or officership in a business.
- (7) "Public employee" means:
 - (a) any temporary or permanent employee of the state;
 - (b) any temporary or permanent employee of a local government;
 - (c) a member of a quasi-judicial board or commission or of a board, commission, or committee with rulemaking authority; and
 - (d) a person under contract to the state.
- (8) (a) "Public officer" includes any state officer and any elected officer of a local government.
 - (b) For the purposes of 67-11-104, the term also includes a commissioner of an airport authority.
- (9) (a) "Public officer" includes any state officer and any elected officer of a local government.
 - (b) For the purposes of 67-11-104, the term also includes a commissioner of an airport authority.
- (10) "Special district" means a unit of local government, authorized by law to perform a single function or a limited number of functions. The term includes but is not limited to conservation districts, water districts, weed management districts, irrigation districts, fire districts, community college districts, hospital districts, sewer districts, and transportation districts. The term also includes any district or other entity formed by interlocal agreement.
- (11) (a) "State agency" includes:
 - (i) the state;
 - (ii) the legislature and its committees;
 - (iii) all executive departments, boards, commissions, committees, bureaus, and offices;
 - (iv) the university system; and
 - (v) all independent commissions and other establishments of the state government.
 - (b) The term does not include the judicial branch.
- (12) "State officer" includes all elected officers and directors of the executive branch of state government as defined in 2-15-102.

2-2-103. Public trust -- public duty. (1) The holding of public office or employment is a public trust, created by the confidence that the electorate reposes in the integrity of public officers, legislators, and public employees. A public officer, legislator, or public employee shall carry out the individual's duties for the benefit of the people of the state.

(2) A public officer, legislator, or public employee whose conduct departs from the person's public duty is liable to the people of the state and is subject to the penalties provided in this part for abuse of the public's trust.

(3) This part sets forth various rules of conduct, the transgression of any of which is a violation of public duty, and various ethical principles, the transgression of any of which must be avoided.

(4) (a) The enforcement of this part for:

(i) state officers, legislators, and state employees is provided for in 2-2-136;

(ii) legislators, involving legislative acts, is provided for in 2-2-135 and for all other acts is provided for in 2-2-136;

(iii) local government officers and employees is provided for in 2-2-144.

(b) Any money collected in the civil actions that is not reimbursement for the cost of the action must be deposited in the general fund of the unit of government.

2-2-104. Rules of conduct for public officers, legislators, and public employees. (1) Proof of commission of any act enumerated in this section is proof that the actor has breached the actor's public duty. A public officer, legislator, or public employee may not:

(a) disclose or use confidential information acquired in the course of official duties in order to further substantially the individual's personal economic interests; or

- (b) accept a gift of substantial value or a substantial economic benefit tantamount to a gift:
 - (i) that would tend improperly to influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's public duties; or
 - (ii) that the person knows or that a reasonable person in that position should know under the circumstances is primarily for the purpose of rewarding the person for official action taken.

(2) An economic benefit tantamount to a gift includes without limitation a loan at a rate of interest substantially lower than the commercial rate then currently prevalent for similar loans and compensation received for private services rendered at a rate substantially exceeding the fair market value of the services. Campaign contributions reported as required by statute are not gifts or economic benefits tantamount to gifts.

(3) (a) Except as provided in subsection (3)(b), a public officer, legislator, or public employee may not receive salaries from two separate public employment positions that overlap for the hours being compensated, unless:

- (i) the public officer, legislator, or public employee reimburses the public entity from which the employee is absent for the salary paid for performing the function from which the officer, legislator, or employee is absent; or
- (ii) the public officer's, legislator's, or public employee's salary from one employer is reduced by the amount of salary received from the other public employer in order to avoid duplicate compensation for the overlapping hours.

(b) Subsection (3)(a) does not prohibit:

- (i) a public officer, legislator, or public employee from receiving income from the use of accrued leave or compensatory time during the period of overlapping employment; or
- (ii) a public school teacher from receiving payment from a college or university for the supervision of student teachers who are enrolled in a teacher education program at the college or university if the supervision is performed concurrently with the school teacher's duties for a public school district.

(c) In order to determine compliance with this subsection (3), a public officer, legislator, or public employee subject to this subsection (3) shall disclose the amounts received from the two separate public employment positions to the commissioner of political practices.

2-2-105. Ethical requirements for public officers and public employees. (1) The requirements in this section are intended as rules of conduct, and violations constitute a breach of the public trust and public duty of office or employment in state or local government.

(2) Except as provided in subsection (4), a public officer or public employee may not acquire an interest in any business or undertaking that the officer or employee has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by the officer's or employee's agency.

(3) A public officer or public employee may not, within 12 months following the voluntary termination of office or employment, obtain employment in which the officer or employee will take direct advantage, unavailable to others, of matters with which the officer or employee was directly involved during a term of office or during employment. These matters are rules, other than rules of general application, that the officer or employee actively helped to formulate and applications, claims, or contested cases in the consideration of which the officer or employee was an active participant.

(4) When a public employee who is a member of a quasi-judicial board or commission or of a board, commission, or committee with rulemaking authority is required to take official action on a matter as to which the public employee has a conflict created by a personal or private interest that would directly give rise to an appearance of impropriety as to the public employee's influence, benefit, or detriment in regard to the matter, the public employee shall disclose the interest creating the conflict prior to participating in the official action.

(5) A public officer or public employee may not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when the officer or employee has a substantial personal interest in a competing firm or undertaking.

2-2-121. Rules of conduct for public officers and public employees. (1) Proof of commission of any act enumerated in subsection (2) is proof that the actor has breached a public duty.

(2) A public officer or a public employee may not:

(a) subject to subsection (7), use public time, facilities, equipment, supplies, personnel, or funds for the officer's or employee's private business purposes;

(b) engage in a substantial financial transaction for the officer's or employee's private business purposes with a person whom the officer or employee inspects or supervises in the course of official duties;

(c) assist any person for a fee or other compensation in obtaining a contract, claim, license, or other economic benefit from the officer's or employee's agency;

(d) assist any person for a contingent fee in obtaining a contract, claim, license, or other economic benefit from any agency;

(e) perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which the officer or employee either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent; or

(f) solicit or accept employment, or engage in negotiations or meetings to consider employment, with a person whom the officer or employee regulates in the course of official duties without first giving written notification to the officer's or employee's supervisor and department director.

(3) (a) Except as provided in subsection (3)(b), a public officer or public employee may not use or permit the use of public time, facilities, equipment, supplies, personnel, or funds to solicit support for or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue unless the use is:

(i) authorized by law; or

(ii) properly incidental to another activity required or authorized by law, such as the function of an elected public officer, the officer's staff, or the legislative staff in the normal course of duties.

(b) As used in this subsection (3), "properly incidental to another activity required or authorized by law" does not include any activities related to solicitation of support for or opposition to the nomination or election of a person to public office or political committees organized to support or oppose a candidate or candidates for public office. With respect to ballot issues, properly incidental activities are restricted to:

(i) the activities of a public officer, the public officer's staff, or legislative staff related to determining the impact of passage or failure of a ballot issue on state or local government operations;

(ii) in the case of a school district, as defined in Title 20, chapter 6, compliance with the requirements of law governing public meetings of the local board of trustees, including the resulting dissemination of information by a board of trustees or a school superintendent or a designated employee in a district with no superintendent in support of or opposition to a bond issue or levy submitted to the electors. Public funds may not be expended for any form of commercial advertising in support of or opposition to a bond issue or levy submitted to the electors.

(c) This subsection (3) is not intended to restrict the right of a public officer or public employee to express personal political views.

(d) (i) If the public officer or public employee is a Montana highway patrol chief or highway patrol officer appointed under Title 44, chapter 1, the term "equipment" as used in this subsection (3) includes the chief's or officer's official highway patrol uniform.

(ii) A Montana highway patrol chief's or highway patrol officer's title may not be referred to in the solicitation of support for or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue.

(4) (a) A candidate, as defined in 13-1-101(8)(a), may not use or permit the use of state funds for any advertisement or public service announcement in a newspaper, on radio, or on television that contains the candidate's name, picture, or voice except in the case of a state or national emergency and then only if the announcement is reasonably necessary to the candidate's official functions.

(b) A state officer may not use or permit the use of public time, facilities, equipment, supplies, personnel, or funds to produce, print, or broadcast any advertisement or public service announcement in a newspaper, on radio, or on television that contains the state officer's name, picture, or voice except in the case of a state or national emergency if the announcement is reasonably necessary to the state officer's official functions or in the case of an announcement directly related to a program or activity under the jurisdiction of the office or position to which the state officer was elected or appointed.

(5) A public officer or public employee may not participate in a proceeding when an organization, other than an organization or association of local government officials, of which the public officer or public employee is an officer or director is:

(a) involved in a proceeding before the employing agency that is within the scope of the public officer's or public employee's job duties; or

(b) attempting to influence a local, state, or federal proceeding in which the public officer or public employee represents the state or local government.

(6) A public officer or public employee may not engage in any activity, including lobbying, as defined in 5-7-102, on behalf of an organization, other than an organization or association of local government officials, of which the public officer or public employee is a member while performing the public officer's or public employee's job duties. The provisions of this subsection do not prohibit a public officer or public employee from performing charitable fundraising activities if approved by the public officer's or public employee's supervisor or authorized by law.

(7) A listing by a public officer or a public employee in the electronic directory provided for in 30-17-101 of any product created outside of work in a public agency is not in violation of subsection (2)(a) of this section. The public officer or public employee may not make arrangements for the listing in the electronic directory during work hours.

(8) A department head or a member of a quasi-judicial or rulemaking board may perform an official act notwithstanding the provisions of subsection (2)(e) if participation is necessary to the administration of a statute and if the person complies with the disclosure procedures under 2-2-131.

(9) Subsection (2)(d) does not apply to a member of a board, commission, council, or committee unless the member is also a full-time public employee.

(10) Subsections (2)(b) and (2)(e) do not prevent a member of the governing body of a local government from performing an official act when the member's participation is necessary to obtain a quorum or to otherwise enable the body to act. The member shall disclose the interest creating the appearance of impropriety prior to performing the official act.

2-2-131. Disclosure. A public officer or public employee shall, prior to acting in a manner that may impinge on public duty, including the award of a permit, contract, or license, disclose the nature of the private interest that creates the conflict. The public officer or public employee shall make the disclosure in writing to the commissioner of political practices, listing the amount of private interest, if any, the purpose and duration of the person's services rendered, if any, and the compensation received for the services or other information that is necessary to describe the interest. If the public officer or public employee then performs the official act involved, the officer or employee shall state for the record the fact and summary nature of the interest disclosed at the time of performing the act.

2-2-144. Enforcement for local government. (1) Except as provided in subsections (5) and (6), a person alleging a violation of this part by a local government officer or local government employee shall notify the county attorney of the county where the local government is located. The county attorney shall request from the complainant or the person who is the subject of the complaint any information necessary to make a determination concerning the validity of the complaint.

(2) If the county attorney determines that the complaint is justified, the county attorney may bring an action in district court seeking a civil fine of not less than \$50 or more than \$1,000. If the county attorney determines that the complaint alleges a criminal violation, the county attorney shall bring criminal charges against the officer or employee.

(3) If the county attorney declines to bring an action under this section, the person alleging a violation of this part may file a civil action in district court seeking a civil fine of not less than \$50 or more than \$1,000. In an action filed under this subsection, the court may assess the costs and attorney fees against the person bringing the charges if the court determines that a violation did not occur or against the officer or employee if the court determines that a violation did occur. The court may impose sanctions if the court determines that the action was frivolous or intended for harassment.

(4) The employing entity of a local government employee may take disciplinary action against an employee for a violation of this part.

(5) (a) A local government may establish a three-member panel to review complaints alleging violations of this part by officers or employees of the local government. The local government shall establish procedures and rules for the panel. The members of the panel may not be officers or employees of the local government. The panel shall review complaints and may refer to the county attorney complaints that appear to be substantiated. If the complaint is against the county attorney, the panel shall refer the matter to the commissioner of political practices and the complaint must then be processed by the commissioner pursuant to 2-2-136.

(b) In a local government that establishes a panel under this subsection (5), a complaint must be referred to the panel prior to making a complaint to the county attorney.

(6) If a local government review panel has not been established pursuant to subsection (5), a person alleging a violation of this part by a county attorney shall file the complaint with the commissioner of political practices pursuant to 2-2-136.

COMMISSIONER OF POLITICAL PRACTICES

The Commissioner has jurisdiction over laws and rules pertaining to: Ethics (Title 2, chapter 2, part 1), Lobbying (Title 5, chapter 7) and Campaign finance and practices (Title 13, chapters 35 and 37).

Our Mission

We fairly and impartially carry out our assigned responsibilities monitoring and enforcing campaign finance and practices and government ethics standards. We serve the public and interested parties in a helpful and responsive way.

Commissioner of Political Practices 1205 8th Ave P.O. Box 202401 Helena, MT 59620-2401 (Tel.) 406-444-2942
<http://politicalpractices.mt.gov/>

File Attachments for Item:

Review Draft Council Agenda for October 13, 2020.



**AGENDA
CITY OF LAUREL
CITY COUNCIL MEETING
TUESDAY, OCTOBER 13, 2020
6:30 PM
COUNCIL CHAMBERS**

NEXT RES. NO.
R18-XX

NEXT ORD. NO.
O18-XX

WELCOME . . . By your presence in the City Council Chambers, you are participating in the process of representative government. To encourage that participation, the City Council has specified times for citizen comments on its agenda -- once following the Consent Agenda, at which time citizens may address the Council concerning any brief community announcement not to exceed one minute in duration for any speaker; and again following Items Removed from the Consent Agenda, at which time citizens may address the Council on any matter of City business that is not on tonight's agenda. Each speaker will be limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council. Citizens may also comment on any item removed from the consent agenda prior to council action, with each speaker limited to three minutes, unless the time limit is extended by the Mayor with the consent of the Council. If a citizen would like to comment on an agenda item, we ask that you wait until the agenda item is presented to the Council by the Mayor and the public is asked to comment by the Mayor. Once again, each speaker is limited to three minutes.

Any person who has any question concerning any agenda item may call the City Clerk-Treasurer's office to make an inquiry concerning the nature of the item described on the agenda. Your City government welcomes your interest and hopes you will attend the Laurel City Council meetings often.

Pledge of Allegiance

Roll Call of the Council

Approval of Minutes

1. Approval of Minutes of September 22, 2020.

Correspondence

Council Disclosure of Ex Parte Communications

Public Hearing

Consent Items

NOTICE TO THE PUBLIC

*The Consent Calendar adopting the printed Recommended Council Action will be enacted with one vote. **The Mayor will first ask the Council members if any Council member wishes to remove any item from the Consent Calendar for discussion and consideration.** The matters removed from the Consent Calendar will be considered individually at the end of this Agenda under "Items Removed from the Consent Calendar." (See Section 12.) The entire Consent Calendar, with the exception of items removed to be discussed under "Items Removed from the Consent Calendar," is then voted upon by roll call under one motion.*

2. Claims entered through 10/9/2020.
3. Approval of Payroll register for PPE 9/18/2020 totaling \$913.64.
4. Approval of Payroll Register for PPE 9/20/2020 totaling \$184,819.75.

Ceremonial Calendar

Reports of Boards and Commissions

5. Budget/Finance Committee Minutes of September 22, 2020.
Library Board Minutes of June 9, 2020.
Library Board Minutes of July 14, 2020.
Library Board Minutes of August 14, 2020.
Park Board Minutes of July 8, 2020.
Tree Board Minutes of July 23, 2020.
Tree Board Minutes of August 20, 2020.

Tree Board Minutes of September 17, 2020.

Audience Participation (Three-Minute Limit)

Citizens may address the Council regarding any item of City business that is not on tonight's agenda. Comments regarding tonight's agenda items will be accepted under Scheduled Matters. The duration for an individual speaking under Audience Participation is limited to three minutes. While all comments are welcome, the Council will not take action on any item not on the agenda.

Scheduled Matters

6. Appointment of Clint Willis and Levi Dostal to the Laurel Volunteer Fire Department
7. Resolution - Riverside Park Campground Rules
8. Resolution - MSA Amendment with KLJ
9. Resoluion - CBDG Grant
10. Resolution - Dyer Boulevard Request

Items Removed From the Consent Agenda

Community Announcements (One-Minute Limit)

This portion of the meeting is to provide an opportunity for citizens to address the Council regarding community announcements. The duration for an individual speaking under Community Announcements is limited to one minute. While all comments are welcome, the Council will not take action on any item not on the agenda.

Council Discussion

Council members may give the City Council a brief report regarding committees or groups in which they are involved.

Mayor Updates

Unscheduled Matters

Adjournment

The City makes reasonable accommodations for any known disability that may interfere with a person's ability to participate in this meeting. Persons needing accommodation must notify the City Clerk's Office to make needed arrangements. To make your request known, please call 406-628-7431, Ext. 2, or write to City Clerk, PO Box 10, Laurel, MT 59044, or present your request at City Hall, 115 West First Street, Laurel, Montana.

DATES TO REMEMBER