

ORDINANCE NO. 20-_____

AN ORDINANCE OF THE CITY OF BILLINGS PROVIDING THAT THE BILLINGS, MONTANA CITY CODE BE AMENDED BY REPEALING MOST PORTIONS OF SECTION 2-221, RULES OF PROCEDURE FOR REGULAR AND SPECIAL MEETINGS, AND REPEALING ALL OF SECTION 2-222, RULES OF PROCEDURE FOR WORK SESSIONS, AND AMENDING SECTION 2-221 TO PROVIDE THAT RULES FOR REGULAR, SPECIAL AND WORK SESSION MEETINGS WILL BE GOVERNED BY AND ADOPTED THROUGH A CITY COUNCIL RESOLUTION.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY BILLINGS THAT:

Section 1. That Section 2-214 of the Billings, Montana City Code is repealed in its entirety as follows;

~~At all regular meetings of the city council the order of business shall be as follows:~~

- ~~(1) Call to Order;~~
- ~~(2) Pledge of Allegiance;~~
- ~~(3) Invocation;~~
- ~~(4) Roll call;~~
- ~~(5) Correcting, if necessary, and approving minutes of the last meeting or meetings;~~
- ~~(6) Courtesies;~~
- ~~(7) Proclamations;~~
- ~~(8) Council reports;~~
- ~~(9) Administrator reports;~~
- ~~(10) Public comment on "non-public hearing" items on the published agenda. This section of the agenda is used for public comment on any item on the agenda that is not listed for an individual public hearing. Speakers are requested to indicate their desire to speak~~

~~and which item or items on which they wish to offer comment by filling in their name, address and agenda item number or subject on a prepared "sign in" sheet. The length of time a speaker may speak is limited and is set by the mayor or presiding officer of the meeting.~~

- ~~(11) Consent agenda. This section of the agenda is used for items of a routine or non-controversial nature that do not statutorily require a public hearing, yet still require action by the city council. The collective list of items on the consent agenda is considered by the city council in one motion. Individual consent agenda items may be separated by request of a councilmember for individual consideration by the city council and subsequently voted upon individually.~~
- ~~(12) Regular agenda. This section of the agenda constitutes an individually numbered listing of business items either:
 - ~~a. Requiring a public hearing prior to council action,~~
 - ~~b. Giving a special informational presentation, or~~
 - ~~c. Any item that may be either controversial in nature or requires separate time by the council to fully discuss the matter prior to rendering a final and binding decision.~~~~
- ~~(13) Public comment on "non-agenda" items. This section of the agenda is used for public comment on any matter or subject that is not included on the published agenda for that meeting. Speakers are requested to indicate their desire to speak and what item or topic on which they wish to offer comment by filling in their name, address and subject on a prepared "sign in" sheet. The length of time a speaker may speak is limited and is set by the mayor or presiding officer of the meeting. The city council does not take any formal action on these items, but may direct the city administrator to assign staff for follow up on an item.~~
- ~~(14) Council initiatives. This section of the agenda is reserved for individual councilmember requests for future legislative or staff action. These shall be limited to giving direction to staff to assist in formulating policies, work plans, etc. for future consideration of the city council. An initiative moves forward by majority vote of the city council.~~
- ~~(15) Adjourn.~~

~~The order of business may be altered for any meeting by a majority vote of the councilmembers present. The order of business for any special meeting shall be specified in the notice calling for the special meeting.~~

Section 2: That section 2-221 of the Billings, Montana City Code is amended so that such section shall read as follows:

Sec. 2-221. - Rules of procedure for regular, and special and work session meetings.

The regular, ~~and special and work session~~ meetings of the city council shall in all cases be governed by the following rules adopted through a City Council Resolution, unless the same are suspended, pro tempore by a majority vote of the council:

~~(1) — *Decorum.*~~

- ~~a. — The presiding officer shall preserve order and decorum and shall decide all questions of order, subject to appeal to the council.~~
- ~~b. — Every member, previous to speaking, shall address the presiding officer, but shall not proceed until recognized and named by the presiding officer. The provisions of Robert's Rules of Order Newly Revised concerning assigning the floor are superseded by this rule of procedure.~~
- ~~c. — When two (2) or more members address the presiding officer, the first to have precedence shall be decided by the presiding officer. The provisions of Robert's Rules of Order Newly Revised concerning assigning the floor are superseded by this rule of procedure.~~
- ~~d. — While a question is being placed on the floor, no member shall speak or walk across the chambers or council room or leave the same.~~
- ~~e. — When any member is addressing the council, no other member shall engage in private conversation or do any other act to divert attention or interrupt the speaker.~~

- ~~f. At council meetings all questions relating to the priority of business shall be decided without debate.~~
- ~~g. To preserve council chamber decorum and minimize council and audience distractions, television cameras are to be confined to designated areas. Interviews in the chamber are permissible after meetings. No interview or live narration will be allowed in the chamber prior to or during the proceedings of a meeting.~~

~~(2) Meeting protocol.~~

- ~~a. A member shall not speak more than twice on the same subject without leave of a majority of the council, nor more than once until every member desiring to speak on the pending question has had an opportunity to do so.~~
- ~~b. No motion shall be debated or put to a vote unless the same shall be seconded. The motion and second shall then be stated by the mayor.~~
- ~~c. All motions shall be stated in clear, concise and definite terms, beginning with the language: "I move that...". "I so move" or any other abbreviated language does not constitute correct form for a motion and is out of order.~~
- ~~d. After a motion has been stated by the presiding officer it shall be deemed in possession of the council, but may be withdrawn at any time before amendment or decision, by the mover with consent of the second.~~
- ~~e. If a question under consideration contains more than one distinct proposition any member may demand a division.~~
- ~~f. When a question is under debate, no motion shall be entertained, except: First, to adjourn; second, to lay on the table; third, for the previous question; fourth, to postpone to a day certain; fifth, to refer to a committee; sixth, to amend; and seventh, to postpone indefinitely. These motions shall have precedence in the order stated.~~
- ~~g. Amendment of a question may take the form of a motion to substitute. Adoption of a motion to substitute shall be deemed approval of the substitute motion itself and further debate and amendment of the adopted substitute motion are not in order. The provisions of Robert's Rules of Order Newly Revised~~

~~concerning substitute motions are superseded by this rule of procedure.~~

- ~~h. A motion to adjourn shall always be in order, except when a member is addressing the chair, or a vote is being taken. Motions to adjourn and lay on the table shall not be debatable.~~
- ~~i. No motion on a subject different from that under consideration shall be permitted.~~
- ~~j. After a vote is announced, no councilmember shall change his vote without following the procedure for reconsideration.~~
- ~~k. No motion for reconsideration shall be in order unless made at the same meeting or the meeting following that on which the decision was made, nor shall such motion be made except by a member who voted with the majority upon the adoption. If the motion for reconsideration is approved by a majority vote of the city council, then the decision on which the vote is to be reconsidered is placed back on the agenda at a location specified by the mayor for further consideration and another vote.~~
- ~~l. In case a voice vote is indeterminate, a roll call vote shall be taken.~~
- ~~m. In case of a tie vote on any proposal, the proposal shall be considered lost/failed.~~
- ~~n. The city attorney shall rule on all questions of parliamentary procedure and the attorney's decision shall be final.~~
- ~~o. Every member of the council present shall vote upon every question submitted to the council, unless excused or unless the member has a financial or personal interest as defined and provided below:~~

~~*Financial or personal interest.* No official, either on his or her own behalf or on behalf of any other person, shall have any financial or personal interest in any business or transaction with any public body unless the official shall first make full public disclosure of the nature and extent of such interest.~~

~~If a member has a financial or personal interest in a matter before the mayor and council that requires a vote or other decision or direction to city staff, the member shall, immediately~~

~~after the motion has been made and seconded, or as soon thereafter as the member may be recognized by the presiding officer, publicly disclose the nature and extent of such interest and disqualify himself or herself from participation in the deliberation and voting on the question.~~

~~For purposes of evaluating whether or not a conflict of interest requires the mayor or a council member to disqualify themselves from the deliberation and vote on any question, the following definitions shall apply:~~

~~*Disclosure and disqualification.* Whenever the performance of his or her official duties shall require any official to deliberate and vote on any matter involving the official's financial or personal interest, the official shall publicly disclose the nature and extent of such interest and disqualify himself or herself from participating in the discussion, deliberation as well as in the voting on such matter.~~

~~*Financial interest* means any interest which shall yield, directly or indirectly, a monetary or other material benefit (other than the duly authorized salary or compensation for his or her services to the city) to the official or to any person employing or retaining the services of the official.~~

~~*Official* means any person elected to a city office, employed by the city, or appointed to any public office or public body of the city whether paid or unpaid and whether part-time or full-time.~~

~~*Personal interest* means any interest arising from family or marriage relationships or from close personal, business or political association whether or not any financial interest is involved.~~

~~*Private interest.* Private interest is a direct or indirect interest of a natural person, partnership, corporation or any other entity including a political entity other than the city or an organization in which the city is affiliated. This definition also includes an interest held by an individual that is: ownership interest in a business; a creditor interest in an insolvent business; membership in a business as a director or officer; ownership in real property; a~~

~~loan or other debtor interest; or an employment relationship or prospective employment for which negotiations have begun.~~

~~*Public body* means any agency, board, body, commission, committee, department or office of the city.~~

~~(3) *Documentation of proceedings.*~~

~~a. In all cases the name of the member proposing a motion and seconding the motion shall be entered in the council minutes.~~

~~b. Upon the final passage of any ordinance or resolution, the ayes and noes shall be entered in the council minutes unless the same is unanimously adopted. Any member may demand the roll call of ayes and noes upon any question pending. Except as provided in this subsection, a vote on all matters before the city council shall be by voice vote.~~

~~c. All reports, petitions, ordinances or resolutions shall be reduced to writing before being submitted to the vote of the council.~~

~~d. Application of Robert's Rules of Order. In all parliamentary practice not herein prescribed, Robert's "Rules of Order Newly Revised" shall govern so far as applicable.~~

~~(4) *Public hearings.* Public hearings may be required by law or by council policy. Public hearings are held for the purpose of noticing legislative facts and receiving expressions of public opinion on a question, including views of interested parties. At the commencement of any public hearing, the presiding officer may set time limits for the presentation of views of proponents and opponents of the measure. These time limits shall be adhered to strictly. At the conclusion of his testimony at a public hearing, any individual may be questioned by any member of the council. The time involved in such question and reply shall not count against the time allowed for the presentation of views.~~

Section 3: That Section 2-222 of the Billings Montana City Code is repealed in its entirety as follows:

~~Sec. 2-222 Rules of procedure for work sessions.~~

~~The proceedings of the city council while meeting in work sessions shall be governed by the following rules:~~

- ~~(1) The meeting shall be convened and adjourned by the mayor.~~
- ~~(2) The city administrator or designee shall prepare an agenda for each meeting. Minutes shall be taken and distributed in accordance with sections 2-215 and 2-216.~~
- ~~(3) Motions will be entertained and votes taken only for purposes of giving city staff direction on matters that will be presented for final action at a future city council meeting.~~
- ~~(4) The mayor shall be responsible for recognizing those who would like to speak and generally enforcing a productive decorum.~~
- ~~(5) Reports from boards and commissions will be heard.~~
- ~~(6) Presentations on agenda items will be provided by city staff or designees.~~
- ~~(7) A public comment period shall be provided at each meeting. The presiding officer may set time limits for the comments.~~

Section 4: That Section 2-226 of the Billings Montana City Code is amended as follows:

~~Sec. 2-226 City Council Work Sessions~~

~~(a) In addition to its regular business meetings, the city council may also meet for work sessions. The purpose of these meetings shall be to provide an opportunity for the mayor and city councilmembers to hold more in depth discussions on policy matters, give input or feedback to the city administrator and his staff, and hear presentations on current issues and projects.~~

~~(b) Work sessions, if held, will be scheduled on the 1st and 3rd Mondays of each month at 5:30 p.m.~~

~~(c) The city administrator shall prepare the agenda for work sessions to be used in public notices based upon input from the mayor, city councilmembers, and city staff. Work sessions shall be informal~~

~~meetings conducted by the mayor who may alter the agenda during the meeting based upon the consensus of those present.~~

~~(d) The attendance of work sessions by the mayor and city councilmembers shall not be mandatory and attendance will not be taken. No formal action may be taken by the mayor and city council at these proceedings even if a quorum of the city council is present.~~

Section 5. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 6. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 7. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect the other provisions of this ordinance which may be given effect without the invalid provisions or application, and, to this end, the provisions of this ordinance are declared to be severable.

PASSED by the City Council on first reading this ____ day of _____, 2020.

PASSED, ADOPTED and APPROVED on second reading this ____ day of _____, 2020.

CITY OF BILLINGS

William A. Cole, Mayor

ATTEST:

Denise Bohlman, City Clerk

Draft #1 2202020