

****ATTENTION****

The City Council meeting will be held in a hybrid format that may include both in-person AND virtual attendance via Zoom. Unless they have cause to appear virtually, Councilmembers will attend the meeting in person in Council Chambers, second floor of City Hall, 220 N. 27th Street. In order to honor the Right of Participation and the Right to Know in Article II, Sections 8 and 9, of the Montana Constitution, the City of Billings and City Council are making every effort to meet the requirements of the open meeting laws.

Citizens are invited to:

- Review the Agenda Packet on the City's website at: www.billingsmt.gov and click on "Your Government," "City Council," and "Agendas & Minutes".
- View the meeting:
 - On Community 7 TV - Channel 7 or Channel 507 -- Spectrum Cable. (*On evenings when there is a conflict with School District No. 2 Board meetings, the City Council meeting will be broadcast on Channel 8 - Spectrum Cable.*)
 - Online at www.com7tv.com and click on the "Watch Live" icon. Community 7 also has links to their Facebook page and YouTube channel.
 - On the City's website at www.billingsmt.gov and click on "Watch Meetings Online" on the homepage.
 - In-Person.
 - Virtually via Zoom (see the link below).

Citizens may submit public comment via the following methods:

- Mail: City Clerk, P.O. Box 1178, Billings, MT 59103
- Email: Council@billingsmt.gov.
 - Emails received after 3:00 PM on the day of the meeting, may be posted on the Council's webpage the following day for public viewing.
- Attend the meeting in person.
- Attend the meeting virtually through Zoom by entering the Webinar ID and Passcode indicated below. Click on *Zoom Meeting Instructions* and *Zoom Hybrid Meeting Details* below for more information. The link will allow you to attend, view and participate in the meeting on your computer, laptop or smart phone. (You must have the Zoom App on your device [Click Here to Download Zoom App](#)) To provide public comment at the appropriate time, click on the "raise hand" icon located at the bottom of the screen and the moderator will unmute your device.
 - **Don't have a smart phone, computer or laptop?** That's okay -- you can attend a Zoom meeting using your **landline phone**. Call the Zoom phone number, **1.253.215.8782** to join the meeting and follow the operator's instructions. Want to give public comment? Simply "*raise your hand*" by pressing *9 and the moderator will give you permission to speak when it is your turn. **Note this is a long distance toll number and charges may apply depending on your plan.*
- Click Here for [Zoom Meeting IDs and Passcodes](#)
- Click Here for [Zoom Meeting Instructions for Attendees \(as guests\)](#)

Please contact Denise Bohlman, City Clerk, at bohlmand@billingsmt.gov, or at 406.657.8210, with any questions.



VISION STATEMENT:
"The Magic City: A diverse,
welcoming community
where people prosper and
business succeeds."

**WORK SESSION AGENDA
SEPTEMBER 19, 2022**

COUNCIL CHAMBERS

5:30 P.M.

CALL TO ORDER: Mayor Cole

PUBLIC COMMENT ON ALL ITEMS. This is the time to comment on any matter (Agenda or Non-Agenda) falling within the scope of the Billings City Council. There will also be time in conjunction with each agenda item for public comment relating to that item. You may only speak once for each item during the meeting.

Please note, the City Council cannot take action on any item of significant interest to the public that does not appear on the agenda. Comments are limited to three (3) minutes during each public comment period or as set by the Mayor. **Speaker sign-in required.** Please sign the roster at the cart located at the back of the Council chambers or at the podium.

1. **Land Use and Development Process.**
(Presented by: *Monica Plecker, Planning Manager*)
-Public Comment
2. **Rules of Procedure and Council Subcommittees.**
(Presented by: *Gina Dahl, City Attorney*)
-Public Comment
3. **Highlight Upcoming Agenda Items of Council Interest.**
(Presented by: *Chris Kukulski, City Administrator*)
-Public Comment

COUNCIL DISCUSSION:

PUBLIC COMMENT on "NON-AGENDA ITEMS". **Speaker Sign-in required.** (Restricted to *ONLY* items not on this printed agenda. Comments are limited to 3 minutes per public comment period or as set by the Mayor. Please sign the roster at the cart located at the back of the Council chambers or at the podium.)

ADJOURN:

Note:

- This meeting is an "informal" meeting of the City Council. The content of the Agenda is subject to change at the meeting.
- In the event there is a Closed Executive Session at the end of a Work Session, the sole purpose is to discuss litigation strategy. The other parties to the case(s) discussed are not public bodies or associations as described in Section 2-3-203(1) and (2), MCA. The meeting is closed, as allowed by Section 2-3-203(4)(a), MCA, "to discuss a strategy to be followed with respect to litigation when an open meeting would have a detrimental effect on the litigating position" of the City of Billings.

City Council Work Session

Date: 09/19/2022
Title: Land Use Conversations Part 3
Presented by: Monica Plecker
Department: Planning & Community Services
Presentation: Yes
Legal Review Not Applicable

RECOMMENDATION

This is an informational item and requires no action. This is the third session in a series on City land use application and review processes. This is intended to be a wrap up session addressing questions and topics the Council brought up during the first two sessions. Staff would like the Council to leave this session with a better high-level understanding of the City's land use application processes and also where it can participate at the policy level in making changes.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

City Administrator Chris Kukulski coordinated with the Planning and Community Services Department, Public Works Department and other Departments to participate in a series of Land Use Application Process sessions for City Council at Work Sessions or special meetings. This idea was generated after questions and discussion by Council during reviews and actions on land use applications indicated that more background and explanation of the land use application processes might help the Council on the context and background work that each application process requires.

The first session was held on April 18 at a Council Work Session and provided an overview of pre-development concept review processes, annexation petitions, and the zoning application process. The second session was held on July 25 as a Special Work Session following a regular business meeting and focused on the subdivision process. This session is intended to focus on questions received in the first two sessions and identify upcoming opportunities for the City Council to participate in and consider policy changes in land use regulations.

All of the sessions are designed to further educate the Council on the processes, clarify why the land use processes are administered the way they are, and illicit from Council application process items or specific issues it would like to further review and discuss at a policy level.

ALTERNATIVES

The only alternative for this non-action item is for the Council to listen to the material presented, engage in discussion, and provide guidance on topics for future policy discussions.

FISCAL EFFECTS

There is no significant financial impact to the PCSD budget in making this presentation at a Work Session.

City Council Work Session

Date: 09/19/2022
Title: City Council rules of procedure and order of business discussion
Presented by: Gina Dahl
Department: Legal
Presentation: No
Legal Review Not Applicable

RECOMMENDATION

This is an informational presentation and requires no action. Staff requests feedback from Council regarding how it would like to proceed and any changes it would like to see to Article 2 of BMCC.

BACKGROUND (Consistency with Adopted Plans and Policies, if applicable)

City Council has indicated it would like to see changes made to section 2-214, BMCC - Order of business for regular meetings. City Council has routinely been making motions to modify the order of business to accommodate public comment on non-agenda items earlier in the meeting instead of at the end of meeting. Because the order of business is dictated by ordinance, City Council is required to modify the order of business by a formal vote at every meeting.

During the review of this section (2-214), legal staff enlarged the scope of review and included sections 2-211 through 2-241, which encompass all the rules of procedure for City Council meetings. Legal staff made several formatting changes to "clean up" various sections and to clarify procedures.

Apparently, there were previous discussions in late 2019 and early 2020 about removing the rules of procedure from BMCC and enacting such procedures through Council resolution to make it easier to modify processes in the future, when necessary. However, City Charter section 3.10 provides that "[t]he Council shall establish by ordinance its rules of procedure and time and place of meetings." Therefore, it is not possible to remove these provisions from BMCC without a Charter amendment. Additionally, it appears that City Council previously repealed prior resolutions that established City Council meeting times and rules of order on October 23, 2002. See attached Resolution 02-17874. Apparently, despite the Charter requirement in section 3.10, previous City Councils had been establishing its rules of procedure and time/place of meeting by resolution for many years until it took action to discontinue this practice in October 2002.

Legal staff has also prepared a separate resolution regarding remote participation during meetings. This resolution specifies Council's policy and requirements for remote participation at meetings.

At the August 1, 2022, work session, this was presented to Council and several Councilmembers indicated they wanted to provide edits and additional feedback on the proposed ordinance and resolution. This current agenda item is to bring the matter back before Council for follow up. Additionally, Councilmembers Shaw and Owen have previously proposed several standing council committees and have prepared a draft resolution to establish those committees. It is staff's understanding that Council may wish to refer this matter to a Council committee for consideration.

Based on city code, a resolution is not required to establish Council committees, even if it is considered a "standing committee" of Council. Council subcommittees are authorized by section 2-223:

*The city council may, **by motion**, create **from its number** such ad hoc council subcommittees as needed. The mayor, with the consent of the council, may also appoint ad hoc council subcommittees as may from time to time be necessary. All ad hoc council subcommittees must comply with all applicable open public meetings laws.*

This section allows for an ad hoc committee to be created for a special purpose and it can be an ongoing committee that meets regularly or only as needed.

A resolution is only required if Council was creating an **advisory** committee pursuant to 2-224, which consists of members outside of Council, for example, the recently created Citizen's Police Advisory Board.

Sec. 2-224. - Ad hoc council advisory committees.

The mayor and city council may, by resolution, create such ad hoc council advisory committees as needed. Provided, however, that all such committees must be created pursuant to an adopted council resolution establishing, at a minimum, the following:

- (a) The purpose or charge of the committee;*
- (b) The scope of its responsibilities;*
- (c) The composition of the committee; and*
- (d) The duration of the committee.*

The city administrator shall be charged with assigning appropriate staff to any committee created under this paragraph to ensure compliance with all applicable open public meetings law.

There is some confusion about when a resolution is required based on the requirement of 2-224 but it is my opinion that the committees created by 2-224 are those committees that consist of non-council members created to advise Council. The committees created under 2-223 are from the membership of Council and while they certainly "advise" Council, they are not considered "advisory committees" as contemplated by 2-224. While 2-223 uses the word "subcommittees" and does not use the word "committees", clearly they are not to be considered subcommittees of the committees created by 2-224 because the language of 2-223 explicitly states that the subcommittees created under 2-223 are created by city council from their number. Therefore, these are separate entities that are contemplated by the two code sections. The better word to use in 2-223 would have been "Council committees" rather than "Council subcommittees" but I believe that term was chosen to imply that these committees are working (sub)committees of council members only and not outside persons.

If Council wants to expedite the creation of the committees, the resolution can be dispensed with and the committee members could be appointed at any regular business meeting. However, if Council wishes to have the formality of explicitly creating the committee as well as the purpose, scope, and term of those committees, the resolution is appropriate. The resolution drafted by Councilmembers Owen and Shaw is attached to this memo.

ALTERNATIVES

The only alternative for item is to engage in discussion and provide any feedback on how Council would like to proceed on these issues.

FISCAL EFFECTS

There is no significant fiscal impact regarding this agenda item.

Attachments

Resolution 02-17874
Proposed ordinance
Proposed resolution
PROPOSED RESOLUTION ESTABLISHING COUNCIL COMMITTEES

RESOLUTION NO. 02-17874

**A RESOLUTION REPEALING RESOLUTIONS NUMBERED
94-16837, 94-16822, AND 95-16936, WHICH SPECIFY
CITY COUNCIL MEETING TIMES AND RULES OF ORDER,
AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the start times, Rules of Order, and some other housekeeping aspects of the City Council meetings have previously been set by City Council Resolution in Resolutions numbered 94-16837, 94-16822, and 95-16936;

WHEREAS, it is the desire of the City Council to now set such matters by Ordinance, not Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS AS FOLLOWS:

City Council Resolutions numbered 94-16837, 94-16822, and 95-16936 are hereby repealed in their entirety and are void and of no effect.

This Resolution shall be effective starting October 23, 2002.

PASSED by the City Council and APPROVED this 9th day of September, 2002.

CITY OF BILLINGS

By: _____ Mayor

ATTEST:

City Clerk

ORDINANCE 22-_____

**AN ORDINANCE OF THE CITY OF BILLINGS,
PROVIDING THAT THE BILLINGS, MONTANA CITY
CODE (BMCC) BE AMENDED BY REPEALING
SECTIONS 2-211 THROUGH 2-241 AND ADOPTING
NEW SECTIONS 2-211 THROUGH 2-241, ESTABLISHING
DATE AND PLACE, ORDER OF BUSINESS, AND RULES
OF PROCEDURES REGARDING MEETINGS AND WORK
SESSIONS OF CITY COUNCIL**

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

Section 1. That sections 2-211 through 2-241 of the Billings, Montana City Code (BMCC) is hereby repealed and declared null and void and of no effect.

Section 2. That the Billings, Montana City Code be amended by adding new sections 2-211 through 2-241, to read as follows:

DIVISION 2. MEETINGS

Sec. 2-211. Calling to order; quorum.

- a. Regular and special meetings shall convene and be called to order by the mayor or, in the mayor's absence, the deputy mayor or the deputy mayor pro tempore at the time appointed for the meeting.
- b. At any regular or special council meeting, the city clerk shall proceed to call the roll, and record in the minutes the names of all members present. The mayor shall announce if a quorum is present. A simple majority of the members of the council duly elected and qualified, is necessary to constitute a quorum.

Sec. 2-212. Regular and special meetings.

- a. The city council shall hold a regular meeting for the transaction of city business at 5:30 p.m. on the second and fourth Mondays in each month at the designated council chambers located in City Hall, 220 North 27th Street, or at some alternative location as duly noticed to the public. If the regular meeting falls on a day recognized as a holiday by the city, the meeting will not be held on that date but will be held on the following day. Any regular meeting may be canceled or rescheduled by majority vote of the council at any time prior to the date scheduled for such meeting.
- b. The mayor or any three (3) councilmembers may request that a special meeting be called. The request shall be submitted to the city administrator who shall prepare the agenda and notice in writing, which notice shall be delivered or

mailed to all city councilmembers and the mayor. The notice shall be delivered within a reasonable period of time prior to the meeting. If there is not sufficient time to prepare and deliver or mail the notice, the city administrator, within his discretion, may use whatever means of notification available considering the circumstances. Notice of a special meeting shall be deemed sufficient if given at a regular or special council meeting; provided, that notice in writing shall be delivered to any absent councilmember and the mayor, if absent.

- c. 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, a meeting may be convened by a majority of the council directing the city administrator to schedule a meeting without adhering to 48-hour time limit. The city clerk shall use reasonable efforts to inform the public of the emergency meeting.
- d. The city council may by resolution adopt procedures authorizing remote attendance by council members at public meetings. Such rules must establish procedures and criteria for when a councilmember may participate remotely and the manner in which remote participation must occur. The council may by resolution authorize remote attendance by members of city boards, commissions, and committees.

Sec. 2-213. Meetings open to the public.

- a. All meetings of the city council and its boards, commissions, committees, subcommittees, or other entities created by the city council shall be open to the public except as provided in article 2-600 and state law.
- b. "Meeting" means the convening of a quorum of the membership of the city council or any boards, commissions, committees, subcommittees or other entity created by the city council, whether corporal or by means of electronic equipment, to hear, discuss, or act upon a matter over which the city council has supervision, control, jurisdiction, or advisory power.

Sec. 2-214. Proposed agenda.

- a. The city administrator shall prepare a draft regular meeting agenda and shall consult with the mayor in preparing the agenda.
- b. The city administrator shall prepare the final agenda of business to be considered at the regular meeting with recommendations and proposed ordinances and resolutions attached and shall transmit copies of the same to the mayor and councilmembers within a reasonable period prior to the meeting. Agenda items may only be removed from the agenda by the consent of a majority of the councilmembers present.
- c. Only matters that appear on the agenda shall be considered by the council at its regular meeting. Matters that are ministerial or deemed not of significant interest to the public may be added by consent of a majority of all councilmembers present.

- d. Pursuant to Mont. Code Ann. 7-1-4135, Council designates as its official posting place the posting board in the lobby of city hall located at 210 North 27th Street, Billings, Montana.
- e. A copy of the agenda shall be posted at the designated posting board in the city hall for public viewing and made available on the city's website.

Sec. 2-215. Order of business for regular meetings.

- a. At all regular meetings of the city council the order of business shall be as follows:
 - (1) Call to Order;
 - (2) Executive session (if required);
 - (3) Pledge of Allegiance;
 - (4) Invocation;
 - (5) Roll call;
 - (6) Changes to Agenda (if required);
 - (7) Correcting, if necessary, and approving minutes;
 - (8) Announcements, including courtesies, proclamations, or presentations;
 - (9) Council reports;
 - (10) Administrator reports;
 - (11) Public comment.
 - (12) 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. Individual consent agenda items may be separated by request of a councilmember for discussion by the city council and subsequently voted upon separately.
 - (13) Public hearings.
 - (14) Other action items.
 - (15) Special informational presentation, if required.
 - (16) 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.
 - (17) 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.

(18) Adjourn.

- b. The order of business may be altered or adjusted by the presiding officer. The order of business for any special meeting shall be specified in the notice calling for the special meeting.
- c. An opportunity for Public Comment shall be provided on each Regular Agenda item. 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.

Sec. 2-216. Minutes.

- a. Appropriate minutes of all meetings required by section 2-3-203 MCA to be open to the public shall be kept and shall be available for inspection by the public. Minutes are a concise and official record of the proceedings of a meeting, not a verbatim transcript. The duty of the clerk is to record what was "done" by the legislative body in the meeting, not what was said by its individual members.
- b. Pursuant to 2-3-212 MCA, such minutes shall include without limitation:
 - (1) Date, time, and place of meeting;
 - (2) A list of the individual members of the public body, agency, or organization in attendance;
 - (3) The substance of all matters proposed, discussed, or decided; and
 - (4) A record of any votes taken.
- c. Any time a presiding officer closes a public meeting, the presiding officer shall ensure that minutes are kept of the closed portion of the meeting and kept in compliance with the above subsection (b). The minutes from the closed portion of the meeting may not be made available for inspection except pursuant to a court order.

Sec. 2-217. Distribution of minutes.

It shall be the duty of the city administrator to see that copies of the minutes of council proceedings are transmitted to the mayor and each member of the city council as soon after the original minutes are written as possible.

Secs. 2-218–2-220. – Reserved.

DIVISION 3. RULES OF PROCEDURE

Sec. 2-221. Rules of conduct and procedure for regular and special meetings.

- a. The regular and special meetings of the city council shall in all cases be governed by the following rules unless the same are temporarily suspended by a majority vote of the council:
 - (1) *Application of Robert's Rules of Order.* Unless otherwise specifically provided herein or provided by statute, all regular and special meetings of the council shall be conducted in accordance with this article. In all cases not covered by this article, the controlling parliamentary authority shall be the latest edition of Robert's Rules of Order, Newly Revised.
 - (2) *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, before speaking, shall address the presiding officer, but shall not proceed until recognized and named by the presiding officer.
 - (c) When two (2) or more members address the presiding officer, the first to have precedence shall be decided by the presiding officer.
 - (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.
 - (3) *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 presiding officer.

- (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.
- (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 private interest as defined and provided below.

- (p) No official, either on his or her own behalf or on behalf of any other person, shall have any financial or private interest in any business or transaction with any public body.
- (q) If a member has a financial or private interest in a matter before the mayor and council that requires a vote or other decision or direction to city staff, the member shall, upon recognizing the financial or private interest, refrain from any future private or public communication on the matter with other council members or the public. During the meeting in which the matter is to be decided, the member shall, immediately after a 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 shall disqualify himself or herself from participation in the deliberation and voting on the question.
- (r) For purposes of evaluating whether 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:
 - i. **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 private 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.
 - ii. **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.
 - iii. **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.
 - iv. **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. A membership in a business as a director or officer;
 - d. An ownership interest in real property;
 - e. A loan or other debtor interest; or
 - f. An employment relationship or prospective employment for which negotiations have begun.
 - v. **Public body** means any agency, board, body, commission, committee, department, or office of the city.

(4) *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.

(5) *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.

After the clerk reads the subject of the hearing, the general procedure for public hearings shall be as follows:

- a. The presiding officer shall announce and open the public hearing.
- b. The presiding officer shall ask the staff to present a staff report on the matter at issue as needed. After the staff presentation, the mayor and council members may ask questions of staff for the purpose of understanding and clarification.
- c. If applicable, the presiding officer shall allow the applicant or applicant's agent to provide a presentation which shall be limited to ten (10) minutes, subject to extension at the discretion of the presiding officer with the concurrence of the council.
- d. After the applicant's presentation, the mayor and council members may ask additional questions to staff or the applicant for the purpose of understanding and clarification.
- e. The presiding officer shall invite and allow any member of the public to provide comment, limited to three (3) minutes per speaker. At the conclusion of his testimony, 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.
- f. The presiding officer shall provide an opportunity for staff or the applicant or applicant's agent to provide any clarifying information or response to

any public comment. The applicant or applicant's agent shall be limited to three (3) minutes, subject to extension at the discretion of the presiding officer with the concurrence of the council.

- g. The presiding officer shall close the public hearing and bring the agenda item to the council for discussion, motion, and vote. Thereafter the council shall approve, deny, or postpone action on the item unless precluded from postponing due to statutory time constraints.

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:

- a. The meeting shall be convened and adjourned by the mayor.
- b. The city administrator or designee shall prepare an agenda for each meeting. Minutes shall be taken and distributed in accordance with sections 2-216 and 2-217.
- c. 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.
- d. The mayor shall be responsible for recognizing those who would like to speak and generally enforcing a productive decorum.
- e. Reports from boards and commissions will be heard.
- f. Presentations on agenda items will be provided by city staff, city consultants, or designees.
- g. A public comment period shall be provided at each meeting. The presiding officer may set time limits for the comments.
- h. The city council is not bound by Robert's Rules of Order during informal work sessions.

Sec. 2-223. Council subcommittees.

The city council may, by motion, create from its number such ad hoc council subcommittees as needed. The mayor, with the consent of the council, may also appoint ad hoc council subcommittees as may from time to time be necessary. All ad hoc council subcommittees must comply with all applicable open public meetings laws.

Sec. 2-224. Ad hoc council advisory committees.

The mayor and city council may, by resolution, create such ad hoc council advisory committees as needed. Provided, however, that all such committees must be created pursuant to an adopted council resolution establishing, at a minimum, the following:

- (a) The purpose or charge of the committee;
- (b) The scope of its responsibilities;

- (c) The composition of the committee; and
- (d) The duration of the committee.

The city administrator shall be charged with assigning appropriate staff to any committee created under this paragraph to ensure compliance with all applicable open public meetings law.

Sec. 2-225. Enforcement of order.

The police chief or his or her designee is appointed sergeant-at-arms and shall, by direction of the presiding officer, enforce order in council meetings by any means necessary to restore and maintain order. The police chief or his or her designee shall attend all council meetings.

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.
- e. The city council may by resolution adopt procedures authorizing remote attendance by council members at work sessions. Such rules must establish procedures and criteria for when a councilmember may participate remotely and the manner in which remote participation must occur.

Secs. 2-227—2-230. Reserved.

DIVISION 4. ORDINANCES AND RESOLUTIONS

Sec. 2-231. Definitions.

- a. *Ordinance* means an act adopted and approved by the city council, having effect only within the jurisdiction of the city or its extended jurisdictional area.
- b. *Resolution* means a statement of policy by the city council or an order by the city council that a specific action be taken.

Sec. 2-232. Ordinance requirements.

- a. All ordinances shall be submitted in writing in the form prescribed by resolution of the city council.
- b. No ordinance passed shall contain more than one comprehensive subject, which shall be clearly expressed in its title, except ordinances for codification and revision of ordinances.
- c. An ordinance must be read and adopted by a majority vote of members present at two (2) meetings of the city council not less than twelve (12) days apart. After the first adoption and reading, it must be posted and copies made available to the public.
- d. After passage and approval, all ordinances shall be entered into the minutes and signed by the mayor or deputy mayor, attested and filed by the city clerk.

Sec. 2-233. Amendments of ordinances.

When a prior ordinance or Code section is amended, all new matter which is proposed to be enacted shall be underlined and all matter which is proposed to be omitted shall be set forth and structured in such manner as to remain legible. The validity of an ordinance shall not be affected by failure to comply with this provision.

Sec. 2-234. Public hearing on ordinances.

At the time appointed for the first reading and adoption of an ordinance, the public shall have the right to appear and present individual or collective views on the proposed adoption. This hearing shall be afforded during the regular meeting at the time that particular item is heard on the agenda.

Sec. 2-235. Emergency ordinance.

In the event of an emergency, the city council may waive the second reading of an ordinance. An ordinance passed in response to an emergency shall recite the facts giving rise to the emergency and require a two-thirds vote of the whole city council for passage. An emergency ordinance shall be immediately effective on passage and approval and shall remain effective for no more than ninety (90) days.

Sec. 2-236. Effective date of ordinance.

No ordinance other than an emergency ordinance shall be effective until thirty (30) days after second and final adoption. The ordinance may provide for a delayed effective date or may provide for the ordinance to become effective upon the fulfillment of an indicated contingency.

Sec. 2-237. Resolution requirements.

- a. All resolutions shall be submitted in the form prescribed by resolution of the city council.
- b. Resolutions may be submitted and adopted at a single meeting of the city council.
- c. After passage and approval, all resolutions shall be entered into the minutes and signed by the mayor or deputy mayor, attested and filed by the city clerk.

Sec. 2-238. Effective date of resolutions.

All resolutions shall be immediately effective unless a delayed effective date is specified.

Sec. 2-239. Record of ordinances and resolutions.

All ordinances or resolutions shall be filed with the city clerk. There shall be maintained registers of ordinances and resolutions in which all ordinances and resolutions are entered in full after passage and approval, except when a code is adopted by reference. When a code is adopted by reference, the date and source of the code shall be entered. The city clerk shall assign each ordinance and resolution an identification number and shall keep a record of such numbers. The record shall be available to any interested person but shall remain in the custody of the city.

Sec. 2-240. Ordinance codification.

Each ordinance approved by the city council shall be given a unique identifying number and entered into a register of ordinances. Individual ordinances shall serve as individual legislative items and will collectively be compiled and systematically classified into a published code of ordinances known as the Billings Montana City Code (BMCC). The city code will restate verbatim the text of each adopted ordinance included in that version. Regular updates to the city code will be prepared as new ordinances are adopted by the city council and shall be published as supplements to the Billings Montana City Code.

Sec. 2-241. Clarification of procedure for adopting ordinances and resolutions.

- a. The purpose of this section is to clarify the procedure for adopting city ordinances and resolutions and the effect of passage and effective time. Since May 1977 the city has used the legislative procedure set out and prescribed in MCA, Title 7, Chapter 5, Part 1. The 1981 legislature in adopting MCA 7-5-4208 introduced some confusion into the procedure and the city by this section is clarifying the procedure and effective times of ordinances and resolutions.
- b. The provisions of MCA, Title 7, Chapter 5, Part 42, applicable to general government cities and towns are declared not to be applicable to the city. All provisions of MCA, Title 7, Chapter 5, Part 1, are hereby declared to be applicable to the city in accordance with provisions thereof.
- c. The city council hereby ratifies and confirms all legislative actions taken under MCA, Title 7, Chapter 5, Part 1 (section 7-5-101 et seq.) since the effective date of MCA 7-5-4208.

Secs. 2-242—2-300. Reserved.

Section 3. EFFECTIVE DATE. This ordinance shall be effective thirty (30) days after second reading and final adoption as provided by law.

Section 4. REPEALER. All resolutions, ordinances, and sections of the City Code inconsistent herewith are hereby repealed.

Section 5. 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 the _____ day of _____, 2022.

PASSED, ADOPTED and APPROVED on second reading this _____ day of _____, 2022.

CITY OF BILLINGS

BY: _____

William A. Cole, Mayor

Attest:

BY: _____

Denise R. Bohlman, City Clerk

RESOLUTION 22-_____

**A RESOLUTION ESTABLISHING RULES, PROCEDURES, AND
CRITERIA FOR A CITY COUNCIL MEMBER OR A MEMBER OF A CITY
BOARD, COMMISSION, OR COMMITTEE TO PARTICIPATE
REMOTELY IN PUBLIC MEETINGS**

WHEREAS, pursuant to 2-3-103, MCA, and the Montana Constitution, the City of Billings must establish procedures for permitting and encouraging the public to participate in decisions of the City Council and of the City's boards, committees, or agencies that are of significant interest to the public; and

WHEREAS, the City has adopted such procedures through Chapter 2, Article 2, Billings, Montana City Code, among others; and

WHEREAS, the City Council desires to adopt procedures and establish rules to authorize members of Council and the City's boards, commissions, and committees to participate remotely under specific circumstances and conditions while ensuring such remote participation fulfills the City's obligation to permit and encourage public participation.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
OF BILLINGS, MONTANA:**

Pursuant to BMCC 2-212, the City Council hereby establishes the following criteria that must be met and procedures that must be followed to authorize a council member or a member of a City board, agency, or committee to attend a public meeting through remote participation. Whenever this policy refers to a City Council member the same criteria and procedures apply to members of City boards, commissions, and committees unless a specific standard applies.

1. Remote participation means attendance by a Council member at any meeting of the City Council through the use of technology such as a video meeting software application.
2. Remote participation may be available only upon a determination by the City Administrator that the City has the technological and administrative capacity to support remote participation.
3. Council members are expected to attend meetings in person.
4. Remote participation may be authorized by the presiding officer only under the following circumstances:
 - a. Council member illness or health condition;

- b. Council member personal emergency limiting the Council member's ability to participate in person; or
 - c. Fire, flood, earthquake, or other emergency that makes it impracticable for the Council member to attend the meeting.
5. A Council member may submit a request to the presiding officer, City Administrator, and City Clerk in advance of the meeting to determine if an arrangement for remote participation is possible. The Council member seeking such accommodation shall endeavor to advise the city of their intent to participate remotely at the earliest possible time and not less than twenty-four (24) hours prior to the meeting.
6. A Council member may be authorized to participate remotely pursuant to any single request for no more than two consecutive meetings. A Council member must submit a subsequent request to participate remotely for any additional meetings but in no case may a Council member be authorized to participate remotely for more than ??? meetings in any calendar year.
7. The Council member participating remotely must ensure the equipment and technology the Council member uses meets the following:
 - a. Each member of Council and the public must be able to adequately see and hear the Council member participating remotely;
 - b. The Council member participating remotely must be able to adequately see and hear the other Council members and City staff;
 - c. The Council member participating remotely must be able to reasonably observe all materials reviewed and discussed by the Council during the meeting; and
 - d. The Council member participating remotely must ensure they have a suitable location from which to participate and must ensure they do not communicate with others not in the meeting regarding matters on the agenda.
8. A Council member participating remotely meeting the above requirements will be counted in determining a quorum and are eligible to vote on all business presented during the meeting. If the member does not have an audio/video connection meeting the requirements above or the connection fails, then the member attending remotely will be considered absent for that portion of the meeting and is not eligible to vote.
9. If the Mayor is remotely participating in a meeting and the Deputy Mayor or the Deputy Mayor Pro Tempore is participating in person, the Deputy Mayor or Deputy Mayor Pro Tempore shall preside over the meeting. If the Mayor, Deputy Mayor, and Deputy Mayor Pro Tempore, or other presiding officer in the case of a City board, commission, or committee, are absent or participating remotely, the Council shall select a temporary presiding officer to preside over the meeting.

10. No member shall be allowed to participate in an executive session remotely by electronic means.

11. This policy does not authorize the City to conduct public meetings of the City Council or of a city board, commission, or committee wherein the public's only means of participation in the meeting is through remote methods. If a meeting is to occur limiting the public to only remote participation, such a decision may be made only upon a determination that public health or safety necessitates a fully remote meeting. For the City Council such a decision may be made by the presiding officer or City Administrator. For boards, commissions, and committees, such a decision may be made by the City Administrator.

This resolution shall be effective upon adoption.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana, on the _____ day of _____, 2022.

CITY OF BILLINGS

By: _____
William A. Cole, Mayor

ATTEST:

By: _____
Denise R. Bohlman, City Clerk

RESOLUTION 22-_____

**A RESOLUTION ESTABLISHING STANDING
COUNCIL COMMITTEES**

WHEREAS, the City desires to have a more comprehensive approach to policy making, and

WHEREAS, Billings, Montana City Code Section 2-223 authorizes the city council to create from its number council committees as needed.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILLINGS, MONTANA, AS FOLLOWS:

1. The following standing Council Committees are established:
 - a. Budget & Finance Committee
 - i. Three Council Members appointed by the Mayor
 - ii. Scope: This committee focuses on development of the CIP and city budget in conjunction with staff; budget amendment process; debt issuance; and contracts relating to budget and finance items like cost allocation, fee studies, audits, and other professional services.
 - b. Legislative Committee
 - i. Five Council Members appointed by the Mayor
 - ii. Scope: This committee oversees the development of legislative proposals on behalf of the city of Billings; tracks relevant legislative committees, sub-committees, and policy developments; serves as a liaison to Billings-area legislators, and coordinates testimony among the Mayor, Council Members, and City Administrator.
 - iii. This committee may focus on federal legislation as the need arises, or when asked to do so by a majority vote of council.
 - iv. This committee is specifically prohibited from expressing a formal city position on any legislation without approval from City Council.
 - c. Local Affairs Committee
 - i. Two Council Members appointed by the Mayor
 - ii. Scope: This committee is jointly established with consent and participation of the Yellowstone County Commission and the Billings Public Schools Board. This committee focuses on areas of shared importance among local government bodies, including public safety, education and workforce, economic development,

long-term planning, and coordination of state and federal grant requests.

- iii. Lack of participation from either of the joint entities shall not prohibit the formation or operation of this Committee.

d. Council Operations

- i. Mayor, Deputy Mayor, and Mayor Pro Tempore
- ii. Scope: this committee oversees general Council operations and logistics, including agenda development, Council meeting rules, strategic planning processes, new member orientation, and City Administrator annual review processes.

2. The purpose of these standing committees is for Council to explore policy and finance issues in depth. Committee meetings are open to the public and public comment is taken during the meetings. Minutes will be kept in accordance with all Montana open meeting laws.
3. Council Member terms on the Committees are two years, beginning the January after each municipal election, except that:
 - a. Terms for the initial establishment of the Committees will be from the effective date of this resolution through December 2023; and
 - b. Member terms on the Council Operations Committee shall last for the time period that a Council Member is elected to the designated leadership positions.
4. No two Council Members from the same Ward shall sit on a Committee at the same time. The Mayor shall only sit on the Council Operations Committee, but shall be considered an ex officio member of all remaining committees. Council Members are free to attend any committee meeting they wish and may be requested to participate in an advisory role on specific matters within a Committee's jurisdiction.
5. No Committee is authorized to take binding action on behalf of the City of Billings or speak on behalf of City Council. The sole purpose of the Committees is to provide recommendations to the full Council. Committees may request the City Administrator provide staff support necessary to the work of the Committee.
6. Within 30 days of the effective date of the resolution, Council Members shall be appointed to the Committees and each Committee shall hold an organizational meeting to establish the general rules of the Committee, including meeting date, time, and place. The Committee shall report their proposed rules to the Council for approval, and in that report, shall indicate whether staff support is requested. Committee rules shall be reviewed annually, and any proposed changes shall be submitted to Council for approval.

7. EFFECTIVE DATE. This resolution shall be effective upon adoption.

ADOPTED AND APPROVED by the City Council of the City of Billings, Montana,
on the _____ day of _____, 2022.

CITY OF BILLINGS

By: _____
William A. Cole, Mayor

ATTEST:

By: _____
Denise R. Bohlman, City Clerk