

RESOLUTION NO. 257B

Resolution Establishing Council Rules for the Town of Stevensville

Whereas, the Town Council has adopted Resolution 257, Establishing Council Rules for the Town of Stevensville, on the 24th of May, 2010.

Whereas, under Rule 9. Order of Business the Council has established the order of the Agenda for Regular Meetings.

Whereas, the Town Council has decided to alter the Order of Business to better administer its Meetings.

Now Therefore Be It Resolved, The Order of Business for Regular Meetings shall be as follows:

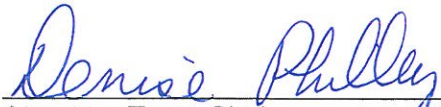
1. Call to Order and Roll Call
2. Pledge of Allegiance
3. Approval of Minutes
4. Approval of Bi-monthly Claims
5. Administrative Reports
6. Guests
7. Correspondence
8. Public Comments
9. Unfinished Business
10. New Business
11. Executive Report
12. Town Council Comments
13. Board Reports
14. Adjourn Meeting

Be it Further Resolved that, the adoption of Resolution 257 B replaces any other Resolutions pertaining to the Order of Business for the Town Council of Stevensville.

Passed and effective this 8th day of MARCH, 2012.



Mayor, Town of Stevensville



Attest to: Town Clerk

RESOLUTION NO. 257(A)

A RESOLUTION AMENDING THE COUNCIL RULES FOR THE TOWN OF STEVENSVILLE

Rule 1. "Regular Meetings of the Town Council" is amended to read:

The Town council of Stevensville, Montana, shall hold regular meetings on the second and fourth Thursday of each month at 7:00 p.m. in the council Chambers of the Stevensville Town Hall. Should the regular meeting day be a recognized holiday, the Council shall, with proper notice, set an alternate day for the meeting.

Rule 3. "Notice of Town Council Meetings" is amended to read:

In January of each year, the Council shall, after having established a schedule of the time, date and place of regular meetings for the year, cause a notice of the same to be published in the *Bitterroot Star*. Thereafter, the notice and agenda of all regular meetings of the council shall be posted by the Town Clerk on the Town Hall bulletin board located at 206 Buck Street, Stevensville, Montana, no later than 5:00 p.m. on the Friday prior to the regularly scheduled Council meeting and together with supporting documents, provided to each of the Council members, deliver to the North Valley Public Library, and be made available to the Bitterroot Star.

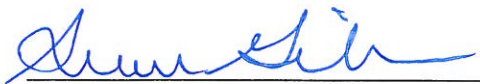
Rule 11. "Closing of the Agenda" is amended to read:

A. All items to be considered at any regular meeting shall be submitted to the Town Clerk's office by 12:00 noon on the Friday prior to the regularly scheduled meeting. The Mayor, with the assistance of the Town Clerk, shall prepare all council agendas. In addition to the Mayor, any one Council member may submit an item of business for consideration by the council. Any member of the public may submit an item for consideration by the Council. The Mayor must approve all agenda items before they are added to the agenda. Any two Council members may override the Mayors objection to adding of any agenda item by jointly requesting that the item be placed on the agenda.

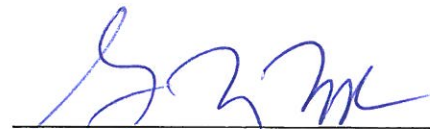
B. The Mayor may elect to revise the agenda by adding an item for consideration, provided the revised agenda shall be posted and distributed no less than 48 hours before the meeting.

C. Council members may, by voting to "Suspend the Rules," consider and act upon routine and/or administrative items not on the agenda.

Adopted this: 9th day of January, 2012.



Susan L. Gibson, Town Clerk



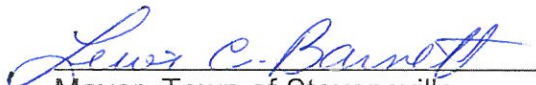
Gene Mim Mack, Mayor

Rule 26 continued

organizational affiliation (including political) and activities, work experience, educational background, and why she/he is interested in being selected for the vacant position.

- C. The Town Clerk shall review the written application forms to determine if an applicant is eligible by State Law for the vacant office applied for. A list of all applicants, as well as a status of their eligibility, shall be submitted by the Town Clerk to Town Council at its next regularly scheduled meeting after the application deadline. Each Town Council person is entitled to select for interview (prerogative of Town Council) or nomination to a final slate of candidates. Ultimately Town Council would select the appointee by a majority vote of Town Council, in accordance with 7-4-4112 MCA Filling of Vacancies. The successful applicant shall be sworn in at the earliest convenient time and date to assure continuity in Town government.
- D. Whenever Town Council has sufficient advance notice of a future vacancy in an elected office, Town Council shall attempt to fill the vacancy in advance of the actual vacancy in order to prevent an elected office from incurring a period of vacancy. A vacating Council member may vote for their replacement, if available.

Passed and effective this 24th day of May, 2010.



Mayor, Town of Stevensville



Attest to: Town Clerk

RESOLUTION NO. 257

A Resolution Establishing Council Rules for the Town of Stevensville

Rule 1. Regular Meetings of Town Council

Town Council of Stevensville, Montana shall hold regular meetings on the second and fourth Mondays of each month except December when Town Council will meet on the second Monday of that month. Regular meetings shall convene at seven pm.

Rule 2. Special Meetings

Special meetings of Council may be called, from time to time, by the Mayor or by two Town Council members, upon 48 hours written notice thereof being given by the Town Clerk to all members of the Town Council. The notice shall specify the subject of the special meeting and the meeting shall be limited to that subject. The public notice shall also specify the time and place of the meeting.

Rule 3. Notice of Town Council Meetings

Prior to the beginning of each calendar year, the Council shall establish a schedule of the time, date, and place of regular meetings of the year. Notice of this schedule shall be published in the Bitterroot Star at least once prior to the beginning of the year. Notice will be posted on the door at Town Hall located at 206 Buck Street, Stevensville, Montana by noon on Thursday prior to any regularly scheduled Town Council Meeting.

Rule 4. Open Meetings

All meetings of the Council shall be open to the public in accordance with 2-3-203 Montana Code Annotated (MCA). A meeting may be closed to protect the privacy of an employee or litigation strategy. The issue being addressed in closed meeting shall be noticed unless litigation strategy is involved.

Rule 5. Parliamentary Authority

All meetings of the Stevensville Town Council shall be conducted in accordance with these Rules for the Conduct of Council Meetings and Business. In all cases not covered by these rules, the controlling parliamentary authority shall be the latest edition of Roberts Rules of Order.

Rule 6. Interpretation of Rules

The Presiding Officer shall interpret and apply the rules. If the Presiding Officers ruling is challenged by a majority of those Council members present and voting, the current meeting shall recess, and the Council shall take up the question and issue a parliamentary ruling.

Rule 7. Suspension of the Rules

Two-thirds of those present and voting may suspend any of these rules or Roberts Rules.

Rule 8. Amendments of the Council Rules

Amendments of the Stevensville Town Council Rules for the Conduct of Council Meetings and Business shall require an affirmative vote of three fourths of Town Council members present or not.

Rule 9. Order of Business

Stevensville Town Council Rules for the Conduct of Meetings and Business

Order of Business for Regular Meetings

1. Call to Order and Roll Call
2. Pledge of Allegiance
3. Approval and correction of minutes of prior Council Meeting(s)
4. Approval of Bi-Monthly Claims
5. Correspondence
6. Public Comments
7. Guests
8. Unfinished Business
9. New Business
10. Executive Report
11. Town Council comments
12. Administrative Reports
13. Board Reports
14. Adjourn Meeting

The presiding officer or a majority of the Council members present may take up any item on the agenda out of the order listed above, unless the majority of Council objects. Adoption resolution of these Town Council Rules for the Conduct of Meetings and Business shall supersede previously adopted Resolution 196C adopted January 25, 2010.

Decorum at Meetings

City Council members, the Mayor, Town staff and the public are all required to follow the same basic rules of order and decorum to maintain a productive atmosphere and the integrity of governmental business before Council. Comments may indicate a concern for an issue. The behavior of or action taken by an individual or group may not include use of loud, threatening or abusive language or acts which disrupt, disturb, or otherwise impede the orderly conduct of the meeting. Such remarks, language, or acts shall, at the discretion of the presiding officer be ruled out of order.

Rule 10. Minutes of the Meeting

Minutes of the Meeting shall be published in a summary format adopted by Stevensville Town Council on July 13, 2009 in Resolution Number 196A. Actual tape recordings of Meetings shall be made available in the Town Clerks office under the Clerks supervision. This oversight is to protect the recording and prevent modification or deletion of any segments. Hard copies of minutes may be requested if the requestor is willing to pay the current fee schedule for the request and allow staff time to complete the request in between performance of normal duties. Special consideration to expedited handling of requests for written transcripts of minutes will not be considered.

Rule 11. Closing of the Agenda

- A. All items of business to be considered at any regular meeting of the Council shall be submitted to the Clerks Office by noon of the prior Thursday.

- B. Items that are not on the agenda will not be considered, except under Suspension of Rules.

Rule 12. Restrictions on Comments

Main motions shall not be in order and business may not be transacted during "Comments from the Mayor", "Comments from Town Council Members", "Comments from Staff, Administrative, or Board Reports", or "Comments from the Public". All comments shall be confined to three minutes, or subject to the discretion of the presiding officer, except that time involved in answering questions shall not be counted against a persons allotted time.

Rule 13. Public Hearings

- A. A public hearing, unless otherwise provided by law, is an advisory hearing of the Town Council. It is held for the purpose of noticing legislative facts and receiving expressions of public opinion on a question, including the views of interested parties.

- B. At the commencement of any public hearing, the Presiding Officer shall set time limits for the presentation of views of proponents and opponents of the measure. These time limits shall be strictly adhered to.

- C. At the conclusion of 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 allotted for the presentation of views.

(Rule 13. Public Hearings, Continued)

- D. Once a public hearing is closed, the item will be returned to the next Council agenda for action: 1) Approval as presented at the Public Hearing, 2) Denial, or 3) Amended and setting a new Public Hearing on the amended version.
- E. At any public hearing regarding a subdivision or zoning action the action shall be concisely presented by a Planning Board representative and reasons for the proposed action set forth. The applicant or applicant's representative shall then be heard, followed by proponents and then opponents.
- F. In the case of property owner applications for subdivision or zoning decisions, Council decisions are quasi-judicial, and Council Members should avoid ex-parte communications, whether with interested parties or other members of the public. Ex parte discussions are those held informally or privately, and this, out of the public forum. Public meeting laws require that deliberations be publicly noticed and open to public attendance. Council members should urge citizens to make communication where it will be part of the public record, rather than ex parte. Communications after the public hearings should be in writing and addressed to the Town Council and the Mayor. In the event of an ex parte discussion that could potentially influence a Council members vote, the Council member should enter a record of the discussions content in the public record prior to closing public comment, or if that is not possible, prior to the final Council vote.

Rule 14. Citizen Participation in Decision-making

Before the consideration of any final action at a Town Council meeting a reasonable opportunity for the public comment shall be provided. The Presiding Officer may reasonably limit audience participation at any time. After public comment has been heard, an appropriate motion has been made, the Council shall debate the action.

Rule 15. Statement of Motions

Main motions may only be considered under orders of business #8 or #9. All motions shall be stated in clear and definitive language. Prior to consideration, all ordinances and resolutions shall be presented to the Town Council in writing. A Town Council member may refer to the written document in moving its adoption.

Rule 16. Consideration of Section by Section

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

Rule 17. Conduct of Debate

- A. No Council member shall debate any topic until recognized by the Presiding Officer. Council members may speak more than once on a topic. All remarks must be germane to the subject being discussed and shall be concise as possible. Unduly lengthy or repetitious remarks are out of order.

- B. Town Council members and the Mayor shall speak to the specific issue being discussed and shall refrain from making any negative personal comments, personal criticisms or personal attacks on other Council members, the Mayor, Town staff, or the public during Town Council debate, discussion, or comment.

Rule 18. Voting

- A. All contracts, ordinances, and resolutions require a roll call vote.
- B. Any action of the Council shall be by roll call vote, at the request of any member.
- C. In case a voice vote is indeterminate, a roll call vote shall be taken.
- D. The Mayor has the authority to break tie votes with the exception of when the Council is selecting its officers, when it is appointing a Council member to fill a vacant seat and when the Council is voting to appoint a Council member as its representative to a board, committee, or commission.
- E. When a Council member is acting as a Presiding Officer during the absence of the Mayor, they have the ability to vote in the same manner as they would as a Council member.

Rule 19. Reconsideration

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

Rule 20. Adoption of Ordinances

Unless otherwise provided by State Law, the adopted procedure for Town Ordinances shall be as follows:

1. The Town Council will schedule a public hearing on the ordinance, which constitutes the first reading and adoption as provided in 7-5-103 (3) MCA.
2. A notice of the public hearing containing the date, time, place, subject of the ordinance and information about where copies can be accessed, and in accordance with state law, so that adequate public notice is given.
3. The Town Council will conduct the public hearing on the ordinance on the appointed day and time. Final action may be taken by the Council once the public hearing is closed, which constitutes the second reading and adoption as provided in 7-5-103 (3) MCA.

Rule 21. Adoption of Resolutions

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

Rule 22. Effective Date of Ordinances and Resolutions

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

Rule 23. Emergency Ordinances

In the case of emergency measures, the Council may enact emergency ordinances without complying with Rule 11, Closing the agenda. Emergency ordinances shall be effective immediately upon passage. However, the following limitations apply to emergency ordinances:

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

Rule 24. Election of Council President

- A. Prior to the first regularly scheduled Town Council meeting in January following a general municipal election, any member of the newly organized Town Council who wishes to be a candidate for Council President shall notify the other Town Council members and the Town Clerk, in writing or via e-mail, of her/his desire to be President.
- B. The election of Town Council President shall be taken up as an item of new business on the agenda of the first regular Town Council meeting January following the municipal election. The election of Council President will be by voice vote recorded. A majority vote of Town Council is required to elect a nominee.

If a candidate (s) fails to obtain a majority, new nominations will be allowed after two successive votes fail to produce a majority. Unsuccessful candidates may be nominated.

- C. If the position of Council President is vacated, the Town Council shall elect a new Council President at the first regularly scheduled meeting after the vacancy occurs.

Rule 25. Absences of a Town Council Member for more than 9 days

A Town Council Member desiring to be absent from the Town for more ten (10) calendar days or more shall submit a written request for permission to be absent to the Town Clerk. The request shall be directed to Town Council members and the Mayor. The Town Clerk shall forward a copy of the request to each Council member and the Mayor. If three Council members have an objection, they must notify within three (3) calendar days in writing or by e-mail to the Town Clerk and the member requesting absence. If no objections are filed the request is deemed to be approved. Pursuant to Section 7-4-4111, MCA entitled, "Determination of Vacancy in Municipal Office," this provision shall be the applicable to all Town Officers who are elected or appointed to a term of office, and shall be the Town Council mechanism for giving its consent pursuant to Section 7-4-4111(5), MCA, and shall provide for objecting parties to show cause for objection to request for absence.

Rule 26. Town Council Procedures for filling a Vacancy in an Elected Town Office.

- A. As soon as the Town Council President becomes aware of a vacancy in an elected Town Office, or as soon as the Town Council President receives official notice that an elected City Office will become vacant at a specified date in the future, the Town Council President shall make arrangements with the Town Clerk to publicly announce the vacancy through the Bitterroot Star. The Town Clerk will receive written applications from citizens interested in applying to fill the vacancy in the elected office for ten calendar days from the date of the first public announcement by the Town Clerks office.
- B. The public announcement issued by the Town Clerks office shall identify all the statutorily established qualifications for an individual to be eligible to hold the vacant office. The Town Clerk staff, in conjunction with the Town Attorney, shall prepare an application form for use by applicants interested in being selected to fill the vacant position. The application form shall request information as to the full name and address of the applicant, as well as all information necessary to determine if the applicant meets the statutorily established qualifications for the elected office. Additionally the application form shall request information as to the applicants previous