

**City Council Rules For the Conduct  
of Meetings and Business  
Adopted 4/27/2020**

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## ***City Council Rules For the Conduct of Meetings and Business***

### ***Rule 1. Regular Meetings of the City Council***

The Missoula City Council shall hold regular meetings on the first, second, third and fourth Mondays of each month, at the hour of six p.m. except legal holidays. The Council may adjourn any meeting at any specific time and such adjourned meeting shall be considered a meeting for the transaction of all business which may come up before the Council.

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### ***Rule 2. Special Meetings***

Special meetings of the Council may be called, from time to time, by the Mayor, or by eight Council members, upon 2 days' written notice thereof being given by the City Clerk to all members of the City Council. The notice shall specify the subject of the special meeting and the meeting shall be limited to that subject. The notice shall also specify the time and place of the meeting.

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### ***Rule 3. Notice of Regular City Council Meetings and Committee Meetings***

Prior to the beginning of each calendar year, the Council shall establish a schedule of the time, date, and place of regular meetings for the year. Notice of this schedule shall be posted on the City's web site and shall be published in a newspaper of general circulation in the City of Missoula at least once prior to the beginning of the year. The notice should (1) set forth the time, date, and place of all regular meetings of the Council for the year, and (2) state that the agenda for each meeting shall be posted on the outside door of the Ryman Street entrance to City Hall at least two days prior to the meeting.

At least two days prior to the Council meeting, the agenda shall be posted in accordance with (2) of the preceding paragraph, shall be posted on the City's web page, and shall be provided to a newspaper of general circulation in the City of Missoula and to any other local media representatives which have requested such notice. The provisions of the agenda with respect to hearings shall be complied with at the regular meetings of the Council.

The City Council's committee meetings shall be announced at the City Council meeting and shall be posted on the City's website each week on Tuesday morning.

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### ***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).

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### ***Rule 5. Parliamentary Authority***

All meetings of the Missoula City 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 2000 edition of Mason's Manual of Legislative Procedure.

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**Rule 6. Interpretation of Rules**

The Presiding Officer shall interpret and apply the rules. If a procedural question arises, the Presiding Officer may refer the question to the Administration and Finance Committee for a parliamentary ruling. If the Presiding Officer's ruling is challenged by a majority of those Council members present and voting, the current meeting shall recess, and the Administration and Finance Committee shall be convened immediately and issue a parliamentary ruling.

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**Rule 7. Suspension of the Rules**

Two-thirds of those present and voting may suspend any of these rules or of Mason's Manual of Legislative Procedure.

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**Rule 8. Amendments of the Council Rules**

Amendments of the *Missoula City Council Rules for the Conduct of Council Meetings and Business* shall require an affirmative vote of two-thirds of all City Council members (7-5-4103 MCA). Any proposed amendment shall be referred to the Administration and Finance Committee for discussion and recommendation to the full Council.

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**Rule 9. Order of Business**

Order of business for regular meetings

The regular order of business is as follows:

1. Call to order and roll call
2. Approval and correction of minutes of prior Council meeting(s)
3. Schedule committee meetings and add/remove committee members from committees
4. Public comments from citizens on items not on the agenda
5. Consent agenda
6. Comments from City staff, City agencies, Community Forum, Neighborhood Councils, boards, commissions, or authorities
7. Special presentations
8. Public hearings
9. Communications from the Mayor
10. General comments of City Council members
11. City Council committee reports and actions on items submitted by committees
12. New business
13. Items to be referred to committees or boards
14. Miscellaneous communications, petitions, reports, and announcements

Upon request of the presiding officer or any Council member present, an item on the agenda may be taken up out of the order listed above, unless a majority of the Council members object.

Decorum at Meetings

City Council members, the Mayor, City 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.

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**Rule 10. Minutes of the meeting**

Verbatim transcripts of the minutes of the meeting shall be prepared by the City Clerk's office for all sections of the agenda for regular and special meetings of the City Council except for sections entitled "Special Presentations," "Public comments from citizens," "Communications from Mayor," "General comments of City Council members" and "Comments from city staff, agencies, boards, commissions, or authorities," and "Miscellaneous communications, petitions, reports, and announcements." The City Clerk office will prepare a short, descriptive summary of these items identifying the speakers and the subject of their presentation or comments.

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**Rule 11. Closing of the Agenda**

- A. All items of business to be considered at any regular meeting of the Council shall be placed on the agenda by noon of the previous Friday.
- B. Items that are not on the agenda will not be considered, except under a suspension of these rules.
- C. A City Council member may refer a matter to a committee, board, or commission after the deadline in Rule 11 (A) provided the referral is announced during the City Council meeting.

The name of the referring party shall be identified as part of the referral so that the City Council and City staff will know who to contact for information regarding the referral.

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**Rule 12. Consent Agenda**

The consent agenda is a portion of the regular Council meeting where non-controversial agenda items are approved by a roll call vote as a group without Council discussion.

Prior to the consent agenda vote, the presiding officer will ask (1) if there is any public comment on any of the consent agenda items, (2) if any Council member has clarifying questions or statements or technical corrections, and (3) if any Council member would like a separate vote on any consent agenda item. Any Council member wishing to segregate a consent agenda item for a separate vote or discussion under "Committee reports" may do so at any time prior to the vote on the consent agenda. At this time, the Council member shall briefly state the reason for wishing separate discussion.

Items may be placed on the consent agenda by any of the following methods: (1) if a committee vote is unanimous or if committee members concur, the committee chairperson may direct committee staff to denote in the committee report that the motion may be placed on the Council's consent agenda. (2) Executive branch referrals may be made with a consent agenda notation attached. This means the referral will not be discussed in committee (unless any committee member objects), and the staff recommendation will be listed on the agenda at the next regular meeting. (3) Motions to set public hearings, conduct first reading and preliminarily adopt on zoning matters and final plats which the Office of Planning and Grants has certified meet all conditions specified by the City Council during preliminary plat approval may be placed directly on the City Council's consent agenda without first being referred to committee, subject to [Rule 11 \(A\) Closing of the Agenda above.](#) (4) Neighborhood Council and Community Forum bylaws may be placed directly on the Council's consent agenda without first being referred to committee if the Neighborhood Council or Community Forum have approved them and if they have been reviewed and approved by the Neighborhood Liaison and the City Attorney for compliance with state statutes, the city charter, and city laws and policies.

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**Rule 13. Restrictions on Comments**

Main motions shall not be in order and business may not be transacted during "Comments from the Council," "Comments from Staff, Agencies, Boards, Commissions, or authorities," "Comment from the Mayor," or "Public comments from citizens." All comments, including the Mayor and City Council, 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 person's allotment of time.

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**Rule 14. Public Hearings**

A. A public hearing, unless otherwise provided by law, is an advisory hearing before the City 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 a 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.

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 allowed for the presentation of views.

D. Once a public hearing is closed, one of three actions may be taken: 1) Final action may be taken. 2) Any council member present may return the matter to committee. 3) A member's right to return a matter to committee may only be overridden pursuant to [Council Rule 7, Suspension of the Rules](#).

E. At any public hearing regarding a subdivision or zoning action the action shall be concisely presented by the Zoning Officer or appropriate City representative to explain the background and set forth the reasons for the proposed action. The applicant for the subdivision or zoning action shall then be heard, followed by opponents and proponents.

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 discussions, whether with interested parties or other members of the public. Ex parte discussions are those held informally or privately, and thus, 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 the 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 City 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 discussion's content in the public record prior to the closing of public comment, or if that is not possible, prior to the final Council vote.

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**Rule 15. Citizen Participation in Decision-making**

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

The procedure for taking public comment shall be as follows for each agenda item:

- Staff presentation (if necessary)
- Questions from Council (if necessary)
- Public comment
- Parliamentary debate (if necessary)
- Vote (if necessary)

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**Rule 16.            *Statement of Motions***

Main motions may only be considered under orders of business #2, 5, #8, #11, and #12. All motions shall be stated in clear and definite language. Prior to consideration, all ordinances and resolutions shall be presented to the City Council in writing. A City Council member may refer to the written document in moving its adoption.

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**Rule 17.            *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.

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**Rule 18.            *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 as concise as possible. Unduly lengthy or repetitious remarks are out of order.

B. City 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, city officials, staff members, or the public during City Council debate, discussion, or comment.

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**Rule 19.            *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 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.

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**Rule 20.            *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 (see Rule 11(A)) 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.

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**Rule 21.            *Committee and Subcommittee Meetings***

**A. Conduct of Committee meetings**

Committees and subcommittees are public bodies whose meetings shall conform to the Montana Open Meeting Law. At all committee meetings public comment will be taken for non agenda items that relate to the business of the

committee. Public comment will also be taken for all agenda items and will follow any staff presentations to the committee. The chair of the committee may reasonably limit public comment. A majority of the members of a committee or subcommittee constitutes a quorum. A committee meeting that has been noticed as provided in Rule 3, Notice of Regular City Council Meetings and Committee Meetings, may conduct business in the absence of a quorum; but when it does so, the fact shall be noted in the report or recommendation.

To ensure the orderly conduct of business in committee meetings, a committee or subcommittee chair who wishes to participate extensively in discussion of an issue may ask another committee member to preside over the meeting for that agenda item.

The procedure for taking public comment shall be as follows for each agenda item:

- Staff presentation (if necessary)
- Questions from Council (if necessary)
- Public comment
- Parliamentary debate (if necessary)
- Vote (if necessary)

### **B. Standing Committees**

The standing committees of the Missoula City Council are as follows:

1. Administration & Finance (A&F)
2. Committee of the Whole (COW)
3. Conservation
4. Plat, Annexation and Zoning (PAZ)
5. Public Safety & Health (PS & H)
6. Public Works (PW)
7. Budget Committee of the Whole (BCOW)

### **C. Subcommittees and ad hoc committees**

The City Council may create ad hoc committees as deemed necessary. Standing committees may form subcommittees specific to an issue. When forming a subcommittee, the standing committee shall:

1. define the purpose of the subcommittee
2. define the scope of subcommittee's work
3. determine the subcommittee's voting membership, which may include more than City Council members.
4. provide a timeframe for completion of the subcommittee's work

### **D. Committee Appointments**

City Council members shall be members of the Committee of the Whole and whatever other City Council committees they indicate to the City Council President they are interested in serving on. If a City Council member wishes to be appointed to or removed from a City Council committee, the member shall inform the Council President and the City Council prior to a regular council meeting verbally, in writing or via e-mail. The Council President shall officially make the announcement at the Council meeting and direct the Clerk to update the Committee Membership List. The Clerk shall redistribute the Committee Membership List to City Council Members and committee staff each time it is updated. At the first meeting in January following a municipal general election, all Council Members shall automatically be appointed by the Council President to serve on the standing committees they have requested.

Committee chairpersons shall automatically appoint committee members to the subcommittees they have requested.

The Mayor shall serve as an ex officio, non-voting member of all committees and subcommittees.

### **E. Selecting committee chairpersons**

Committee chairpersons shall be elected by the Committee of the Whole following the first regular meeting of the City Council in January after the general municipal election. Chairperson selection is made by the Committee of the Whole and is not forwarded to a City Council meeting for a vote. A majority of all Council members elected is required to

approve this type of appointment. In the event of a tie, or by a majority vote of the Committee of the Whole, the committee chairperson election shall be continued to the next regular committee of the whole meeting. If the tie vote cannot be resolved by the Committee of the Whole members within the next two regular Committee of the Whole meetings after the first regularly scheduled Committee of the Whole meeting in January, the selection of a committee chairperson shall be referred to the City Council President who shall select a chairperson for the committee.

A committee vice chairperson shall be appointed by the committee chairperson as the need arises.

#### **F. Voting at City Council committee meetings**

Voting at City Council committee meetings shall be limited to City Council members who have been appointed to the respective City Council committee and who have not resigned or abandoned their committee appointment. Committee chairpersons, including temporary chairpersons, may vote and initiate motions in all matters that come before the committee.

#### **G. Scheduling public hearings**

When a committee recommends the City Council schedule a public hearing on a matter, the committee shall create a draft document pertaining to the matter called the “public hearing draft copy” and attach it to the committee report. The public hearing draft copy may not be amended until the public hearing on the matter has concluded. If amendments are identified prior to the public hearing, the amendments shall be presented in writing to the City Clerk for inclusion in the Council packet prior to the public hearing subject to Rule 11A.

#### **H. Committee reports**

Each committee shall submit a report to the Council on all actions taken, together with recommendations for Council action, where appropriate. Any committee member disagreeing with the committee report or recommendation on any matter may submit a minority report which shall be included in the committee's report to the Council.

#### **I. Absence from Committee**

A committee member's un-notified absence from three consecutive committee meetings shall constitute abandonment of the individual's membership on the committee. It will be the responsibility of individual committee members to notify or leave a message for the committee chairperson and the City staff member assigned to the committee or the department secretary of the City staff member assigned to the committee, if they will be unable to attend a regular committee meeting. Extended illness shall automatically constitute a notified absence.

#### **J. Removing agenda items from the committee schedule**

When a committee makes a recommendation to the City Council, the item shall be removed from the committee schedule, unless the committee desires to hold the item in committee for further discussion. At the last committee meeting in January, and periodically, the committee chair shall review the items referred to their committee to determine if any of them may be removed. If the chair identifies an item to be removed, they shall contact the person who made the referral to see if they are willing to withdraw the referral. If the referring party concurs, a note to remove the item from the committee schedule shall be made in the committee report. If the referring party does not concur, any member of the committee may make a motion to remove the referral from the committee schedule. A majority vote of the committee is required to remove the referral. The item may not be re-referred to the committee until three (3) months have elapsed after the date when the committee took action to remove the item. If the person who made the referral is no longer on the Council, the item shall automatically be removed unless a sitting council person agrees to sponsor the referral.

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### **Rule 22. *Placing Items on Agenda***

Except as provided in [Rule 12, Consent Agenda](#), or in cases where the Presiding Officer determines immediate action on an item is required, all substantive items of business where Council action may be required must first be referred to a committee of the Council or to an independent advisory board or commission before being placed on the Council agenda. When a committee votes to make a recommendation to the City Council, the motion shall be included in the committee report. The committee may recommend to the City Council that a main motion be approved or denied. A tie



vote on a main motion means an item is denied and shall be forwarded to the City Council with a “do not pass” recommendation.

Alternatively, if there is a tie vote on an issue in committee, the committee may, by majority vote, forward the issue to the Council for its consideration without a recommendation. The provisions of [Rule 11, Closing of the Agenda](#) shall apply.

No item shall be re-referred to a committee after the City Council has taken action on the item until six (6) months have elapsed after the date when the City Council took action on the item.

**Placing Special Presentations on the agenda**

The Mayor or Acting Mayor shall determine whether a citizen request to make a presentation to the City Council other than a citizen public comment, shall be placed on the City Council agenda, either as a special presentation, or new business. If the Mayor or Acting Mayor has reservations about placing the item on the City Council agenda, the item shall be referred to the appropriate City Council Committee for their consideration and determination as to whether the citizen presentation shall be placed on the City Council agenda. Special presentations shall be items such as reports from miscellaneous organizations or flag ceremonies.

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**Rule 23.           *Getting Item from Committee***

Whenever any item of business duly referred to a Council committee has not been discussed by that committee within six weeks of its referral date, the petition of two members of the committee shall activate the referral for discussion at the next committee meeting. After the referral has been discussed by the committee at a subsequent committee meeting, any two Committee members may bring that item directly to the Council floor for discussion and a vote under “New Business” at the next regularly scheduled meeting of the Council.

A tabled item can not be activated using this rule.

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**Rule 24.           *Motions to Lay on the Table***

When an item has been tabled, the item shall remain on the table for a period of up to six months and then shall automatically cease to exist, unless one of the following actions occurs:

- a motion is approved to remove the item from the table
- a motion is approved to continue the item's tabled status for an additional period of time or until
- a specified condition is met.

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**Rule 25.           *Adoption of Ordinances***

Unless otherwise provided by State law, the adoption procedure for City ordinances shall be as follows:

- A. In accordance with 7-5-103 (3) MCA the City Council will hold first reading and adoption of an ordinance and simultaneously schedule a public hearing for second reading and adoption.
- B. A notice of the public hearing containing the date, time, place, subject of the ordinance and information about where copies can be accessed, shall be published at least one week before the hearing, or in accordance with state law, so that adequate public notice is given.
- C. The City Council will conduct the second reading and 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.
- D. Alternatively, the council may choose to set and hold the public hearing prior to the first reading and adoption of the ordinance. Once the public hearing is closed, the council may take action to approve the ordinance on first reading. In this case, the second reading and adoption will be scheduled for no less than 12 days after the first reading and adoption, and the ordinance will be posted and copies made available to the public.

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**Rule 26. Adoption of Resolutions**

Resolutions, unless otherwise provided by law or unless the 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.

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**Rule 27. 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 City Council meeting, all ordinances and resolutions approved by the City Council must be either vetoed by the Mayor, signed by the Mayor or returned to the City Clerk without the Mayor's signature. If an ordinance or resolution is not signed or vetoed by the Mayor prior to the next regularly scheduled City Council 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 and resolutions the Mayor requests not be signed.

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**Rule 28. Emergency Ordinances**

In the case of emergency measures, the Council may enact emergency ordinances without complying with [Rule 22, Placing Items on 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 a two-thirds vote of all members elected;
- C. An emergency ordinance can only be passed if it is immediately necessary for the preservation of peace, health and safety of the citizens of Missoula.
- D. An ordinance passed as an emergency ordinance shall remain effective for no more than ninety (90) days.

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**Rule 29. Election of Officers**

- A. Prior to the first regularly scheduled City Council meeting in January following a general municipal election, any member of the newly organized City Council who wishes to be a candidate for City Council President shall notify the other City Council members and the City Clerk, in writing or via e-mail, of his/her desire to be President.
- B. The election of a City Council President and Vice President shall be taken up as separate items of new business on the City Council agenda at the first regular City Council meeting in January immediately following a general municipal election. The chronological order of these respective elections shall be (1) City Council President and (2) City Council Vice President. The election of City Council President and Vice President shall be viva voce with the ayes and nays recorded. A majority of the full Council is required to elect the Council President. The City Council President candidates shall be those individuals who have notified the City Council in the manner required pursuant to [Rule 29\(A\), Election of Officers](#). New nominations for City Council President may not be made unless there have been two (2) successive roll call votes wherein the votes cast were identical each time. City Council vice-president candidates shall be nominated by any member of the City Council, immediately preceding the City Council vote. Unsuccessful candidates for City Council President may be included in the nominations for City Council vice-president.

- C. After these two elections, pursuant to a separate new business item on the City Council agenda for that meeting, the individual elected City Council President shall appoint the City Council committee memberships in accordance with [Council Rule 21 \(D\), Committee appointments.](#)
- D. If the position of City Council President or Vice President is vacated, the City Council shall elect a new City Council President or Vice President at the first regular City Council meeting after the vacancy occurs.

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**Rule 30.           Responsibilities of City Council President with Respect to New City Council Members**

- A. As soon as the results of a general municipal election have been officially verified by the Missoula County Elections Official, the City Council President shall request the City Clerk's staff to send a copy of these *City Council Rules for the Conduct of Meetings and Business* to each newly elected City Council member. Further, the City Council President shall also request the City Clerk's staff to commence providing the weekly City Council packet to each newly elected City Council member.
- B. Once the results of a general municipal election have been officially verified, the City Council President shall make arrangements with the Mayor and his/her staff to schedule orientation and information meetings about City affairs and City departments for all newly elected City Council members as well as interested current City Council members. The meetings shall be scheduled for and conducted prior to the regular commencement of the terms of office on the first Monday in January after the general municipal election of the newly elected City Council members.
- C. The City Council President shall be responsible for making arrangements for the administration of the oath of office prescribed in Article III, Section 3, of the Montana Constitution, to newly elected City Council members before they enter office.
- D. The City Council President shall be responsible for making arrangements to ensure that once the oath of office is administered to new City Council members, that it is certified by the official before whom the same was taken and is filed with the County election administrator as is required by Section 7-1-4137, MCA, before the new City Council member exercises any official duties.

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**Rule 31.           Absences of City Officers from the City for a Continuous Time Period of Ten (10) /Days or More**

A City officer desiring to be absent from the City continuously for ten (10) calendar days or more shall submit a written or electronic request for permission to be absent to the City Clerk's office. The request shall be directed to the City Council members and the Mayor. The City Clerk shall forward a copy of the City officer's request to be absent to each City Council member and the Mayor. If six (6) or more Council members have an objection to the absence, they may object, in writing or via e-mail, within three (3) calendar days after a copy of the request for absence has been sent to the City Council membership. If no written objection is filed, the request shall be deemed approved. Pursuant to Section 7-4-4111, MCA entitled, "Determination of Vacancy in Municipal Office," this provision shall be applicable to all City officers who are elected or appointed to a term of office, and this shall be the City Council's 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.

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**Rule 32.           City Council Procedures for Filling a Vacancy in an Elected City Office**

- A. As soon as the City Council President becomes aware of a vacancy in an elected City office, or as soon as the City Council President receives official notice that an elected City office will become vacant at a specified date in the future, the City Council President shall make arrangements with the City Clerk to publicly announce the vacancy through the news media. The City Clerk's office will receive written applications from citizens interested in

applying to fill the vacancy in the elected office for ten (10) calendar days from the date of the first public announcement by the City Clerk's office.

- B. The public announcement issued by the City Clerk's office shall identify all the statutorily established qualifications for an individual to be eligible to hold the vacant office. The City Clerk's staff, in conjunction with the City 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 the applicant's eligibility pursuant to the statutorily established qualifications for the elected office. The application form shall further request information as to the applicant's previous organizational affiliation (including political) and activities, work experience and educational background. The application form shall also request the applicant to explain why he/she is interested in being selected for the vacant position.
- C. The City Clerk shall review the written application forms to determine if each applicant is eligible pursuant to State law for the vacant office applied for. A list of all applicants, as well as the status of their statutory eligibility along with a copy of each applicant's application shall be submitted by the City Clerk to the City Council at its next regular City Council meeting after the deadline for applying for the vacant elected office. During this same City Council meeting each City Council member is entitled to select the name of one applicant for inclusion in a list of applicants to be interviewed by the City Council Committee of the Whole.
- D. The City Council shall schedule a meeting time(s) for its Committee of the Whole for the purpose of conducting interviews. The City Council shall instruct the City Clerk as to the time interval spacing it desires between each scheduled interview, and the City Clerk shall be responsible for contacting the applicants to make arrangements for the scheduling of their interviews. The City Council shall schedule a meeting at which the selection of someone to fill the vacancy in the elected office shall be an item of business for the City Council.
- E. At the City Council meeting at which the selection of an individual to fill a vacancy in an elected City office is scheduled as an item of business, any City Council member may place the name of any applicant who is a qualified person and who was interviewed for the position by the City Council into nomination for the vacancy. Once all nominations have been received, nominations shall be closed, and City Council voting shall be viva voce pursuant to alphabetical roll call vote with the first City Council member's name called moved to last for the immediately subsequent roll call if another vote is required. At the end of each roll call vote, the presiding officer shall make inquiry as to whether anyone wants to change their vote prior to tallying the vote. New nominations may not be made unless there have been two (2) successive roll call votes wherein the votes cast were identical each time. New nominations may include the name of any qualified person whether or not that person has applied for and has been interviewed for the vacant office. In accordance with 7-4-4112 MCA and Article VIII. Addition Provisions, 2 Filling of vacancies, Missoula City Charter, a majority vote of the members is required.
- F. Whenever the City Council has sufficient advance notice of a future vacancy in an elected City office, the City Council shall attempt to fill the future vacancy in advance of the actual vacancy in order to ensure that the elected City office incurs no time period of actual vacancy. A vacating Council member may vote for their replacement.

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**Rule 33.           *Appointments to Various Boards, Agencies and Commissions***

- A. Purpose. In order to assure the greatest citizen involvement and participation in boards, agencies, commissions, and in order to achieve competent and qualified appointments to those committees, it is deemed necessary to establish a procedure for making appointments to the various boards, agencies and commissions.
- B. It is recognized that the Mayor has the power and authority to make appointments to many boards, agencies and commissions subject only to confirmation by the City Council. It is the intent of the Council in adopting this policy that confirmation proceedings will be conducted according to this procedure. The Mayor is encouraged to follow this policy in making his recommendations to the Council to the extent possible. City Council encourages the

Mayor to announce the appointments for which the Council has no oversight to the City Council at a City Council meeting.

- C. Designated Council Committees. For each board, agency, or commission, a specific Council standing committee will be designated to oversee appointments. The designated committee will interview and assess applicants for Council appointment and will review the Mayor’s recommendations for appointments; the committee will then recommend appointment actions to the Council as a whole.
- D. Application of Policy. This policy shall apply to appointments to all boards, commissions, agencies, including but not limited to, the following:

**Council Appointments of Citizens:**

	Number of Appointments:	Designated Committee:
Animal Control Board	2	Public Safety & Health
City-County Health Board	2	Public Safety & Health
Design Review Board	7	Plat, Annexation & Zoning
Historic Preservation Commission	8	Plat, Annexation & Zoning
Missoula County Soil Conservation District Urban Supervisors	2	Conservation
Open Space Advisory Board	11	Conservation
Local Emergency Planning Committee (alternates with County)	2	Public Safety and Health
Public Art Committee	2	Administration & Finance

**Council Representatives to Boards and Commissions**

	Number of Appointments:	Designated Committee:
City-County Health Board	1 Council Member	Committee of the Whole
Transportation Policy Coordinating Committee	1 Council Member	Committee of the Whole
Local Emergency Planning Committee	1 Council Member	Committee of the Whole
Community Forum	1 Council Member	Committee of the Whole
Missoula Civic Television Advisory Commission	2 Council Members	Committee of the Whole

**Council & Mayoral Appointments:**

	Number of Appointments:	Designated Committee:
Missoula Civic Television Advisory Commission	2 (Mayor)	Administration and Finance

**Mayoral Appointments:**

	Number of Appointments:	Designated Committee:
Bicycle/Pedestrian Advisory Board	9	Public Works
Board of Adjustment	7	Plat, Annexation & Zoning
Building Code Board of Appeals	7	Public Works
Business Improvement District	7	Administration & Finance
Tourism Business Improvement District	5	Administration & Finance
Cemetery Board	5	Conservation
City-County Library Board	1	Administration & Finance
Greenough Park Advisory Committee	7	Conservation
Missoula Redevelopment Agency	5	Administration & Finance
Parking Commission	5	Public Works
Parks & Recreation Board	7	Conservation

Police Commission	3	Public Safety & Health
Public Art Committee	7	Administration & Finance
Urban Transit District Board	2	Administration & Finance

- E. Council Appointments, Notice of Vacancy. Whenever a Council-appointed position on one of these bodies becomes vacant, or such a vacancy is anticipated in the near future, the City Clerk issues a press release advertising that the City is accepting applications to serve on such body. The notice shall specify any qualifications or requirements for the position, length of term of appointment, and the date through which applications will be accepted by the City Council.
- F. Council Appointments, Committee Review of Applicants. At the close of the application period, the City Clerk shall forward all applications to the members of the designated committee for consideration as follows:
1. The committee shall establish questions to be asked of applicants at interview.
  2. The Committee chairperson shall schedule meeting time of the committee or of a special subcommittee for the purpose of interviewing the applicants. The City Clerk will then schedule individual applicant interviews. If an applicant is unable to meet at the scheduled time, the committee may decide to reschedule, to consider the applicant's papers nevertheless, or to drop the applicant from consideration. If an applicant has been interviewed for the same post within the past six months, the committee may decide that an interview is not necessary.
  3. During the interview, the Committee shall ask each non-incumbent applicant a set of the same questions to insure equitable evaluation. Similarly, a set of the same questions, which may differ from those asked of non-incumbent applicants, will be asked of those applying for reappointment. Committee members may follow up on these questions or ask additional questions.
  4. The Committee shall make its recommendations to the Council.
- G. Appointment of City Council Members to Boards and Commissions. When a position exists that requires the appointment of a City Council member, Committee of the Whole is the designated committee. The Chair of Committee of the Whole will announce the opening at a Missoula City Council meeting. Interested Council members shall make written application to the City Clerk. Committee of the Whole shall make a recommendation for appointment per Rule 21A. A majority of the Council members elected is required to approve this type of appointment. .
- H. Mayoral Appointments to Boards and Commissions--Council Review. Any Mayoral appointment to fill a vacancy on one of these bodies shall be referred to the designated committee. The committee will review the nominee's qualifications as it sees fit and make its recommendations to the Council.
- I. Criteria for Appointments. In making its appointments and confirming Mayoral appointments, the Council shall consider the following factors:
1. Particular needs or area of expertise required by board, agency or commission.
  2. Council commitment to encourage broad City participation
  3. If reappointment, the attendance record of applicant

Council members explaining their assessments of candidates should word their statements in terms of:

1. specific qualifications, background and experience that make candidates suitable or unsuitable for the particular appointment in question, or
2. specific characteristics that promise to be strengths or weaknesses in the particular appointed role.

In the absence of such specific statements from a Council member, it is unacceptable for that member to express general assessment by simple reference to a candidate's race, color, religion, creed, political party affiliations, sex, age, marital status, physical or mental disability, or national origin; such statements pose a legal threat to the appointment process. However, it may be reasonable or necessary to explain how one of these listed characteristics plays a part in a particular candidate's individual qualifications for the appointment.

- J. City Clerk Responsibility. The City Clerk shall keep a record of all appointments to the boards, agencies, and commissions as herein defined and as may be subsequently established, together with each term of office and date of expiration of term. The Clerk shall also provide administrative support to each Council committee for the appointment process, for example, publicize vacancies (E above), schedule applicant interviews (F, 2 above), and keep and provide a list of interview questions (F, 3 above).
- K. Ad hoc committee appointments. From time to time, a Council representative may be requested to serve on ad hoc committees, interview panel or in other capacities. The Council President shall be responsible for making appointments to these committees, as needed.

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**Rule 34. City Council Confirmation of Mayoral Appointments to City Staff**

- A. With regard to City Police and Fire Departments. Sections 7-32-4108 and 7-33-4106, MCA specify that Mayoral appointments to the Police and Fire Departments be subject to the confirmation or consent of the City Council. Any Mayoral appointment to a position on the Police and Fire Departments, including successful completion of probationary time periods, shall be referred to the City Council Public Safety & Health Committee for review prior to final City Council action.
- B. With regard to City Department Heads and Officers, Section 7-4-4101 MCA specifies that, in addition to all officers in the Police and Fire Departments, the following offices are appointed by the Mayor with the advice and consent of the Council: City Attorney, City Clerk, City Finance Director/Treasurer, and Director of Public Works. The City Charter states the Mayor may appoint and remove, with the consent of the City Council, all department heads in accordance with law. Whenever such a vacancy is being filled, the City Council encourages the Mayor to create an opportunity for the City Council to visit with or interview any of the finalists for department head positions.

The following table establishes the committee that will consider a particular appointment:

<b>Office</b>	<b>City Council Committee</b>
1. Director of Public Works	Public Works
2. Parks and Recreation Director	Conservation
3. City Attorney	Admin. & Finance
4. Finance Director	Admin. & Finance
5. City Clerk	Admin. & Finance
6. Police Chief	Public Safety & Health
7. Fire Chief	Public Safety & Health
8. Development Services Director	Plat, Annexation and Zoning

Upon receipt by Council of a request for confirmation of a Mayoral appointment, the appropriate Council committee shall review the nominee’s qualifications and make its recommendations to the Council.

Note: The City Clerk is authorized to make any clerical corrections to these rules.

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