

**RESOLUTION NO. 22-29**

**A Resolution of the City Council of the City of Whitefish, Montana, adopting the City Council and Committee Rules and Procedures.**

WHEREAS, § 2-3-103, MCA, provides that agencies shall develop procedures for permitting and encouraging the public to participate in decisions that are of significant interest to the public; and

WHEREAS, § 7-5-4103, MCA, allows the City Council to determine the rules of its proceedings; and

WHEREAS, § 2.04 of the Whitefish City Charter provides that the City Council shall determine its own rules and order of business; and

WHEREAS, Title 1, Chapter 6, and Title 2 of the Whitefish City Code set forth general rules and procedures regarding meetings and the transaction of business of the City Council and City Committees; and

WHEREAS, while the City has consistently followed Montana law as well as the City Code in conducting meetings and the transaction of business, the City Council desires to provide definitive guidance regarding its rules and procedures and the rules and procedures for City Committees to ensure adequate public participation as well as orderly and efficient public meetings; and

WHEREAS, at a lawfully notice meeting held September 19, 2022, the City Council received a written and oral report from staff, invited public comment, and thereafter approved the City Council and Committee Rules and Procedures attached hereto as Exhibit A; and

WHEREAS, it will be in the best interest of Whitefish and its inhabitants to adopt the City Council and Committee Rules and Procedures attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Whitefish, Montana, as follows:

Section 1: The Whitefish City Council hereby adopts the City Council and Committee Rules and Procedures attached hereto as Exhibit A.

Section 2: This Resolution shall take effect immediately upon its adoption by the City Council and signing by the Mayor thereof.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF WHITEFISH, MONTANA, ON THIS 19TH DAY OF SEPTEMBER 2022.

/s/John Muhlfeld  
John M. Muhlfeld, Mayor

ATTEST:

/s/Michelle Howke  
Michelle Howke, City Clerk

## CITY COUNCIL AND COMMITTEE RULES AND PROCEDURES

### **Part I: General Provisions**

- 1.01. Purpose. The purpose of this policy is to establish the rules of procedure for meetings and the transaction of business by the City Council and City Committees. This policy is intended to allow the City Council and Committees to operate efficiently, in full view of the public, and with reasonable opportunity for the public to participate in decisions. This policy supplements the rules, procedures and policies set forth under Montana law and Title 1, Chapter 6 and Title 2 of the Whitefish City Code.
- 1.02. Authority. This policy is promulgated pursuant to Section 2.04 of the Whitefish City Charter, and §§ 2-3-103-111, 7-5-4103, MCA.

### **Part II: Public Participation**

- 2.01. Policy. It is the policy of the City that the public be afforded reasonable opportunity to participate prior to the final decision of City Council or a Committee concerning any matter of significant interest to the public. A matter of significant interest to the public includes but is not limited to any matter:
1. Requiring a public hearing by law;
  2. Adopting, implementing, interpreting or prescribing an official rule or policy of the City; or
  3. Relating to the budgetary or financial affairs of the City.
- 2.02. Open Meetings. A meeting of the City Council or a Committee is convened whenever a quorum is present to hear, discuss, or act upon any matter over which the Council or Committee has jurisdiction. All meetings of the City Council and Committees are open to the public. However, the presiding officer of the City Council may close any meeting during the time the discussion relates to: (1) a matter of individual privacy and the demands of privacy outweigh the merits of public disclosure; or (2) litigation strategy when an open meeting would have a detrimental effect on the position of the City. The right of individual privacy may be waived by the individual about whom the discussion pertains and, in that event, the meeting will be open to the public.
- 2.03. Notice. Timely notice of any public hearing required by law or any meeting to discuss or act upon any matter of significant interest to the public will be given. The agenda of all scheduled meetings of the City Council will be posted at City Hall and on the City's website at least 48 hours prior to the meeting unless exigent circumstances require a shorter notice period.

The agendas for Committee meetings will be posted at City Hall and on the City's website at least 48 hours prior to the meeting.

**Part III: General Procedures**

3.01. Quorum. A quorum of the City Council is four Council Members. No meeting of the City Council will be convened without a quorum. No decision of the City Council on any matter requiring a majority vote of the Council will be made except by the affirmative vote of more than half of the present and voting Council Members.

A quorum of a Committee is the majority of the Committee. No meeting of a Committee will be convened without a quorum and no decision or recommendation on any matter before the Committee will be made except by the affirmative vote of more than half of the present and voting Committee members.

3.02. Adding Items to an Agenda. An item will be placed on a future agenda: (1) with the approval of three City Council Members and the concurrence of the Mayor and City Administrator; or (2) with the approval of four City Council Members and the concurrence of the City Administrator.

3.03. Agenda/Packet. Proposed ordinances, resolutions, reports, recommendations, staff reports, contracts and all other matters requiring consideration, discussion, or decision by the City Council will be prepared by staff in "packet" format and distributed with the meeting agenda to the Mayor and City Council at least 48 hours prior to the next regularly scheduled meeting. The agenda and packet will be posted on the City's website for public access at least 48 hours prior to the next regularly scheduled meeting.

3.04. Order of Business. The order of business for City Council meetings, unless altered by the consent of the City Council, or presiding officer, is as follows:

1. Call to Order
2. Pledge of Allegiance
3. Presentations
4. Communications from the Public
5. Communications from Volunteer Boards
6. Approval of Minutes of Previous Meeting and Consent Agenda\*
7. Public Hearings
8. Communications from Staff
9. Communications from the Mayor and Council Members
10. Adjournment

\* Consent Agenda items are items about which discussion is generally not necessary. However, at the beginning of each meeting, any Council Member may request one or more items to be removed from the Consent Agenda for the purpose of discussion prior to a separate vote on the item(s). The presiding officer will schedule such discussion and vote immediately following adoption of the Consent Agenda.

#### **Part IV: Rules of Council and Committee Participation**

- 4.01. Policy. To provide for the effective participation by all City Council Members and all Committee members, and to protect the right of participation by members of the public appearing before the Council and Committees, all meetings of the Council and Committees will be generally conducted in conformance with the provisions of the current edition of Robert's Rules of Order, except when inconsistent with law.
- 4.02. Rules. City Council and Committee debate will proceed in accordance with the following rules:
1. A Council or Committee Member desiring to speak will address the presiding officer, and upon recognition, shall confine him or herself to the question under debate.
  2. A Council or Committee Member, once recognized, will not be interrupted while speaking unless it is to call him or her to order. If a Council or Committee Member is called to order while speaking, he or she shall cease speaking until the question of order is determined.
  3. Order of rotation in matters of debate or discussion shall be at the discretion of the presiding officer.
  4. A motion may be made by any Council or Committee Member but must be seconded prior to discussion and vote. If the motion is not seconded, it shall be declared failed for lack of a second by the presiding officer.
  5. It shall be the duty of every Council and Committee Member to vote in the affirmative or negative on each motion before the Council or Committee unless he or she is precluded from doing so by the Montana State Code of Ethics (§§ 2-2-101, MCA, *et seq.*) or the City of Whitefish Ethics and Conflict of Interest Policy.
  6. An item that is not on the agenda for the current meeting may be discussed at the discretion of the City Council or Committee. However, the purpose of such discussion should be only to decide whether to schedule the item for discussion and/or vote on a subsequent agenda.
  7. A motion to reconsider any action taken by the City Council may only be made at the same meeting or the meeting following that at which the decision was made. A motion to reconsider may only be made if it is placed on the agenda for the following meeting by a Council Member who voted with the prevailing side upon

adoption. If seconded, the motion to reconsider may be debated. A motion to reconsider requires a majority vote to pass.

**Part V: Public Hearings**

5.01. Procedures. The general procedure by which public hearings required by law are handled by the City Council is as follows:

1. Staff presents the item to the City Council.
2. The City Council may direct questions to staff.
3. The applicant or applicant's representative may make comments and provide testimony. Comments and testimony from the applicant or applicant's representative are limited to 30 minutes.
4. The City Council may direct questions to the applicant or the applicant's representative.
5. The presiding officer invites members of the audience to present or submit comments and testimony.
6. The applicant or applicant's representative has ten minutes to respond to public testimony.
7. Following the presentation of testimony and evidence, the City Council may: (1) continue the public hearing until a date certain; (2) close the public hearing and proceed to Council debate of the matter; or (3) close the public hearing and continue the Council debate and vote to a date certain.

**Part VI: Public Participation**

6.01. Guidelines for Public Participation. The following guidelines are intended to ensure reasonable and fair public participation in the decisions of the City Council as well as efficient, fair, and orderly meetings:

1. Written comments should be directed to the City Clerk and must be received by 5:00 p.m. on the Tuesday prior to the regularly scheduled City Council meeting to be included in the packet. Written comments received after 5:00 p.m. on the Tuesday prior to the regularly scheduled meeting but before 4:00 p.m. on the day of the meeting will be distributed by the City Clerk to the Mayor and Council Members via email or paper copy. Written comments that are not timely enough to be included in the packet, including written comments received at the meeting, will be appended to the packet following the meeting.
2. The public shall be invited to speak on any item under consideration by the City Council only after recognition by the presiding officer.

3. The speaker should step to the podium and, for the record, give his or her name and address and, if applicable, the person or entity he or she represents. Failure to provide a name or address does not preclude the speaker from offering public testimony.
4. Written comments submitted to the City Council should not be read into the record. All written comments received will become part of the permanent record.
5. The presiding officer may set time limitations on public comment in the interest of conducting efficient meetings and/or to ensure all members of the public that wish to provide testimony are able to do so.
6. While City Council is in session, members of the public must preserve order and decorum. No person shall delay or interrupt the proceedings of the City Council nor disturb any member of the public or the Council while speaking.
7. Any person who uses indecorous or abusive language or who becomes disruptive shall be barred from further presentation to the City Council by the presiding officer unless permission to continue is granted by a majority vote of the Council present.